

July 22, 1996  
7:00 PM

**Notice to Readers:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
  - A. Butterfly Pavillion Update
  - B. CML COG Award Presentation
  - C. John Cotton Dana Public Relations Award
  - D. Employee Service Recognition
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
  - A. City Manager's Report
7. **City Council Comments**

**The "Consent Agenda"** is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. **Consent Agenda**
  - A. 128th & Huron Amended Engineering Design Contract
  - B. 96th Avenue Construction
  - C. US West Communications Inc Easement
  - D. CB No. 47 re 1995 Carryover Revenue Approp (Allen-Scott)
  - E. CB No. 48 re Sheridan Green Easement Vacation (Dixion-Scott)
  - F. CB No. 49 re Seasonal Water Tap Fee Adjustment (Allen-Scott)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
  - A. Public Hearing re 1997 Budget
  - B. Public Hearing re Urban Renewal Amendments
  - C. Resolution No. 35 re Urban Renewal Plan Amendments
  - D. Councillor's Bill No. 50 re Church Ranch Medical Office Bldg
  - E. IGA re US 36 Corridor
  - F. Resolution No. 34 re Woman Creek Reservoir Authority
  - G. Councillor's Bill No. 51 re Standley Lake Protection Project
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Financial Report for June, 1996
  - B. City Council
  - C. Request for Executive Session
    1. Proposed Land Purchase
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY JULY 22, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Dixon led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Pro Tem Dixon and Councillors Allen, Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Mayor Heil.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of July 10, 1996 with no additions or corrections. The motion carried unanimously.

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of July 15, 1996 with no additions or corrections. Mayor Pro Tem Dixon requested to abstain as she was not present at the meeting. The motion carried with Mayor Pro Tem Dixon abstaining.

PRESENTATIONS:

Pat Duran, Executive Director of the Butterfly Pavillion, gave Council a report of the success of the first year of the Butterfly Pavillion and reported that the Butterfly Pavillion has been certified as a Tier II Scientific and Cultural Facilities District Organization and will be receiving \$275,000 funding per year for 11 years. He thanked Council for the City's continued support of the Butterfly Pavillion.

Mayor Pro Tem Dixon presented the Colorado Municipal Achievement Award to Rachel Harlow who accepted the award on behalf of City employees who are members of the Community Oriented Government (COG) program.

Councillor Merkel, Library Services Manager Kathy Sullivan and Public Information Specialist Nancy Milligan accepted the John Cotton Dana Public Relations Award as presented to the City by Eloise May, Colorado Library Association's Liaison to the American Library Association.

Mayor Pro Tem Dixon and Councillors Harris and Scott recognized the following employees celebrating 10 years of service with the City: Brian Bohannon, Ronald Garcia, Gayle Geraci, Frank Grasmugg, Debbie Mitchell and Joel Sherry. Service pins and certificates of appreciation were accepted by those present.

The Mayor Pro Tem and Councillors Merkel and Smith recognized the following employees celebrating 15 years of service with the City: Bob Airhart, David DeCarlo, Tony Di Tirro, Michele Hill, Jim Houlihan, Ron McCuiston, Tim Mesch, Paul Newton, Randy Peterson, John Pinkston, Rick Spahn, Chris Venters and Mike Whalen. Service pins and certificates of appreciation were accepted by those present.

Mayor Pro Dixon and Councillor Allen recognized the following employees celebrating 20 years of service with the City: Lloyd Estes and Tom Settle. Service pins and certificates of appreciation were accepted by those present.

Mayor Pro Tem Dixon presented a certificate of appreciation and service pin to Moine Petersen in recognition of her 25 years of service to the City.

CITIZEN COMMUNICATION:

Elmer Hicks, 9044 Vance Street #203, addressed Council concerning campaign reform, election signs and requesting a Charter amendment to establish a ward system.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reminded the audience of the Special joint City Council/Jefferson County Commissioners meeting to be held at 7:30 P.M., July 23, at City Park Recreation Center and that the annual Westminster Faire is August 10, at City Hall.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon reported that the Hyland Greens East Home Owners Association golf tournament raised \$1,500 for the DARE program and thanked Public Works and Utilities Department for the Display at the Westminster Mall.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Amended Engineering Contract for 128th Ave & Huron Street; 96th Avenue Construction; US West Communications Easement; Councillor's Bill No. 47 re 1995 Carryover Revenue appropriation; Councillor's Bill No. 48 re Sheridan Green Easement Vacation and Councillor's Bill No. 49 re Seasonal Water Tap Fee adjustment. The Mayor Pro Tem asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Scott and seconded by Smith to adopt the consent agenda items as presented with the recommendation stated on the Council Agenda Memorandums. The motion carried unanimously.

PUBLIC HEARING ON 1997 CITY BUDGET:

At 7:54 P.M. the meeting was opened to receive citizen comments on the 1997 City Budget. Sheri O'Donnell, 4183 W. 98th Way requested a sidewalk connection in Hyland Greens on Raleigh Street between 100th Avenue and 99th Place and that a 3 way stop sign be installed. The City Engineering Department estimated the total cost to be \$19,320 for the sidewalk connection. At 8:05 P.M. the public hearing was declared closed.

PUBLIC HEARING ON PROPOSED URBAN RENEWAL PLAN AMENDMENTS:

At 8:06 P.M. the meeting was opened to a public hearing on the proposed Urban Renewal Plan amendments. City Manager Bill Christopher gave a brief overview of the proposed amendments and Planning Manager Larry Hulse entered a copy of the Agenda Memorandum and other related items as Exhibits. Joseph Lombardi, 6321 W. 73rd Place, prospective business owner at 3006 W. 72nd Avenue, address Council with concerns. At 8:28 P.M. the public hearing was declared closed.

RESOLUTION NO. 35 - URBAN RENEWAL PLAN AMENDMENTS:

A motion was made by Allen and seconded by Merkel to adopt the revised Resolution No. 35 which adopts the revised Urban Renewal Plan. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 50 - CHURCH RANCH MEDICAL OFFICE BUILDING:

A motion was made by Smith and seconded by Merkel to pass Councillor's Bill No. 50 on first reading which authorizes the execution and implementation of the Assistance Agreement with Church Ranch Medical Building, LLC, for construction of a 40,000 square foot medical office building. Charles McKay was present to address Council. Mayor Pro Tem Dixon request to abstain as her husband had worked on the architectural drawings for the proposed building. Upon roll call vote, the motion carried with Mayor Pro Tem Dixon abstaining.

INTERGOVERNMENTAL AGREEMENT FOR U.S. 36 CORRIDOR:

A motion was made by Merkel and seconded by Allen to authorize the Mayor to sign an Intergovernmental Agreement concerning transportation related issues along the U.S. 36 corridor. The motion carried unanimously.

RESOLUTION NO. 34 - WOMAN CREEK RESERVOIR AUTHORITY:

A motion was made by Allen and seconded by Merkel to adopt Resolution No. 34 authorizing the Mayor to sign an Intergovernmental Agreement with the Cities of Northglenn and Thornton to create the Woman Creek Reservoir Authority, authorizing the City Manager to convey certain real property and water rights associated with the Woman Creek Reservoir to the Authority, and appointing the City Manager or his designee to serve as a director of the Authority, and also seek clarification of the language in the final RFCA with respect to the Woman Creek Reservoir Authority. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 51 - STANDLEY LAKE PROTECTION PROJECT:

A motion was made by Allen and seconded by Scott to pass Councillor's Bill No. 51 on first reading enacting a supplemental appropriation of the U.S. Department of Energy Grant to fund the operations payment to the Woman Creek Reservoir Authority. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION:

Butch Hicks, 9044 Vance Street #203, continued his discussion with Council regarding election reform.

Joe Lombardi, 6321 W. 73rd Place, and Milt Cancanon, 4855 W. 112th Circle, continued the discussion with Council regarding building and planning review of Mr. Lombardi's new business.

