



WESTMINSTER
COLORADO

August 13, 2001
7:00 P.M.
AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

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. Citizen's Commendation to Brian Kautz
 - B. Employee Service Awards for 20 and 25 year Employees
5. Citizen Communication (5 minutes or less)
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. Bucket Truck Purchase to Altec Industries, Inc. for \$65,966
 - B. 112th Avenue Sheridan to Stuart Street Construction Contract to Lawrence Construction for \$3,194,960
 - C. US 36/Barr Lane and 93rd Ave/Wadsworth Pkwy Sewer Bids to T. Lowell Construction for \$620,700
 - D. Irrigation Improvements to Swim & Fitness Center and Terrace Park to Arrow J Landscape for \$89,310
 - E. Terrace Park Construction Contract with Goodland Construction for \$56,726.80
 - F. Municipal Service Center Gasoline Recovery System Design/Build/Operate Contract Bids
 - G. C B No. 53 re Inline Endeavors L.L.C., Lease Agreement for Former Hyland Hills Ice Arena
 - H. C B No. 54 re Supplemental Appropriation of Grant Awards into the Open Space Program
 - I. C B No. 55 re Wadsworth Estates Subdivision Supplemental Appropriation
9. Appointments and Resignations
None
10. Public Hearings and Other New Business
 - A. Public Hearing re PDP/ODP re Telleren Area west of Lipan Street and north of 144th Avenue
 - B. PDP/ODP re Telleren area
 - C. Councilor's Bill No. 56 re Vacation Easements in Northridge at Park Centre Subdivision
 - D. Benefit for Volunteer Firefighter Pension Plan Increase to \$700 per month
 - E. Resolution No. 51 re affiliation of Volunteer Firefighters Pension with Fire & Police Pension Association
 - F. Resolution No. 52 re Dissolution of Volunteer Firefighters Program
 - G. Contract with Charlier Associates, Inc. for \$38,820 for Regional Trails Planning
 - H. Councilor's Bill No.57 appropriating \$38,700 for Regional Trails Planning map
 - I. Purchase of 320 acres adjacent to Strasburg Natural Resource Farm
 - J. Special Legal Services Contract for State Reapportionment Process for max \$7,500 to Mark Grueskin
11. Old Business and Passage of Ordinances on Second Reading
 - A. TABLED CB No. 41 re Possession and Public Place Definitions (Moss-Dixon)
 - B. TABLED CB No. 42 re Gopeds and other Unlicensed Vehicles (Merkel-Atchison)
 - C. TABLED CB No. 48 Annexation of Telleren area (Atchison-Kauffman)
 - D. TABLED CB No. 49 Zoning Telleren area (Atchison-Kauffman)
 - E. TABLED CB No. 50 CLUP amendment Telleren property (Atchison-Kauffman)

12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business

- A. City Council
- B. Request for Executive Session

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

B. Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

F. City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;

I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

J. Final comments/rebuttal received from property owner;

K. Final comments from City Staff and Staff recommendation.

L. Public hearing is closed.

M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 13, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Mayor Heil, Mayor Pro Tem Dixon, Councillors Atchison, Hicks, and Moss were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Absent were Councillor Merkel and Councillor Kauffman.

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Hicks to accept the minutes of the meeting of July 23, 2001 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Dan Montgomery, Police Chief, presented a Citizen's Commendation to Brian Kautz for his actions leading to the arrest of a dangerous felon on May 26, 2001.

Mayor Heil, Ron Hellbusch, Director of Public Works & Utilities, Dave Horras, Chief Building Official, Dan Montgomery, Police Chief, and Brent McFall, City Manager, presented Employee Service Awards to the following employees for 20 years of service: Johnny Pinkston, Steve Ramer, Chris Venters, and Michael Whalen. The following employees were presented awards and checks for 25 years of service: Janet Harrison, Mary Martinez, Dave Stovall, and Lynne Torgerson.

COUNCIL COMMENTS:

Mayor Pro-Tem Dixon commented on the National Night-Out last week with 16 neighborhoods participating.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bucket Truck Purchase to Altec Industries, Inc., for \$65,966; 112th Avenue, Sheridan to Stuart Street Construction Contract to Lawrence Construction for \$3,194,960; US36/Barr Lane and 93rd Ave/Wadsworth Pkwy Sewer Bid to T. Lowell Construction for \$620,700; Irrigation Improvements to Swim & Fitness Center and Terrace Park to Arrow J Landscape for \$89,130; contract with Goodland Construction for \$56,726.80 for renovation of Terrace Park; Municipal Service Center Gasoline Recovery System Design/Build/Operate Contract to ERM EnviroClean-Rocky Mountain Inc., for \$465,722 and contingency of \$116,430; CB No. 53 re Inline

Endeavors LLC, Lease Agreement for Fromer Hyland Hills Ice Arena; CB No. 54 re Supplemental Appropriation of Grant Awards into the Open Space Program; and CB No. 55 re Wadsworth Estates Subdivision Supplemental Appropriation.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any consent agenda item removed for discussion purposes or separate vote. There was no request. Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to adopt all items on the Consent Agenda as presented. The motion carried unanimously.

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PUBLIC HEARING ON TELLEREN AREA PDP/ODP

At 7:30 P.M. the public hearing was opened for the Preliminary and Official Development Plans for the Telleren area west of Lipan Street, North of 144th Avenue. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, and a letter of opposition from David Beauregard, 14604 Mariposa Ct. into the record. Donald Hedenskog, owner, was present. Marie Pagel and Patrick Pagel, 14527 Jason Dr. addressed Council. The public hearing was declared closed at 7:45 P.M.

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PDP/ODP RE TELLEREN AREA

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Councillor Atchison moved, seconded by Councillor Hicks to approve the Preliminary and Official Development plan for the Telleren area located west of Lipan street and north of 144th Avenue. The motion carried unanimously.

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CB NO. 56 RE VACATION EASEMENTS WITHIN NORTHRIDGE AT PARK CENTRE SUBDIVISION

Councillor Moss moved, seconded by Councillor Atchison to pass Councillor's Bill No. 56 on first reading vacating certain easements within the Northridge at Park Centre Subdivision. Upon roll call vote, the motion carried unanimously.

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VOLUNTEER FIREFIGHTER PENSION PLAN BENEFIT

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Councillor Atchison moved, seconded by Moss to authorize the Volunteer Firefighter Pension Plan Administrator to increase the benefit from \$650 to \$700 per month, effective immediately. The motion carried unanimously.

RESOLUTION NO. 51 RE AFFILIATION OF VOLUNTEER FIREFIGHTERS PENSION PLAN

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 51 approving

affiliation of the Volunteer Firefighter Pension Plan with the Fire and Police Pension association. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 52 RE DISSOLUTION OF VOLUNTEER FIREFIGHTERS PROGRAM

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Councillor Atchison moved, seconded by Councillor Moss to adopt Resolution No. 52 dissolving the Volunteer Firefighter Program, and thus capping monthly benefits at \$700 per month, and ensuring the continuance of the payment of pension benefits. Harry Gorham, 12645 Hazel, retired volunteer firefighter, addressed Council. Upon roll call vote, the motion carried unanimously.

REGIONAL TRAILS PLANNING MAP

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Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to authorize the City Manager to execute a contract with Charlier Associates, Inc., in the amount of \$38,820 with a 7.4% contingency in the amount of \$2,880 for a regional trails planning map. The motion carried unanimously.

CB NO. 57 RE SUPPLEMENTAL APPROPRIATION FOR REGIONAL TRAILS PLANNING MAP

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Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to pass Councillor's Bill No. 57 on first reading appropriating \$38,700 to the appropriate Capital Improvement Program Trails Development Account for design of a regional trails planning map. Upon roll call vote, the motion carried unanimously.

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PURCHASE OF 320 ACRES ADJACENT TO STRASBURG NATURAL RESOURCE FARM

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Mayor Pro-Tem Dixon moved, seconded by Councillor Hicks to authorize the City Manager to execute a contract for \$900,000 to purchase a 320 acres parcel of land and all improvements adjacent to Strasburg Natural Resource Farm. The motion carried unanimously.

SPECIAL LEGAL SERVICES CONTRACT FOR STATE REAPPORTIONMENT PROCESS

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Councillor Atchison moved, seconded by Councillor Hicks to authorize the City Manager to execute a fee agreement in an amount not to exceed \$7,500 with Mr. Mark Gueskin of the law firm of Isaacson, Rosenbaum, Woods, and Levy for special legal counsel services related to the state reapportionment process. The motion carried unanimously.

TABLED COUNCILLOR'S BILL NO. 41 RE DEFINITIONS OF PUBLIC PLACE AND POSSESSION

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Councillor Moss moved, seconded by Councillor Atchison to remove this item from the table. The motion carried unanimously.

Councillor Moss moved, seconded by Mayor Pro-Tem Dixon to pass Councillor's Bill No. 41 on second reading amending Section 6-1-1 of the Westminster Municipal Code pertaining to definitions of "Public Place" and "Possession" as amended. Upon roll call vote, the motion carried unanimously.