MISCELLANEOUS BUSINESS:

Mayor Pro Tem Dixon reported that National Night Out will be held August 6, 1996.

Council reviewed the Financial Report for June, 1996.

The Mayor Pro Tem stated there would be an Executive Session concerning a proposed land purchase.

ADJOURNMENT:

The meeting was adjourned at 9:10 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Date:** July 22, 1996  
**Subject:** Presentation re Butterfly Pavilion  
**Prepared by:** Susan Grafton, Economic Development Manager

**Introduction**

Pat Durand, Executive Director of the Butterfly Pavilion, has requested time on Monday night's agenda during the presentations portion to speak to City Council.

**Summary**

The Butterfly Pavilion celebrated its first anniversary on Sunday, July 14. Pat Durand and others from the Pavilion will be present Monday night to report on the success of the past year.

Also, in addition to the annual report, the Pavilion has exciting news regarding recent funding approval that they want to announce publicly for the first time during the Council meeting.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** July 22, 1996  
**Subject:** Community Oriented Governance CML Achievement Award  
**Prepared by:** Investigator John Marx, Police Department

**Introduction**

City Council action is requested to present the Colorado Municipal Achievement Award to the members of the City of Westminster's Community Oriented Government (COG) program.

**Summary**

Westminster's Community Oriented Governance (COG) program was named a first place winner in the prestigious Colorado Municipal Achievement Awards, presented by the Colorado Municipal League at its annual conference last month in Vail. The award recognizes successful programs that foster cooperation throughout the community. Westminster received the award in the over 20,000 population category; awards were also given to cities with populations of 2,000-20,000 and under 2,000. There are currently 67 City employees working in the 11 COG teams established throughout Westminster. These employees work collaboratively with neighborhood residents to resolve problems and bring about a better awareness of resources to address neighborhood issues.

**Staff Recommendation**

City Council present the Colorado Municipal Achievement Award to employees who are members of the COG program.

**Background Information**

The Westminster COG project traces its roots back to a community task force formed in the summer of 1990. In its current form, COG is a government outreach program in which neighborhood residents collaborate with City employees to improve the community, raise awareness of City resources and promote healthy neighborhoods. By holding monthly neighborhood meetings, COG attempts to create a sense of community in the midst of a rapidly growing city.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** July 22, 1996

**Subject:** John Cotton Dana Public Relations Award

**Prepared by:** Nancy Milligan, Public Information Specialist

### **Introduction**

City Council is requested to accept the 1996 John Cotton Dana Public Relations Award from Eloise May, the Colorado Library Association's Liaison to the American Library Association.

### **Summary**

The Westminster Public Library has been selected as a recipient of the John Cotton Dana Public Relations Award, presented each year by the American Library Association and the H. W. Wilson Company. The award was presented to Mayor Nancy Heil, Councillor Ann Merkel and library staff at the American Library Association Conference in New York City on July 8.

Library Services Manager Kathy Sullivan and Public Information Specialist Nancy Milligan will attend the Council meeting to represent City Staff as this award is presented to the Mayor and City Council.

### **Staff Recommendation**

Accept the John Cotton Dana Public Relations Award certificate from Eloise May.

### **Background Information**

For fifty years, the library profession has viewed winning the John Cotton Dana Award as a premier achievement and a highly-coveted honor. This award is the top honor in library public relations, commemorating the greatest innovator and pioneer in library promotion, John Cotton Dana.

The Westminster Public Library is one of ten libraries this year to receive this international award. Three different entities in Colorado are among the ten being recognized.

The other 1996 recipients are: New York Public Library (NYC), Birmingham (AL) Public Library, San Antonio Public Library, Denver Public Library, King County (WA) Library System, South Carolina Association of Public Library Administrators, Oklahoma Department of Libraries, Texas A & M University Library and Cherry Creek High School (CO) Library.

Westminster won the award for "an exceptional total annual coordinated public relations program." The "Library Shelf" campaign, which included colorful printed materials, the Library Fest event, community outreach, newspaper promotion and movie theater ads, was designed to increase library awareness and use. Library circulation increased 25 percent in 1995 and continues to grow.



John Cotton Dana Public Relations Award

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The H. W. Wilson Company will distribute national and local press releases and photographs from the award ceremonies. The American Library Association will offer the winning entry materials on loan to libraries all over the country during the next two years.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** July 22, 1996  
**Subject:** Presentation of Service Awards  
**Prepared by:** Michele Kelley, City Clerk

### **Introduction**

City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th and 25th anniversary of employment with the City.

### **Summary**

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.

### **Staff Recommendation**

City Council present service pins and certificates of appreciation to employees celebrating 10, 15, 20 and 25 years of service with the City.

### **Background Information**

The following employees will receive their ten year service pin and certificate:

Brian Bohannon	Police Department	Senior Police Officer
Ronald Garcia	Public Works & Util	Maintenance Worker
Gayle Geraci	Police Department	Senior Police Officer
Frank Grasmugg	General Services	Fleet Manager
Debbie Mitchell	General Services	Employee Services Mgr
Joel Sherry	Fire Department	Paramedic

The following employees will receive a fifteen year service pin and certificate:

Bob Airhart	Public Works & Util	Plant Operator IV
David DeCarlo	Public Works & Util	Equipment Operator II
Tony Di Tirro	Fire Department	Firefighter II
Michele Hill	Community Developmt	Planner Technician
Jim Houlihan	Fire Department	Firefighter II
Ron McCuiston	Fire Department	Fire Captain
Tim Mesch	Fire Department	Fire Engineer
Paul Newton	Police Department	Senior Police Officer
Randy Peterson	Fire Department	Paramedic
John Pinkston	Public Works & Util	Plant Operator IV
Rick Spahn	Fire Department	Paramedic
Chris Venters	Parks, Rec & Lib	Secretary
Mike Whalen	Public Works & Util	Plant Operator IV

The following 20 year employees will be presented with a certificate and service pin:

Lloyd Estes	Public Works & Util	Equipment Operator II
Tom Settle	Public Works & Util	Water Quality Coordinator

The following 25 year employee will be presented with a certificate and service pin:

Moine Petersen	Police Department	Secretary
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On July 31st, the City Manager will be hosting an employee awards luncheon at which time 21 City employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 10th, 15th, 20th and 25th anniversary. This will be the second of three luncheons for 1996 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 425 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher  
City Manager

### 10 Year Employees

Ronald Garcia	Public Works & Util	Maintenance Worker
Gayle Geraci	Police Department	Senior Police Officer
Frank Grasmugg	General Services	Fleet Manager
Debbie Mitchell	General Services	Employee Services Mgr
Joel Sherry	Fire Department	Paramedic

### 15 Year Employees

Bob Airhart	Public Works & Util	Plant Operator IV
David DeCarlo	Public Works & Util	Equipment Operator II
Michele Hill	Community Developmt	Planner Technician
Jim Houlihan	Fire Department	Firefighter II
Ron McCuiston	Fire Department	Fire Captain
Tim Mesch	Fire Department	Fire Engineer
Paul Newton	Police Department	Senior Police Officer
Randy Peterson	Fire Department	Paramedic
John Pinkston	Public Works & Util	Plant Operator IV
Rick Spahn	Fire Department	Paramedic
Mike Whalen	Public Works & Util	Plant Operator IV

### 20 Year Employees

Lloyd Estes	Public Works & Util	Equipment Operator II
Tom Settle	Public Works & Util	Water Quality Coordinator

### 25 Year employee

Moine Petersen	Police Department	Secretary
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**Date:** July 22, 1996  
**Subject:** 128th Avenue and Huron Street -- Amended Engineering Design Contract  
**Prepared by:** David W. Loseman, Senior Projects Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to execute an amended engineering design contract for the design of improvements to the 128th Avenue/Huron Street intersection with Kimley-Horn and Associates, Inc. in an amount not to exceed \$46,965. Funds for this expense are available in the appropriate project budget within the General Capital Improvement Fund.