TABLED COUNCILLOR'S BILL NO. 42 RE GOPEDS AND OTHER UNLICENSED VEHICLES

Councillor Atchison moved, seconded by Councillor Hicks to remove this item from the table. The motion carried unanimously.

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to pass Councillor's Bill No. 42 on second reading regarding gopeds and other unlicensed vehicles on City streets as amended. Upon roll call vote, the motion carried unanimously.

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TABLED COUNCILLOR'S BILL NO. 48, 49 & 50 RE ANNEXING THE TELLEREN AREA

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Councillor Hicks moved, seconded by Councillor Moss to remove CB No. 48, 49 & 50 from the table. The motion carried unanimously.

Councillor Hicks moved, seconded by Councillor Atchison to pass Councillor's Bill No. 48, 49 & 50 on second reading. Upon roll call vote, the motion carried unanimously.

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REQUEST FOR EXECUTIVE SESSION

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Mayor Heil stated that there would be an executive session to discuss the Butterfly Pavilion negotiations to relocate.

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ADJOURNMENT:

The meeting was adjourned at 8:15 P.M.

ATTEST

City Clerk

Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: Citizen's Commendation to Brian Kautz

Prepared By: Dan Montgomery, Chief of Police and Investigator Patrick Welsh

Introduction

City Council is being asked to recognize Mr. Brian Kautz for his selfless actions and attention to detail that led to the arrest of a dangerous felon who was armed with a gun and attempting to steal a vehicle from the Costco parking lot on May 26, 2001.

Summary

On May 26, 2001 Brian Kautz was in the parking lot of Costco, located at 6400 W. 92nd Ave. Mr. Kautz observed a male drive into the parking lot in a flatbed tow truck. The driver of the tow truck approached a newer model purple Pontiac Firebird and began to load it onto the flatbed. The male was acting very suspicious, moving very quickly and looking around the parking lot. The male stopped several times and made eye contact with Brian Kautz. Mr. Kautz became alarmed when he noticed that the tow truck driver was wearing holstered gun and a pair of handcuffs. Realizing that tow truck drivers do not carry handguns, Mr. Kautz contacted his father, Detective Jim Kautz, with the Westminster Police Department, via cell phone and described the actions displayed by the tow truck driver. Detective Kautz relayed this information to the Westminster Police Dispatch. Officers arrived on scene and after a brief pursuit where the suspect driver rammed four police vehicles and endangered the lives of innocent citizens. He was subsequently taken into custody.

Policy Issue

Citizens are often recognized for their contributions to the City, and this particular action would be in keeping with the tradition of citizen recognition.

Staff Recommendation

City Council recognize Mr. Brian Kautz for his selfless actions and attention to detail that led to the arrest of a dangerous felon on May 26, 2001.

Background Information

On May 26, 2001 at approximately 5:20 p.m., Brian Kautz was on his break while working at Costco. As he was sitting outside in the parking lot he noticed a tow truck pull up to a newer model purple Pontiac Firebird. The driver of the tow truck began to load the Firebird onto the flat bed. He was acting very nervous and hurried. As the driver was attempting to load the vehicle, Mr. Kautz noticed a pair of handcuffs. Assuming that the driver was repossessing the vehicle, Mr. Kautz was able to justify in his own mind why the driver possessed the handcuffs. When Mr. Kautz noticed the driver was also in possession of a handgun he became very alarmed because he did not believe that tow truck operators were permitted to carry guns. He called his father Detective Jim Kautz, a detective with Westminster Police Department and described the situation.

Brian Kautz continued to observe the tow truck driver while police were notified in order to direct officers to the correct location. The driver stopped and looked directly at Brian several times in an attempt to intimidate him while he was on the phone. The driver was not able to completely secure the vehicle when police arrived into the lot. The driver looked at Brian once more and ran to the cab of the tow truck. The driver fled the parking lot striking one police vehicle as officers attempted to stop him utilizing emergency lights and sirens.

The suspect intentionally rammed four police vehicles during the brief pursuit. Officers attempted to end the pursuit several times by utilizing tactical maneuvers and stop sticks. The pursuit was finally ended in the parking lot of the shopping center located at 88th Ave. and Sheridan Blvd. It was later determined that both the tow truck and the Firebird were stolen. A background check of the suspect indicated that he was at the time, out of jail on bond for two felony charges. The suspect also had an extensive history of violent crime and drug use.

Staff would like to take this opportunity to recognize Mr. Brian Kautz for his selfless actions, observation skills and attention to detail that led to the arrest of this dangerous individual. While observing this subject and reporting his actions to police, Brian Kautz was in a great deal of danger due to nature of the call and the armed status of this violent felon.

It is certain that without the assistance of Mr. Brian Kautz, this suspect would not have been apprehended and would have been a continued threat to the citizens of our community.

Respectfully Submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: August 13, 2001
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor is requested to present service pins and certificates of appreciation to those employees who are celebrating their 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 for those employees celebrating 20 years or more of service has been scheduled for Monday night's Council meeting. . In addition, the four employees celebrating 25 years of service will be presented with a check for \$2500.

Staff Recommendation

Mayor presents service pins and certificates of appreciation to employees celebrating 20 years of service with the City, and providing special recognition to our 25-year employees with the presentation of a \$2,500 check.

Background Information

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

Johnny Pinkston	Public Works & Utilities	Plant Operator IV
Steve Ramer	Public Works & Utilities	Laboratory Analyst
Chris Venters	Parks, Recreation & Libraries	Secretary
Michael Whalen	Public Works & Utilities	Plant Operator IV

In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

The following 25 year employees will be presented with a certificate, service pin and check:

Janet Harrison	General Services	Administrative Secretary
Mary Martinez	Community Development	Secretary
Dave Stovall	Police Department	Senior Police Officer
Lynne Torgerson	City Manager's Office	Executive Secretary to City Manager

Janet Harrison: began her career with the City in the City Clerk's office as Clerk Typist II, then Deputy City Clerk, moving to Parks and Recreation as Senior Secretary, then to Community Development as Administrative Secretary and is currently working in General Services as Administrative Secretary. Janet enjoys cooking and making crafts, and has taught many employees how to make many of the craft items she creates. She has been instrumental in several funding raising events for other employees. She was the first recipient of the City of Westminster Humanitarian Award. Janet also began the tradition of preparing lunch for all the City employees who assemble and disassemble the Christmas displays at City Hall each year as a thank you for all their hard work. She is the coordinator for General Services of gift giving to several families at Christmas. Janet also assists with the planning, food and decorating various City events include the business appreciation, showcase events, and retirements.

Mary Martinez, secretary for the Building Division, has worked for the same Division for the total 25 years. She started with the Building Division in 1978 when the city had a population of about 47,000 people and has had a hand in every building permit in some way or another as the city's population has more than doubled. The most impressive fact is that she has survived six different Chief Building Officials during her time with the City. Her acts of kindness both within the City and throughout the community are numerous and well known. She brings baked goods to Community Development most Tuesday to keep her co-workers happy. She is also very active in her church. She was recently awarded the internal customer service champion among City employees. In 2001 she became an International Conference of Building Officials certified Permit Technician.

Dave Stovall began his career with the Police Department, in August 1976, and was assigned to the Patrol Division until August 1982. During this time, Dave instructed a very successful Women's Self-Defense Program, the department's officer self-defense program, and was also a member of the Physical Fitness Committee. In August 1982, Dave was assigned as a Detective in the Crimes Against Property Unit; and then was assigned as a core detective in the Crimes Against Persons Unit in October 1984 and has remained in this position. Dave has been involved in numerous major crime investigations as a detective and has received numerous awards and commendations. In 1988, Dave was awarded the Outstanding Adams County Detective of the Year presented by the Adams County Victim Advocate Coalition. In July 1988, Dave received the Detective of the Year award presented by the Jefferson County District Attorney's Office. Dave was also presented the Investigator of the Year award in 1990 presented at the Duane Reefel banquet by the Jefferson County District Attorney's Office. In 1996, Dave received the Adams County Peace Officer of the Year Award. Over the past several years, Dave has also been the recipient of commendations for exceptional work on several high profile sexual assault cases, and for the apprehension and incarceration of numerous suspects in high profile crimes.

Lynne Torgerson began her career with the City in the Department of Community Development working just out of high school in a Future Business Leaders of America program. In 1980, she became a Senior Secretary in the City Manager's Office. That position evolved into an Administrative Coordinator position. Lynne became the Executive Secretary to the City Manager in 1997. During Lynne's career, she adapted to the many changes that were part of a rapidly growing City. She helped implement the City's first computerized word processing system and then helped train all employees on the new office automation system installed the then new City Hall in 1988. Lynne helped manage contracts on such major capital projects as the City Hall, the Legacy Ridge Golf Course and the Westminster Promenade. She received special recognitions for her work on the 1995 National ICMA Conference held in Denver.

Lynne was named the external Customer Service Champion, recognized for Excellence-In-Action and received numerous Extra Mile awards. She is known for her always positive attitude, her extraordinary ability to get things done and for helping others. Her hobbies include quilting, her family and friends, and doing elementary school volunteer work.