### **Summary**

- > In March 1995, Council authorized the execution of an engineering design contract with Kimley-Horn and Associates, Inc. (KH). This contract was for the design of the 128th Avenue and Huron Street intersection including improvements for a distance of 400-feet in each direction from the intersection.
- > Since then, the decision was made to include improvements to Huron Street from 123rd Avenue to the 128th Avenue and Huron Street intersection as part of this project, which necessitates additional engineering design.
- > The fee proposed by KH to do this additional work is \$46,965, which when added to the current contract amount brings the total contract amount to \$133,210.

### **Staff Recommendation**

Authorize the City Manager to execute an amended engineering design contract with Kimley-Horn and Associates, Inc. in the amount of \$46,965 for the additional engineering design work for the 128th Avenue and Huron Street Intersection, thus establishing a total contract amount not to exceed \$133,210; and charge the expense to the appropriate project account in the General Capital Improvements Fund.

### **Background Information**

This project consists of the design and construction of street, drainage, traffic control and selected utility improvements necessary to reconstruct the 128th Avenue and Huron Street intersection within the City of Westminster. These arterial streets are experiencing heavy traffic flow, most noticeably in the morning and evening "rush hour" peak times. The current average daily traffic (ADT) on Huron Street is 11,000 vehicles while 128th Avenue experiences 8,000 vehicles per day. In the year 2010, the ADT for Huron Street is expected to rise to 27,000 vehicles and 128th Avenue to 20,000 vehicles.

This intersection is an important link for the City as it conveys traffic not only from the northern limits of Westminster but also from the surrounding entities of Broomfield, Thornton and unincorporated Adams County.

According to the Westminster Comprehensive Roadway Master Plan, both Huron Street and 128th Avenue are classified as principal arterial streets. The design drawings for the project anticipated to be built in 1997 will be for a four-lane facility including any necessary auxiliary lanes along Huron Street and 128th Avenue for a distance of 400 feet in the west, north and east and to 123rd Avenue to the south directions. Signal improvements, selected utility improvements, walks and drainage improvements are also included as part of this project. Preliminary design shall continue 1200 feet in each direction to establish the roadway grade and alignment as well as to aid in the preparation of the ultimate roadway improvement cost estimate.

As previously mentioned, the original contract with Kimley-Horn and Associates, Inc. included the design of improvements for a distance of 400-feet in each direction. The requested additional fees of \$46,965 are for the additional design work necessary to include the construction of improvements to widen Huron to four lanes from 123rd Avenue to the 128th Avenue and Huron Street intersection. This would provide for Huron to a full four lanes in width all the way from 120th to 128th Avenue. In addition, the intersection would be four lanes and allow for double left turns where needed. This additional fee brings the contract total to \$133,210, which is 5.6% of the anticipated cost of construction for this project. This percentage compares very favorably with other capital improvement projects. Staff believes the additional fees requested by KH are fair and justifiable.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** July 22, 1996  
**Subject:** City Participation in 96th Avenue Construction  
**Prepared by:** David R. Downing, City Engineer

## **Introduction**

City Council action is requested to authorize the expenditure of \$50,606 for roadway and drainage improvements along 96th Avenue adjacent to Fox Meadow Estates and Westcliff Subdivision, Filing No. 2. Funds for this expense are available in the 1996 New Development Participation Project of the General Capital Improvement Fund.

## **Summary**

- > At the time of the development of Westcliff Subdivision, Filing No. 2 by U.S. Home Corporation, the City collected a cash payment of \$15,000 in lieu of this developer's construction of a portion of the north one-half of 96th Avenue abutting their property. The construction of this short length of 96th Avenue was not required of U.S. Home because the street was not paved either east or west of the portion abutting Westcliff. Staff determined that it would be more logical to pave this portion of 96th Avenue at such time that a longer stretch of the roadway was improved.
- > More recently, Fox Meadow Estates Subdivision, which is located south of 96th Avenue and west of Teller Street (see attached map), gained approval from City Council for development. This developer was required to improve that portion of the south one-half of 96th Avenue abutting his property.
- > City Staff arranged to have the developer of Fox Meadow Estates improve the portion of 96th Avenue abutting Westcliff at the same time that roadway improvements adjacent to the new subdivision west of Teller Street were installed. However, Staff also increased the scope of work for that portion of the roadway located east of Westcliff Subdivision, Filing No. 2 to accommodate various drainage improvements that will be necessary for the future extension of 96th Avenue to Pierce Street. This eastern extension of 96th Avenue has been identified as the top priority for neighborhood traffic mitigation within the Greenlawn area as recommended by the neighborhood advisory group.
- > All of this work has now been completed by the developer of Fox Meadow Estates. The cost for the work that was performed adjacent to Westcliff plus the work that was performed to accommodate the future eastern extension of 96th Avenue to Pierce Street equals \$50,606. Funds for this expense are available in the 1996 New Development Participation Account of the General Capital Improvement Project Fund.

### **Staff Recommendation**

Authorize the payment of City participation in the amount of \$50,606 to DCS Construction, Inc. for the construction of street and drainage improvements to 96th Avenue east of Teller Street; and charge the expense to the 1996 New Development Participation Project of the General Capital Improvement Project Fund.

### **Background Information**

City Council previously directed Staff to meet with representatives of the Greenlawn area (i.e., that neighborhood generally bounded by Wadsworth Boulevard to the west, 96th Avenue to the north, Pierce Street to the east and 92nd Avenue to the south) to investigate their concerns regarding local traffic and make recommendations for appropriate improvements. Several such meetings were conducted over the past couple of years, and a committee of the neighborhood group presented a list of recommendations to Council this past February. The top priority for improvement as recommended by the majority of the residents as well as by City and Jefferson County Staffs was the extension of 96th Avenue between Teller Street and Pierce Street. It is envisioned that this extension, which would provide a direct connection between Wadsworth Boulevard and Pierce Street, would attract traffic that currently cuts through the heart of the neighborhood via 95th Avenue or 94th Avenue. Recently, Council instructed Staff to proceed with the design of these roadway improvements to 96th Avenue. Pending participation from Jefferson County, it is possible that the construction of these improvements might occur within the next two years.

The design and construction of the 96th Avenue extension is complicated by the existence of a major drainage channel that runs west from Pierce Street along the 96th Avenue alignment before turning north at the eastern boundary of Westcliff Subdivision, Filing No. 2. It will be necessary for the future street to be slightly re-aligned in order to dodge this drainage channel. Furthermore, a storm sewer pipe system is needed along the north side of 96th Avenue between the eastern boundary of the new Semper Elementary School and Teller Street to convey flow from the school site to the major drainageway. For these reasons, Staff determined that it would be prudent to amend the scope of work required of the developer of Fox Meadow Estates with regard to the construction of 96th Avenue so that a portion of the new roadway would not have to be reconstructed at such time that the extension to Pierce Street is undertaken.

While the immediate cost to the City is much greater than the \$15,000 previously collected from U.S. Home Corporation for the frontage of Westcliff Subdivision, Filing No. 2, it is anticipated that an even more significant savings to the cost of the future eastern extension of 96th Avenue will be realized with this proposed action.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**Date:** July 22, 1996

**Subject:** US West Communications Inc., Easement

**Prepared by:** Richard Dahl, Park Services Manager  
Karin van Daalen, Park Services Intern

### **Introduction**

City Council action is requested to authorize the Mayor to sign a Utility Easement document that would grant a permanent utility easement to U S West Communications Inc. on City-owned property located at the Countryside Recreation Center. The purpose of this easement is to allow the right to construct, reconstruct, operate, maintain and remove an electrical cabinet line.

### **Summary**

The proposed electrical cabinet line will be located at a point 20 feet East and 630 feet South of the intersection of West 106th Avenue and Oak Street; a track of land in the Southeast Quarter of Section 9, Township 2 South, Range 69 West of 6th Principal Meridian, County of Jefferson, State of Colorado (See attached map).

By granting the easement, the City agrees to give US West Communications access to the area described by survey. The easement will be 15 feet by 15 feet square.