On August 15th, the City Manager will host an employee awards luncheon at which time one fifteen year employee, seven 10 year employees and seven 5 year employees will receive their certificate and service pin, while recognition will also be given to those who are celebrating their 20th and 25th anniversary. This is the third of four luncheons for 2001 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 300 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,

J. Brent McFall
City Manager

Janet Harrison: began her career with the City in the City Clerk's office, moving to Parks and Recreation as Senior Secretary, then to Community Development as Administrative Secretary and is currently working in General Services as Administrative Secretary. She was the first recipient of the City of Westminster Humanitarian Award. Janet also began the tradition of preparing lunch for all the City employees who assemble and disassemble the Christmas displays at City Hall each year as a thank you for all their hard work.

Mary Martinez, has worked for the same Division for all her 25 years with the City. She has survived six different Chief Building Officials. Her acts of kindness both within the City and throughout the community are numerous and well known. She brings baked goods to Community Development most Tuesday to keep her co-workers happy. She is also very active in her church. She was recently awarded the internal customer service champion among City employees. In 2001 she became an International Conference of Building Officials certified Permit Technician.

Dave Stovall instructed a very successful Women's Self-Defense Program, the Police Department's officer self-defense program, and was also a member of the Physical Fitness Committee. In 1988, Dave was awarded the Outstanding Adams County Detective of the Year presented by the Adams County Victim Advocate Coalition. In July 1988, Dave received the Detective of the Year award presented by the Jefferson County District Attorney's Office. Dave was also presented the Investigator of the Year award in 1990 by the Jefferson County District Attorney's Office. In 1996, Dave received the Adams County Peace Officer of the Year Award.

Lynne Torgerson began her career in Community Development working while in high school. She helped implement the City's first computerized word processing system. In 1988 she helped train all employees on the new office automation system. Lynne helped manage contracts on such major capital projects as the City Hall, the Legacy Ridge Golf Course and the Westminster Promenade. She received special recognitions for her work on the 1995 National ICMA Conference held in Denver. Lynne was named the external Customer Service Champion, recognized for Excellence-In-Action and received numerous Extra Mile awards.



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: August 13, 2001

Subject: Purchase of a Bucket Truck

Prepared by: Ken Quenzer, Building and Maintenance Manager
Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to waive City Charter bidding requirements and award a negotiated offer for a replacement bucket truck in the amount of \$65,966. This piece of equipment is used primarily by the Building and Maintenance Division, but will also share duty with Parks Division, Forestry. Funds have been specifically allocated in the 2001 General Fund, General Services Building and Maintenance Division budget, with extra funds coming from Parks, Recreation and Libraries Department, Parks Division budget, for this expense.

Summary

In June 2001, the City’s Purchasing Specialist negotiated a price for a bucket truck. This expense was previously approved by City Council in the 2001 budget. The offer of \$65,966, to Altec Industries, Inc. is being recommended for this purchase.

Policy Issues

Should City Council waive City Charter bidding requirements and proceed with the replacement of a bucket truck for Building and Maintenance Division?

Staff Recommendation

Waive City Charter bidding requirements and purchase a bucket truck from Altec Industries, Inc. in the amount of \$65,966 for a 2000 Ford F550 Regular Cab with an Altec model F120-T aerial boom and charge the expense to the appropriate 2001 General Services Department, Building and Maintenance Division budget account, and Parks, Recreation and Libraries Department, Parks Division budget account.

Background Information

As part of the 2001 budget, City Council approved the purchase of a replacement bucket truck. This vehicle is used for all overhead maintenance, (garage bay doors, parking lot lights, etc.) and will also be used for tree trimming by Parks Division, Forestry section. Unit #1165, a 1975 Ford bucket truck, started service with the City in the Fire Department. Service records prior to its conversion to a bucket truck in 1990 are incomplete, however, it has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement is as follows:

Unit #	Year	Make	Model	Mileage	Vehicle Maintenance Costs Since Conversion to Bucket Truck
1165	1975	Ford	F-250	95,106	\$7,296.77

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Beginning in January of 2001, Forestry, Building Maintenance and Purchasing began investigating the possibility of inter-division cooperation in regard to the replacement of unit #1165. Forestry was willing to cover some cost overruns from the amount approved in Building and Maintenance's budget if a larger aerial bucket truck could be obtained so they could use it for limited tree trimming. Building Maintenance agreed, as long as the boom remained small enough for them to work inside the buildings at the Municipal Service Center.