It is understood and agreed that the telecommunications facilities will be placed in a location acceptable to the City.

The purpose of the easement is to grant a perpetual easement and the right to construct, reconstruct, operate, maintain and remove telecommunications facilities upon, over, under and across the described land to US West, successors, assigns, lessees, licensees, and agents.

Upon completion of construction work, US West Communications shall restore any disturbed surfaces to as near its original condition as possible, and cause a survey to be made at the company's expense describing the location of the pocket easement for the communication facilities as placed.

### **Staff Recommendation**

Authorize the Mayor to execute the easement documents to grant a permanent easement to US West Communications, Inc., Colorado.

### **Background Information**

US West Communications of Colorado, through Henkels & McCoy, Inc., Right-Of-Way Agent, is requesting the City of Westminster, to grant a permanent easement. The location of this easement is adjacent to an existing Public Service Company electrical cabinet at the Countryside Recreation Center Park.

The easement location has been reviewed by Parks, Recreation & Libraries staff which concluded it should not interfere with any operation or future development on City property.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** July 22, 1996  
**Subject:** Public Hearing on 1997 City Budget  
**Prepared by:** Mike Simmons, Management Assistant

### **Introduction**

City Council is scheduled to hold a public hearing to receive public input on the 1997 City Budget at Monday night's City Council meeting. Development and review of the 1997 City Budget will continue through the summer and will culminate in the distribution of the 1997 Proposed Budget to City Council on September 6. The final public hearing is scheduled for September 9, prior to the City Council Budget Retreat, so that citizens will have one more opportunity to comment and provide feedback on the 1997 City Budget. City Council must adopt the budget by either the October 14 or October 28 City Council meeting, in accordance with the City Charter.

### **Staff Recommendation**

Hold a public hearing on the 1997 City Budget and receive citizen comments.

### **Background Information**

Earlier this year, City Council identified five focus areas to be pursued in 1997. In priority order, they are:

- > Economic Development (eg. Mall, Growth, Water)
- > South Westminster Enhancements
- > Citizen Involvement (incl. Cultural Diversity)
- > Parks and Recreation
- > Public Safety

The direction provided by City Council assists City Staff as they prepare and review the 1997 Proposed City Budget. Other considerations that go into developing a well-balanced budget are department priorities that strive to maintain existing service levels, and citizen or neighborhood input.

The development of the 1997 City Budget will occur throughout the summer, and a Proposed Budget per city charter requirements will be submitted to City Council on September 6 for their review. After reviewing the Proposed Budget for several weeks, City Council will hold their annual Budget Retreat on September 27-29 to more thoroughly review staffing levels, programs, services, and capital projects.

One last public hearing is scheduled to be held on September 9 to receive citizen input regarding the 1997 Proposed Budget. Adoption of the 1997 Budget will occur on either October 14 or 28 per City Charter requirements.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** July 22, 1996  
**Subject:** Proposed Urban Renewal Plan Amendments  
**Prepared By:** Larry D. Hulse, Planning Manager

## **Introduction**

City Council action is requested to conduct a public hearing and approve amendments to the Urban Renewal Plan by adoption of the attached resolution. The amendments include general "house keeping" changes and updates, and revisions to the permitted uses section of the Plan.

## **Summary**

A temporary moratorium was enacted earlier this year by City Council involving certain land uses in the City's urban renewal area, located in the vicinity of 72nd Avenue and Federal Boulevard (see attached map). The moratorium was intended to allow City Council and Staff time to develop and review revisions and updates to the Urban Renewal Plan, which was last revised in 1992. Several routine changes are proposed to amend certain "out-of-date" provisions of the Plan. These changes were based on the assumption that Trammel Crow would be the redeveloper of the Westminster Plaza, pursuant to a development and disposition agreement that was negotiated over a two-year period before being rejected by Trammel Crow due to the financial deterioration of their parent company. Additionally, the allowed land use section is proposed to be amended to reflect a desire to reduce conflicts between certain land uses and residential neighborhoods, and to promote a "neighborhood/community" scale retail area that will generate the necessary tax increment to finance the urban renewal effort.

These amendments will support the general intent and goals of the Urban Renewal Plan, which are:

1. To eliminate existing conditions of blight;
2. To provide for the redevelopment and rehabilitation of commercial and light industrial uses (to conform with current City standards);
3. To encourage financial mechanisms and programs that promote redevelopment and rehabilitation by private enterprise;
4. To serve as a long-range guide for evaluating proposals in the Urban Renewal District;
5. To reinforce the "Community Activity Center" concept of the City Policy Document.

Staff proposes several changes to the permitted and prohibited uses list to reflect the goals of the Urban Renewal Plan pending the achievement of a comprehensive redevelopment agreement with a new redeveloper. By limiting the number and size of Bars/Nightclubs/Taverns and Indoor Entertainment Establishments, the changes will prevent the area from becoming a "regional entertainment" center, and will help maintain the area as a "neighborhood" or "community" retail district.

Generally, the amendments are as follows:

1. Amend the list of permitted uses to add shoe repair and banks/financial institutions. In addition Check Cashing and Greenhouses will be included in the permitted use section as accessory uses. These revisions were suggested during the July 15 Study Session.
2. Amend the list of permitted uses and add restrictions to certain types of uses within the Westminster Plaza portion of the Urban Renewal area. The amendment specifically pertains to Bars/Nightclubs/Taverns and Indoor Entertainment Establishments. This will add restrictions to limit the size of bars to 5,000 square feet with a 1,000 foot minimum separation between Bars/Nightclubs/Taverns, and will limit the number of amusement type machines in indoor entertainment businesses to 12.
3. Modify the Urban Renewal Plan so that the "prohibited uses" are not given the option of approval through the Official Development Plan process, but would only be allowed by amending the Urban Renewal Plan in the future. Also prohibit General Repair Shops, Motor Vehicle and Equipment Dealers, and Industrial and Agricultural Uses in sub-areas A through I.
4. Establish non-conforming use protection for uses that have been in place or have applied for use permits on or before May 6, 1996. The intent of these "new rules" is to affect only new project requests mainly in the Plaza Area. Existing uses, which have relied on the past rules would not be effected by this amendment to the Plan.

### **Planning Commission Recommendation**

The Planning Commission reviewed and approved the proposed Urban Renewal Amendment on July 9. The Commission commented that in general the amendment is ambitious and strives to seek the goals of the City for this area. Commissioners Bob Klock and Greg Mann voted in opposition due to insufficient time to review the amendment. Commissioner Klock was concerned that the Plan Amendment may not go far enough in the restriction of Bar/Nightclub/Tavern sizes and number of amusement machines. Mr. Mann submitted a memo after the hearing outlining his concerns. Generally, his concerns centered around providing more public input, defining success factors, establishing "priority" uses, addressing health and social issues, and adding a "quality dimension." A copy of his memo is attached to this Agenda Memo. Commissioner Mann's concerns will be addressed in the subsequent Plan amendments and as the redevelopment program becomes more defined.

### **Staff Recommendation**

1. Hold a public hearing.
2. Adopt Resolution No.     which adopts the Urban Renewal Plan as revised.

### **Background Information**

On May 6, 1996, the Westminster City Council enacted a City-wide temporary moratorium on building permit and license issuance for certain land uses pending completion of the Comprehensive Land Use Plan and development of recommended amendments to the Urban Renewal Plan.

Staff recommended to City Council a list of land uses to include in an additional temporary moratorium until such time as the Westminster Urban Renewal Plan could be reviewed by Staff and any recommended amendments be presented to the Westminster Economic Development Authority (WEDA) and City Council.

The 90 day moratorium enacted by City Council required that no building permits, special use permits, business licenses, or any other required license pursuant to Title V of the Westminster Municipal Code be issued for any of the following uses within the Westminster Urban Renewal area:

- \* Ambulance Service
- \* Automotive and Heavy Equipment Rental
- \* Bulk Fuel Sales
- \* Bingo Establishments, Social Gaming Outlets
- \* Funeral Homes/Mortuaries
- \* Greenhouses
- \* Massage Parlors
- \* Motor Vehicle, Recreational Vehicle, and Commercial Equipment Dealers including Auto, Aircraft, Boats, Campers, Mobile Homes, Trucks, Trailers, Heavy Equipment, and Farm Implements
- \* Outdoor Entertainment Establishments
- \* Pawn Shops
- \* Used Merchandise--All Types
- \* Storage Facilities in which Outdoor Storage is the Primary Use
- \* Any use requiring a special permit or license pursuant to the following provisions of Title V of the Westminster Municipal Code (WMC); Chapter 9 (amusement centers); Chapter 14 (fermented malt beverage, alcoholic beverages and special events); Chapter 15 (massage parlors); Chapter 16 (dance halls and cabarets); and Chapter 19 (escort services).
- \* Those special uses specified in WMC Section 12-8-8 (child care centers, residential care facilities, semi-private uses, and used merchandise/thrift stores).

### **SUMMARY OF PROPOSED AMENDMENTS TO THE PLAN**

#### **I. Proposed Amendments in Sub-Areas A through I (The Westminster Plaza and surrounding commercial areas along 72nd Avenue and Federal Boulevard)**

A. **Bars/Nightclubs/Taverns** Enact a **maximum size** limit per establishment of 5,000 square feet, and a separation between like uses of 1,000 feet (building wall to building wall).

**Justification:** The Westminster Urban Renewal Area has experienced an increase in the number and size of Bars/Nightclubs/Taverns in recent years which has created conflicts with existing residential uses and surrounding businesses. The average size of such uses City-wide is 6,098 square feet, which includes the largest bar in the City at 44,000 square feet. Excluding this particular bar, the average size drops to 3,183 square feet. By limiting the size to 5,000 square feet and requiring a 1,000 foot separation between Bars/Night Club/Taverns, the neighborhood scale of establishments will be ensured, these uses will not become concentrated in one area, and the neighborhood retail focus of the Plan will be maintained. The latter factor is key to achieving the needed tax increment for redevelopment.

B. Indoor Entertainment Establishments Remove "Bowling" from this heading and make it a separate use requiring restrictions in the case where amusement machines are planned. In the categories of "Billiards and Video," place a restriction on the number of amusement machines to 12 per business. Other businesses which have machines of amusement, accessory or incidental to the business, are also limited to twelve machines.

**Justification:** The City-wide average number of machines per use is 11.4. To promote a "neighborhood" or "community" atmosphere, limiting the number of machines will keep the operations at a smaller scale. Any business that has more than 12 machines is considered to offer amusement machines as the primary part of the business. Operations with fewer than 12 machines is considered to offer this form of entertainment as an accessory to the main business. During a proposed amendment to the Plan in 1989, Staff recommended against a proposed ban on indoor entertainment establishments and that these uses be regulated under the City Code Title V. This requires any proposed center be reviewed by the Special Uses and Licensing Board at a public hearing.

C. Motor Vehicle Dealers, General Repair Shops, and Industrial and Agricultural Uses are being shifted from the list of uses not allowed district wide, to a more specific prohibition in areas A through I in the Plaza area only.

**Justification:** These uses are not appropriate in the neighborhood shopping center environment envisioned for the Plaza area. These uses may be appropriate in the other areas of the Urban Renewal area, especially those areas zoned for industrial uses (M-1) or heavy commercial (C-2) use. Further review of these uses will be completed with the Comprehensive Land Use Plan review of land uses in the area in the future.

D. Add Shoe Repair and Banks/Financial Institutions to the list of permitted uses. Also add Check Cashing and Greenhouses as "accessory uses" to the permitted uses section.

## II. Proposed Amendments for the entire Urban Renewal Area

A. Employment Agencies/Check Cashing: Move the Employment Agency use to the "prohibited" section, and add a new use, "check cashing," and place it in the "prohibited" section also. (Check Cashing in this instance refers to the use as a "primary business." Check Cashing as an "accessory use" would be permitted as outlined in "I." above. This is noting that grocery and supermarkets often offer check cashing as an accessory service to their customers.)

One goal is to achieve a mix of businesses and neighborhood services to best serve the community. The uses of check cashing services are deemed as not necessary to the mix, as the community uses banks and other financial institutions for check cashing services.

In creating the C-2 Zone District in 1989, where uses such as pawn shops and used merchandise sales were placed, the City determined that certain commercial uses were undesirable adjacent to or incompatible with surrounding residential neighborhoods as well as neighborhood and community shopping centers. Staff believes that employment agencies and check cashing services are not necessary or desirable uses in an older neighborhood largely surrounded by well-established residential neighborhoods.

B. Prohibition of Previously Allowed "Conditional" Uses: Previously, the Urban Renewal Plan listed uses that were specifically prohibited unless reviewed and approved by a Preliminary and/or Official Development Plan. Staff is recommending that this list be maintained (and some uses added to it), but that these heretofore conditional uses be prohibited. A specific amendment to the Urban Renewal Plan would be required in order to permit any of these uses within the Area and the previous provision that would allow these uses through the approval of a PDP and/or ODP would be eliminated. The Official Development Plan and/or Waiver process amounts to a circumvention of the Urban Renewal Plan rules and regulations. A more appropriate and straight forward way to approve such uses is to amend the Urban Renewal Plan itself.

These prohibited uses include:

- \* Any use requiring permanent, outdoor display or storage of goods or materials, or any use requiring a significant amount of warehousing or storage in conjunction with sales.
- \* Ambulance Service
- \* Automotive and Heavy Equipment Rental
- \* Bulk Fuel Sales
- \* Check Cashing Services (As a primary use.)
- \* Bingo Establishments, Social Gaming Outlets
- \* Employment Agencies
- \* Funeral Homes/Mortuaries
- \* General Repair Shop (Prohibited in sub-areas A through I only).
- \* Greenhouses (As a primary use.)
- \* Industrial and Agricultural Uses (Prohibited in sub-areas A through I only).
- \* Massage Parlors
- \* Motor Vehicle, Recreational Vehicle, and Commercial Equipment Dealers including Auto, Aircraft, Boats, Campers, Mobile Homes, Trucks, Trailers, Heavy Equipment, and Farm Implements (Prohibited in sub-areas A through I only).
- \* Outdoor Entertainment Establishments
- \* Pawn Shops
- \* Used Merchandise--All Types
- \* Wholesale and Commercial Heating, Plumbing, Electrical, Lumber, and Building Equipment and Materials Dealers.

C. Non-Conforming Status: The proposed amendments include a provision creating legal, non-conforming status to certain uses meeting any one of the following criteria:

1. Uses lawfully existing prior to adoption of the Urban Renewal Plan and in continuous operation.
2. An Official Development Plan, or Official Development Plan Waiver, was approved for the proposed use after January 1, 1993.
3. A completed application for approval of an Official Development Plan, or Official Development Plan Waiver, was submitted to the City on or before May 6, 1996;
4. A completed application for a special use permit or license for the proposed use was submitted to the City on or before May 6, 1996.



Staff will be present at Monday evening's Study Session to highlight the proposed changes and respond to questions from City Council.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILMEMBERS

SERIES OF 1996

RESOLUTION APPROVING CERTAIN PROPOSED MODIFICATIONS TO THE WESTMINSTER URBAN RENEWAL PLAN, INCLUDING NEW LAND USE AND ZONING RESTRICTIONS, AND MAKING CERTAIN FINDINGS RELATIVE TO THE PLAN AS MODIFIED.