Bucket trucks were brought out for demonstrations from the following vendors:

- Altec Industries
- Teague Equipment Co.
- Aerial-Lift, Inc.
- Mobile Tools

After examining the types of booms and buckets available, it was determined by Staff that the Altec unit was the one that would best serve the needs of both Divisions. As Purchasing was preparing to go out to bid for a bucket truck, Altec asked if the City wanted to make an offer on their current demo unit. After Fleet personnel checked the unit for wear and serviceability, \$65,000 was negotiated for the unit, contingent on Council approval.

A comparable unit offered through the state bid is priced at \$75,761. The difference of \$9,795, or 14.8%, is a considerable savings for the City for this unit. The demo unit has less than 50 hours on it, and comes with a new unit one-year warranty.

The amount requested for the bucket truck, \$65,966 includes delivery charges of \$966. The amount previously approved in the 2001 budget for this piece of equipment is \$60,000, all in Building and Maintenance's budget. The balance of this purchase would come from Parks Division budget. The old unit #6511 will be sent to auction.

The Altec unit meets all specifications and requirements set by the City.

Alternatives

Go out for formal bid for a new unit.

Respectfully submitted,

J. Brent McFall,
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: 112th Avenue, Sheridan Boulevard to Stuart Street – Construction Contract

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Agreement with Lawrence Construction Company in the amount of \$3,194,959.91 for the construction of 112th Avenue from Sheridan Boulevard to Stuart Street; authorize a payment to Econolite Control Products, Inc. in an amount not to exceed \$13,000 for the purchase of traffic signal equipment; authorize a payment to Valmont Industries, Inc. in an amount not to exceed \$14,000 for the purchase of traffic signal poles; authorize a payment to Xcel Energy in an amount not to exceed \$100,000 for the installation of street lights and undergrounding of overhead electric lines; and authorize a construction contingency in the amount of \$350,000. Funds for these expenses are available in the 2001 112th Avenue, Sheridan Boulevard to Stuart Street project account of the General Capital Improvement Fund.

Summary

The construction of improvements to 112th Avenue from Sheridan Boulevard to Stuart Street was endorsed by the citizens of Westminster in November 2000 when voters authorized the Sales and Use Tax Bond Issue, which also included the 136th Avenue and I-25 Interchange project funding. Subsequent to the approval of the bond issue in November 2000, City Council also approved a Reimbursement Resolution because in this project, the contract award will proceed the completion of the bond sale, and funds need to be provided to allow contracts to be awarded. City Council approved the Reimbursement Resolution in June 2001. This allows the City to use funds from another project in the General Capital Improvement Fund for this project. Funds are currently available in the Sheridan Boulevard Widening Project account and will be transferred to the 112th Avenue Widening project account. The Sheridan Boulevard Widening account will be reimbursed when the bonds are sold (end-August 2001) and funds are received (mid-September). The funds for the Sheridan Boulevard project will not be needed until November, 2001.

This section of 112th Avenue will be constructed to arterial street standards with painted medians; eight-foot detailed sidewalks on both sides of the street except along the ownership at the southeast corner of 112th Avenue and Sheridan Boulevard (approximately 1300 feet); and a new bridge across Big Dry Creek which includes a pedestrian underpass. Also included is a pedestrian bridge over Big Dry Creek to link the new trail to the existing Big Dry Creek Trail System.

The construction package for this project was advertised in the Daily Journal for three weeks, and bids were opened on August 2. Four contractors submitted bids on this project with the low bid of \$3,194,959.91 being submitted by Lawrence Construction Company. It is recommended that City Council award the construction contract to Lawrence Construction Company.

If Council approves this action, the construction budget for this project will be as follows:

Lawrence Construction Company	\$3,194,959.91
Econolite Control Products, Inc.	\$ 13,000.00
Valmont Industries	\$ 14,000.00
Xcel Energy	\$ 100,000.00
Contingency	\$ 350,000.00
Total Construction Costs	\$3,671,959.91

Policy Issue(s)

Should Council authorize the City Manager to award and execute a contract with Lawrence Construction Company for the construction of this project?

Staff Recommendation

Authorize the City Manager to execute an Agreement with Lawrence Construction Company in the amount of \$3,194,959.91 for the construction of 112th Avenue between Sheridan Boulevard and Stuart Street, subject to cancellation if the sales tax bonds are not sold; authorize total payments using funds from the Sheridan Boulevard Widening project in an amount not to exceed \$500,000 pending completion and receipt of sales tax bond financing in mid-September, 2001. Authorize a payment to Econolite Control Products, Inc. in an amount not to exceed \$13,000 for the purchase of traffic signal equipment; authorize a payment to Valmont Industries, Inc. in an amount not to exceed \$14,000 for the purchase of traffic signal poles; authorize a payment to Xcel Energy in an amount not to exceed \$100,000 for street lights and the undergrounding of overhead electric lines; authorize a construction contingency in the amount of \$350,000; and charge all of the above expenses to the appropriate project accounts in the General Capital Improvement Fund.

Alternative(s)

One alternative for Council to consider is postponing the construction of this project. Staff does not recommend this alternative since favorable bids were received and the citizens voted for this project in the November 2000 election of the Sales and Use Tax Bond Issue, indicating a desire and expectancy for this project to move forward in a timely manner.

Another alternative for Council to consider is to decrease project costs by deleting certain elements of the project. The current design of the project is very “utilitarian”, and the only item that could realistically be considered for elimination is the pedestrian bridge over Big Dry creek. Eliminating this bridge would save approximately \$93,000 of the construction costs. Staff does not recommend this alternative since this bridge provides an important link in the Big Dry Creek Trail System, and installing the bridge as part of this major roadway project provides a good economy of scale. That is, it is more cost effective to install this pedestrian bridge as part of the roadway project than it would be to install it as a stand-alone project.

Background Information

The proposed construction of 112th Avenue from Sheridan Boulevard to Stuart Street will upgrade this important roadway to arterial street standards and will improve the “bottleneck” that exists between Sheridan Boulevard and the improvements that were recently completed by the developer of the Legacy Ridge Subdivision. The main feature of this project is the construction of a bridge over Big Dry Creek located approximately 250 feet west of Vrain Street. This bridge is designed to accommodate pedestrian traffic under the road as a grade-separated crossing as part of the Big Dry Creek trail system.

Other features of the project include two through lanes in both directions, auxiliary lanes at all major intersections, upgrading the traffic signal at Vrain Street and an eight-foot detached sidewalk on both sides of the road except along the property at the southeast corner of 112th Avenue and Sheridan Boulevard. This section of walk will be the responsibility of this owner once this property develops.

The construction package for this project was advertised in The Daily Journal for three weeks and bids were opened on August 2nd. Four contractors submitted bids and the bid results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
Lawrence Construction Company	\$3,194,959.91
Asphalt Specialties Company	3,219,244.00
Tierdale Construction Company	3,239,962.09
New Design Construction Company	3,314,808.45
Engineer's Estimate	\$3,024,695.00

Staff and HDR Engineering, Inc. (the City's engineering consultant) have reviewed the results of the bidding procedure and recommend that the low bidder Lawrence Construction Company, be awarded the contract for construction in the amount of \$3,194,959.91. Staff and HDR are very familiar with Lawrence Construction Company and believe that this company is very capable of constructing this type of project. Lawrence Construction Company is the firm that recently constructed the 92nd Avenue, Sheridan Boulevard to Harlan Street Project for the City. The contingency amount of \$350,000 is approximately 11% of the cost of construction, and Staff believes that this is adequate "insurance" for a project of this size and complexity.

The requests for authorization to pay Econolite Control Products, Inc. and Valmont Industries, Inc. for traffic signal poles and equipment is standard for a project such as this. This process has proven to save the City money in that the general contractor markup is not included. This process also saves time in that the City can order this equipment immediately, which accelerates equipment delivery by approximately one month.

The final request is the payment to Xcel Energy for the design and installation of street lights for the project as well as relocation and undergrounding of existing overhead electrical lines. Since Xcel is most familiar with their electrical distribution system, it makes sense for them to do this work. This has been the standard procedure for almost all roadway projects. Staff is familiar with costs of lighting done by private firms and Xcel's costs are typically lower than costs of private firms.

In the past, when selected projects are to be financed with bonds, it has happened that the project must move forward prior to the bond sale being completed. This saves the City money and time. The City Council has approved Reimbursement Resolutions, thus allowing the City to spend available funds on hand, and reimburse itself from bond proceeds when the financing is completed. The Reimbursement Resolution for this project was passed in June 2001. In addition, the contract award includes language wherein total expenditures do not exceed a certain dollar amount pending completion of the financing and appropriation of bond funds. Staff has scheduled the bond sale for August 28-29, and will seek City Council approval for appropriation of bond proceeds at the City Council meeting of September 10.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: August 13, 2001
Subject: US 36/Barr Lane and 93rd Avenue/Wadsworth Parkway Sewers Bids
Prepared by: Diane M. Phillips, Capital Improvement Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with T. Lowell Construction in the amount of \$620,700 for the construction of the US 36/Barr Lane and 93rd Avenue/Wadsworth Parkway sewer lines with contingency funds of \$90,000. Funds for this project are available in the Utility Fund Capital Improvement Projects account.