WHEREAS, City Council previously enacted a 90-day moratorium on certain uses within the Westminster Urban Renewal Area, and directed City Staff to review the Westminster Urban Renewal Plan for the purpose of updating said Plan in light of the sale of the Westminster Plaza Shopping Center and the lack of a current redeveloper or redevelopment agreement to guide future land uses within the Urban Renewal Area; and

WHEREAS, pursuant to City Council's direction, City Staff has proposed certain modifications to the Urban Renewal Plan including new land use and zoning restrictions, as set forth in the amended Urban Renewal Plan attached to this Resolution as Exhibit A as incorporated herein by this reference (the "1996 Amended Plan"); and

WHEREAS, the City Planning Commission has previously submitted its written recommendations with respect to the 1996 Amended Plan pursuant to section 31-25-107(2), C.R.S.; and

WHEREAS, a public hearing was held on the 1996 Amended Plan pursuant to section 31-25-107(3), C.R.S.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. With respect to the 1996 Amended Plan, the City Council finds that:

(a) The proposed modifications will substantially change the current Urban Renewal Plan in land area, land use, design, building requirements, timing, or procedure, and therefore, the approval of the 1996 Amended Plan is subject to the procedural requirements of section 31-25-107, C.R.S.;

(b) The displacement of individuals or families by the Plan is not expected, however, to the extent such individuals or families would be displaced by the Plan, a feasible method exists for their relocation in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families;

(c) The 1996 Amended Plan conforms to the General Plan of the City as a whole;

(d) The 1996 Amended Plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation and redevelopment of the Urban Renewal Area by private enterprise; and

(e) There are no additional areas of open land to be developed for residential or non-residential uses within the Westminster Urban Renewal Area other than parks, open space and other public lands;

2. The 1996 Amended Plan is hereby approved and the provisions of said Plan with respect to the land area, land use, design, building requirements, timing, and procedure applicable to the property covered by the Plan shall be controlling with respect to such property on and after the date of this Resolution.

PASSED AND ADOPTED this 22nd ay of July, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Date:** July 22, 1996

**Subject:** Councillor's Bill No. re Church Ranch Medical Office Building

**Prepared by:** Susan Grafton, Economic Development Manager

### **Introduction**

City Council action is requested on Councillor's Bill No. to approve a Business Assistance package for Church Ranch Medical Office Building, LLC, to help encourage the development of a two-story, 40,000 square foot medical office building at the southeast corner of Church Ranch Boulevard and Westcliff Parkway.

### **Summary**

Church Ranch Corporate Center, in partnership with Golden Triangle Construction and In-Site Properties, will be building a new 40,000 square foot Church Ranch Medical Office Building on Church Ranch Boulevard (see attached site plan). Construction is to begin in July 1996 with move-in expected in 1997. The proposed assistance package will help minimize some of the initial cost of this project.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading which authorizes the execution and implementation of the Assistance Agreement with Church Ranch Medical Building, LLC, for construction of a 40,000 square foot medical office building.

### **Background Information**

This is a joint venture project for Church Ranch Corporate Center, Golden Triangle Construction and In-Site Properties, Inc., together known as Church Ranch Medical Building, LLC. Project development and construction was contingent upon financing and leasing. An equity partner has been secured, one third of the building is leased and additional leases are currently under negotiation. Construction is anticipated to begin this summer.

Golden Triangle Construction, owned by Jeff Nading, is a local construction company very active in development along US 36. This company is helping with equity participation and construction of the medical building.

In-Site Properties is a real estate management and development firm, with over 18 years experience, which specializes in medical properties. They are particularly interested in the US 36 Corridor because of the growing residential population and the rather limited offering of medical services. In-Site Properties is marketing the project and will manage it once it is built.

The project being proposed is a \$3.4 million, 40,000 s.f. two-story building on approximately 3.5 acres, at the southeast corner of Westcliff Parkway and Church Ranch Boulevard (see elevation and site plan).

Though it will be a multi-tenant facility, In-Site estimates that the project will employ approximately 75 people at an average salary of \$49,000 per year. It is also estimated that \$1,150,000 will be spent on new equipment at move-in and approximately \$276,000 will be spent each year for new equipment and furnishings.

The following is a City revenue projection for the project:

Building related permit fees	\$18,640
Tap Fees	71,350
Construction Use Tax	56,130
General Use Tax @ Move-In (\$1,150,000 x 3%)	34,500
General Use Tax over 5 years (\$276,000/year x 3% x 5)	41,400
Property Tax over 5 years (\$3.4 million x 3.65 mills)	<u>18,000</u>
Total 5 year Revenue	\$240,020

To help facilitate the development of this project Staff recommends the following assistance package.

	Approximate Value
Permit Fee Waiver - 50% Waiver of building related fees, excluding tap fees (\$18,640 x 50%)	\$9,320
Construction Use Tax Waiver 50% waiver of the use tax collected on construction (\$56,130 x 50%)	28,065
Use Tax on Furnishing and Equipment 50% waiver of use tax generated on new equipment and furnishing at initial opening (\$1,150,000 x 3% x 50%)	17,250
Total Assistance	\$54,635

This assistance package is projected to be recouped by the City within one year. No capital outlay is required.

In-Site Properties has been working with large medical users, as well as medical specialists interested in serving the north area. This project will not only contribute to the City's economic vitality, but also to the community's quality of life.

Respectfully submitted,

William M. Christopher

City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CHURCH RANCH MEDICAL BUILDING, LLC

WHEREAS, the successful attraction of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, Church Ranch Medical Building, LLC has indicated an interest in building the 40,000 square foot medical facility on Church Ranch Boulevard; and

WHEREAS, a proposed Assistance Agreement between the City and Church Ranch Medical Building, LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Church Ranch Medical Building, LLC, in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to implement said Agreement.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading and title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22th day of July, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this     day of August, 1996.

ATTEST:

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Mayor

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City Clerk

## ASSISTANCE AGREEMENT

### FOR THE CONSTRUCTION OF THE CHURCH RANCH MEDICAL OFFICE BUILDING

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1996, between the CITY OF WESTMINSTER (the "City"), and CHURCH RANCH MEDICAL BUILDING, LLC ("Church Ranch").

WHEREAS, the City wishes to provide certain assistance to Church Ranch to aid in the construction of the Church Ranch Medical Office Building within the City on property adjacent to Church Ranch Boulevard; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Church Ranch agree as follows:

1. The City shall waive the payment of 50% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of a 40,000 square foot office project, to be completed no later than December 31, 1997. The value of the permit fee waiver is estimated to be \$9,320.

2. The City shall waive the payment of 50% of the Building Use Taxes on the construction materials, which are to be used in the construction of the 40,000 square foot office project, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$28,065.

3. The City shall rebate to Church Ranch 50% of the use tax paid during the six calendar months immediately following the issuance of the initial Certificate of Occupancy for the building up to an amount not to exceed \$17,250. Such rebate will be payable exclusively from use tax revenues collected by the City from the Church Ranch Medical Office Building tenants and attributable to the imposition of the City's 3.0% general use tax, but exclusive of the City's 0.25% open space tax (the "Rebate"). The rebate shall be paid by the City within 15 days following the close of the six calendar month period following the issuance of the initial Certificate of Occupancy in one payment equal to 50% of use tax revenues actually collected and received by the City from tenants within the Project. The payment will be adjusted as may be necessary to limit the total Rebate to \$17,250.

4. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Church Ranch has not completed construction of the medical office building on Church Ranch Boulevard by December 31, 1997.

5. In the event Church Ranch Medical Office Building, LLC ceases business operations within the City within three (3) years after the new operations commence, then in such event Church Ranch Medical Office Building, LLC shall pay to the City the total amount of fees and taxes which were due and payable by Church Ranch Medical Office Building, LLC to the City but were waived by the City, as well as reimburse the City for all funds provided to Church Ranch pursuant to this Agreement.

6. This instrument shall constitute the entire agreement between the City and Church Ranch Medical Office Building, LLC concerning the Church Ranch Medical Building, and supersedes any prior agreements about the Church Ranch Medical Building between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

7. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

8. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code.