Summary

The engineer's estimate of construction cost was \$705,866. Three bids were opened on July 30, 2001, and are listed below.

<u>Name</u>	<u>Bid</u>
Tarco	\$491,574
T. Lowell	\$620,700
Farner	\$772,044

Tarco requested to withdraw their bid with the required 24 hours after the bids were opened because of mistakes in their bid. T. Lowell is, therefore, the lowest available bidder and has done good work for the City on past projects.

Policy Issue

Should the City award a contract to T. Lowell Construction for the construction of a 21-inch and 8-inch sewer line in Barr Lane and a 12-inch sewer line in Wadsworth Parkway.

Staff Recommendation

Authorize the City Manager to execute a contract with T. Lowell Construction in the amount of \$620,700 with contingency funds of \$90,000 for the construction of the US 36/Barr Lane and 93rd Avenue/Wadsworth Parkway sewer lines.

Alternative

As an alternative to the current construction of the sewer lines, the work could be delayed. Future construction costs are likely to increase and maintenance and flow problems will continue to occur.

Background Information

The Wastewater Masterplan has identified improvements needed in the US 36 sewer interceptor to accommodate flows due to additional development. In 2000, a parallel sewer line was installed under highway US 36 and a larger interceptor was installed in Tennyson Street to accommodate increased flows. The final phase of improvements that are needed is to install approximately 700 feet of 21-inch sewer interceptor in Turnpike Drive and Barr Lane that will connect the two portions installed last year. In addition, the existing 8-inch sewer line in this area will be replaced since it is aging and needs continued repair. The street will be repaved as soon as the sewer line installation is complete.

The project scope will also include the installation of approximately 400 feet of 12-inch sewer line. The goal of this portion of the project is to eliminate an adverse sewage flow angle that restricts the flow of the sewage and has caused the existing line to deteriorate.

Combining the two smaller projects will simplify the management of the project since there will not be two contractors to manage and the scope of the construction has attracted more competitive bids.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001
Subject: Irrigation Improvements to Swim and Fitness Center and Terrace Park
Prepared by: Becky Eades, Landscape Architect II

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Arrow J Landscape and Design, Inc. in the amount of \$89,310 and to approve a project contingency in the amount of 10 percent for irrigation system improvements to the Swim and Fitness Center and Terrace Park. Funds are available and were designated through the Capital Improvement Project fund for Parks Major Maintenance.

Summary

The existing irrigation systems at the Swim and Fitness Center and Terrace Park have exceeded their expected useable life and need to be replaced. The projects were bid together because they are similar in nature and are in close proximity to one another. Bids were solicited from three qualified contractors that the City has worked with in the past and deems to be qualified for this work. Only one bid was received for this work from Arrow J Landscape and Design, Inc. in the amount of \$89,310. This bid is considered to be fair compared to the consultant's estimated cost of \$80,000. Arrow J Landscape and Design, Inc. was the general contractor for both Cotton Creek Park and Amherst Park, and they are considered to be qualified for this work.

Policy Issues

Does City Council wish to proceed with the improvement of irrigation systems at the Swim and Fitness Center and Terrace Park?

Staff Recommendation

Authorize the City Manager to execute a contract with Arrow J Landscape Design, Inc. in the amount of \$89,310 and to authorize a 10 percent construction contingency in the amount of \$8,930 and charge this expense to the appropriate account in the General Capital Improvement Plan fund.

Alternative

City Council could not award the contract to Arrow J Landscape Design, Inc. and instruct park maintenance crews to continue to try to keep the irrigation systems operational.

Background Information

Terrace Park was initially acquired from Hyland Hills in the 1960's and was rebuilt as a City park in 1973 including a new irrigation system. The irrigation system at the Swim and Fitness Center is original to the construction, which occurred in 1975. The life expectancy for an irrigation system is 20 years, so both of these systems have preformed well beyond what is considered normal. The Park Services maintenance crews have worked hard to keep these systems operational, but the systems are no longer maintainable as they are.

Respectfully submitted,



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001
Subject: Terrace Park Construction Contract
Prepared by: Becky Eades, Landscape Architect II

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Goodland Construction, Inc. in the amount of \$56,726.80 and to approve a project contingency in the amount of 14 percent for the renovation of Terrace Park. Funds are available and were specifically designated for this project through the Community Development Block Grant Program.

Summary

Terrace Park is a one-acre park located in south Westminster at 7080 Canosa Court and is one of the oldest parks in the City. The renovation plans for the park were prepared by Staff. A neighborhood meeting was held on June 20 to share the proposed renovations and to solicit input. Eleven neighbors attended the meeting.

Bids were solicited from three