CHURCH RANCH MEDICAL BUILDING, LLC

CITY OF WESTMINSTER

By \_\_\_\_\_  
Jeff Nading

\_\_\_\_\_  
Bill Christopher  
City Manager

10050 Wadsworth Boulevard  
Westminster, CO 80021

4800 West 92nd Avenue  
Westminster, CO 80030

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk



**Date:** July 22, 1996

**Subject:** Intergovernmental Agreement for U.S. 36 Corridor

**Prepared by:** David R. Downing, City Engineer

### **Introduction**

City Council action is requested to authorize the Mayor to execute the attached Intergovernmental Agreement (IGA) with Boulder, Broomfield, Louisville, Superior, Boulder County, Jefferson County, and the Regional Transportation District to document these parties' commitment to improve transportation along the U.S. 36 corridor.

### **Summary**

- > In 1995, the City of Boulder sponsored a study of various transportation related improvements and associated issues along the U.S. 36 corridor between I-25 and Foothills Parkway in Boulder. All governmental entities along this corridor as well as the Regional Transportation District (RTD), the Colorado Department of Transportation (CDOT), various chambers of commerce, and several private interests were invited to participate in this investigation. The City of Westminster was represented at all meetings of this group.
- > Boulder's engineering consultant gathered information on a myriad of transportation improvements ranging from the installation of extended high occupancy vehicle (HOV) lanes on the highway and enhanced park-n-ride facilities to a variety of less common transportation management methods (e.g., toll roads).
- > The commitments outlined in the attached IGA represent the items of consensus agreement of this diverse group of participants. As can be expected of a committee comprised of so many parties of varying interests, contentious traffic mitigation measures such as the tolling of the highway or any specific rapid transit technology have not been included within the document. Instead, the IGA documents the parties' commitments to endorse the implementation of HOV lanes, to seek improvements to the interchanges and arterial roadways along the corridor, to support improvements to park-n-ride facilities and RTD bus service in general, to investigate financing mechanisms for corridor improvements, and to study alternative modes of transportation.
- > This IGA also defines a schedule of payments by the parties signatory to the agreement to fund the coordination of a steering committee that will actively work to further transportation improvements along the U.S. 36 corridor. The \$36,000 to be collected during calendar year 1996 from all of the parties will pay for a position of secretary to the steering committee. Westminster's share of this sum is \$5,000. No additional funding commitments beyond this initial payment have been defined in the IGA. Any entity signatory to the IGA may withdraw from it with 30 days notice.

- > Appropriate key Staff have reviewed the attached IGA. It is recommended that the Mayor be authorized to execute this agreement and that the City continue to play a key role in continuing efforts to improve transportation along this important artery.

### **Staff Recommendation**

Authorize the Mayor to sign the attached Intergovernmental Agreement concerning transportation related issues along the U.S. 36 corridor.

### **Background Information**

The purpose of the U.S. 36 Corridor Study was to explore regional opportunities for improving mobility and reducing congestion along the highway from I-25 to the City of Boulder. The Study was intended to produce policy level recommendations for both short and long-term strategies and implementation mechanisms. Recommendations were developed for highway, transit, pedestrian, bicycle and land use strategies which would be effective at addressing corridor problems.

A "regional round table" was created to assist Boulder's consultant in completing this task. Members of all municipalities, counties, chambers and economic development organizations with a relationship to the corridor were invited to participate. Major developers of property along the corridor were also included in the process, along with the public sector agencies responsible for planning, maintenance, operation and development of the corridor.

Participants were asked to move forward for recommendation only those strategies on which there was group consensus. The round table members were charged to represent their organizations to the best of their abilities without having a formal process of adoption of the recommendations by those they represented. Therefore, the recommendations contained in the report do not represent official positions adopted by the policy making boards or councils who were represented on the round table. However, the adoption of the attached Intergovernmental Agreement which will implement the study recommendations should formalize the commitments of the participating parties. It is anticipated that all of the parties signatory to the IGA will execute the document during the month of July, 1996.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** July 22, 1996

**Subject:** Resolution No. re Woman Creek Reservoir Authority

**Prepared By:** Ron Hellbusch, Director of Public Works and Utilities and Dave Kaunisto, Senior Water Resources Engineer

### **Introduction**

City Council action is requested to adopt Resolution No. which authorizes the Mayor to sign an Inter-Governmental Agreement with the Cities of Northglenn and Thornton to establish the Woman Creek Reservoir Authority; authorizes the City Manager to convey certain real property and water rights associated with the Woman Creek Reservoir to the Authority; and appoints the City Manager or his designee to serve as a Director of the Authority. Costs from establishing the Authority will be reimbursed to the City from a United States Department of Energy Grant.

### **Summary**

Attached is an Inter-Governmental Agreement with the Cities of Northglenn and Thornton to establish the Woman Creek Reservoir Authority. The Authority would take ownership of Woman Creek Reservoir, the Woman Creek Reservoir pump station and pipeline, the wetlands mitigation site, and the land associated with the facilities. Westminster would retain ownership of the Kinneer Ditch Pipeline. The Authority would have responsibility for operating the facilities, which it would own.

By entering into the agreement, the City will be responsible for paying \$8.147 million to the Authority (the City would be reimbursed by the United States Department of Energy for this expense); transferring the land and easements associated with Woman Creek Reservoir, the Woman Creek Reservoir pipeline, and the wetlands site to the Authority; and to name a Director to the Authority Board of Directors to represent the City.

The Authority will enter into an operations agreement (attached) with the United States Department of Energy, which outlines the responsibilities of the parties for future operations.

### **Staff Recommendation**

Adopt Resolution No. authorizing the Mayor to sign an Inter-Governmental Agreement with the Cities of Northglenn and Thornton to create the Woman Creek Reservoir Authority, authorizing the City Manager to convey certain real property and water rights associated with the Woman Creek Reservoir to the Authority, and appointing the City Manager or his designee to serve as a director of the Authority.

## **Background Information**

Now that construction of the Standley Lake Protection Project (SLPP) is complete, the Cities have focused more closely on how to operate the Project. One option is the formation of a Water Authority to own and operate the Project. State statutes provide for the creation of a Water Authority and thereby allow municipalities to form separate governmental entities to own water projects. Forming a Water Authority was initially considered as a means to limit the potential liabilities of the respective Cities' in the event of a contamination event or from past contamination. As owners and operators of Woman Creek Reservoir (WCR), the Cities could potentially be liable for cleanup of the Reservoir if it became contaminated in the future.

Transferring ownership and operation of the SLPP provides an additional layer of potential protection to the Cities from these possibilities.

An additional advantage to the Water Authority option became apparent as the Cities looked at ways to ensure the Cities were not responsible for the operations and maintenance costs of the project. Through project savings, \$8.147 million was identified in the Grant, which could be used for operations and maintenance; due to federal regulations, however, the City would not be eligible to retain any interest earned on the money, as it would be considered an "advance" of federal funds. Under federal law, any interest generated on an "advance" of federal funds belongs to the federal government. If the Cities contracted with the Authority, however, the Authority could retain the interest earned as the payment to the Authority would be considered a "disbursement" rather than an "advance" of federal funds. The Authority thus became a way to utilize the \$8.147 million in Grant funds to its full potential, as the interest earned will also be available to the Authority to pay for future operations and maintenance costs. In order for the payment to the Authority to be considered a disbursement, the Authority must be set up as an independent entity.

One further advantage to the Authority is that it will have clear responsibility to own and operate the facilities. Other less efficient options included having the Cities jointly operate the facilities, or taking turns having lead responsibility for operations. Each City will have one representative on the Authority Board of Directors. Operations of the facilities would be contracted with outside resources. A copy of the establishing agreement for the Authority is attached for Council's review.

If Council approves the outlined approach, one of the Authority's first responsibilities would be to enter into the operations agreement with the United States Department of Energy (DOE). The operations agreement would establish each party's responsibilities in the event of a contamination event. DOE also acknowledges that it would be responsible for cleanup of past contamination it may have caused on the SLPP lands. While the operations agreement is not a legally binding agreement, it is useful in that it indicates the intent of each of the parties. A clear statement of intent will be useful in the future when the negotiators of the agreement are no longer around; moreover, it can provide leverage if the Cities need to pursue political pressure to get cooperation from DOE in the future.

To ensure that DOE is legally bound to cleanup WCR in the event DOE contaminates the facility, the Cities asked that specific language be added to the Rocky Flats Cleanup Agreement (RFCA).

The language provides that if water leaving DOE property does not meet standards set by the State of Colorado, it would be DOE's responsibility to deal with the water in WCR. The final RFCA is expected to come out within the next several weeks and the Cities are expecting that their proposed language is included. The Authority agreement provides a provision that parties can "option out," if such language is not included.

The attached Resolution authorizes the Mayor to sign the Inter-Governmental Agreement with Northglenn and Thornton. The agreement has previously been approved by the other two City Councils. The agreement will require Westminster to pay the Authority \$8.147 million for future operations of the facilities.

Westminster will be reimbursed for this expense by the DOE. Westminster is also to transfer the land associated with the facilities to the Authority. This will include approximately 477 acres around Woman Creek Reservoir, approximately 45 acres at the wetlands mitigation site, and a 1.2 acre easement from the City of Broomfield for the Woman Creek Reservoir pipeline. Westminster will retain all ownership of the Kinnear Ditch Pipeline component of the SLPP. The City is also required to appoint a representative to serve as a member of the Board of Directors of the Authority. The attached Resolution appoints the City Manager or his designee to represent the City. If the Resolution is adopted, Director of Public Works and Utilities Ron Hellbusch would serve as the Westminster representative to the Authority.

City Staff is currently investigating options to make the payment to the Authority, while minimizing the lost interest to the City and the Authority. The City must pay the \$8.147 million to the Authority, and will then be reimbursed by DOE. DOE has committed to turning around the City's reimbursement request as quickly as possible, rather than having the City wait the usual 30-90 days. City Staff is looking at alternatives to selling current City investments and reinvesting funds once the DOE reimbursement is received. Two options currently being examined include a re-purchase agreement or a bridge loan. Staff will have a recommended plan ready for Council's approval at the time of the second reading of the Supplemental Appropriation associated with the payment to the authority, which will take place on August 12.

A copy of the draft operations agreement which DOE and the Authority would execute is attached. This agreement would not involve the respective Cities.

Alternatives to the Authority concept would include Westminster retaining sole ownership and operational responsibility, one of the other Cities taking ownership and performing the operations, or the Cities rotating the responsibilities. The authority concept is preferable to these options, as the Cities would not be able to keep interest earned on the operations payment, and because direct ownership of the facilities could increase the liability of the City.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

WHEREAS, the Cities of Westminster, Northglenn, and Thornton ("Cities") have constructed the Standley Lake Protection Project ("SLPP") to protect the Cities' water supply, Standley Lake, from potential impacts from the Rocky Flats Environmental Technology Site, using funds provided through a United States Department of Energy Grant; and

WHEREAS, \$8.147 million has been allocated in the Grant for operations and maintenance of the project facilities; and

WHEREAS, the Cities have studied alternatives for efficient operation and maintenance of the project facilities; and

WHEREAS, Colorado statutes allow the creation of water authorities; and

WHEREAS, creating a water authority to own and operate the SLPP facilities would provide for an efficient means of operating the facilities and would maximize the benefits of the Grant funds; and

WHEREAS, the City of Westminster served as the project manager for the project on behalf of the Cities and oversaw the permitting, design, construction, and land acquisition for the project.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The Mayor is authorized to sign an inter-governmental agreement with the Cities of Northglenn and Thornton to create the Woman Creek Reservoir Authority.
2. Payment of \$8,147,000 shall be made to the Authority for operations and maintenance of the project facilities. The City will be reimbursed for this expense by the United States Department of Energy.
3. The City Manager is authorized to sign all necessary documents to convey land associated with Woman Creek Reservoir (477.7 acres) and the wetlands mitigation site (47.61) to the Authority.
4. The City Manager is authorized to sign all necessary documents to convey an easement for the Woman Creek Reservoir pipeline across lands owned by the City of Broomfield to the Authority.
5. The City Manager is authorized to sign all necessary documents to convey any and all water rights Westminster owns related to storage in Woman Creek Reservoir to the Authority.
6. The City Manager or his designee will serve as the City's representative on the Woman Creek Reservoir Authority Board of Directors.

PASSED AND ADOPTED this 22nd day of July, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Date:** July 22, 1996

**Subject:** Councillor's Bill No. re Supplemental Appropriation for Standley Lake Protection Project

**Prepared by:** Dave Kaunisto, Senior Water Resources Engineer

### **Introduction**

City Council action is requested on the attached Councillor's Bill regarding enacting a supplemental appropriation for the Standley Lake Protection Project.

### **Summary**

Earlier on tonight's agenda City Council considered a Resolution to form the Woman Creek Reservoir Authority with Thornton and Northglenn. Under the terms of the Inter-Governmental Agreement forming the Authority, Westminster is to pay the Authority \$8.147 million for operating the project facilities. Westminster will then be reimbursed from the United States Department of Energy for this expense. A supplemental appropriation is necessary to make the payment to the Authority. The additional appropriation necessary is \$3,228,123, which will appropriate the remainder of the available United States Department of Energy Grant.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading enacting a supplemental appropriation of the United States Department of Energy Grant to fund the operations payment to the Woman Creek Reservoir Authority.

### **Background Information**

City Council earlier considered a Resolution to join the Woman Creek Reservoir Authority. Westminster is to make a payment of \$8,147,000 to the Authority for operations of the facilities associated with the project. Funding for the payment will come from the United States Department of Energy Grant, which has funded the entire Standley Lake Protection Project.

To date, \$21,789,877 has been appropriated. To make the payment to the Authority, the remainder of the Grant amount must be appropriated at this time. The total available Grant was \$25,018,000; therefore, a supplemental appropriation in the amount of \$3,228,123 is necessary at this time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 1996

COUNCILLOR'S BILL NO. \_\_\_\_\_  
INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2385 in the amount of \$18,276,156 is hereby increased by \$3,228,123 which, when added to the fund balance as of the City Council action on July 22, 1996, will equal \$27,685,003. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of the remainder of the available Department of Energy grant to fund the Woman Creek Reservoir Authority.

Section 2. The \$3,228,123 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>Final Budget</u>		
<u>REVENUES</u>		
Intergovernmental Federal		
20-0426-400	\$-0-	<u>\$3,228,123</u>
\$3,228,123		
<u>EXPENSES</u>		
Standley Lake Protection Proj.		
20-35-88-555-256	\$21,789,877	<u>\$3,228,123</u>
\$25,018,000		

Section 3 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this    day of July, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this    day of August, 1996.

ATTEST:

\_\_\_\_\_  
Mayor



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City Clerk

**Date:** July 22, 1996  
**Subject:** Financial Report for June 1996  
**Prepared by:** Nancy Alberts, Accounting Manager

## **Introduction**

City Council action is requested to review the attached financial statements which reflect 1996 transactions through June, 1996.

## **Summary**

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs Appropriations
3. Sales Tax Detail

General Fund revenues represent 52% of the total budget estimate while General Fund expenditures and encumbrances represent 54% of the 1996 appropriation.

Utility Fund revenues represent 61% of the total budget estimate while expenditures and encumbrances in that fund represent 52% of the 1996 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 55% of the total budget estimate, while the expenditures and encumbrances in that fund represent 50% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 11% from the same period last year and increased 10% year-to-date.

The Open Space Fund revenues represent 56% of the total budget estimate while the expenditures and encumbrances in that fund represent 45% of the 1996 appropriation.

The Golf Course Fund revenues represent 43% of the total budget estimate while the expenditures and encumbrances in that fund represent 48% of the 1996 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$10,561. There have been no expenditures. The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$1,639,000 for Emergency Reserve as required by the Colorado Constitution.

Theoretically, 50% of revenues and expenditures should be realized after six months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

**Staff Recommendation**

Accept the report as presented.

**Background Information**

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments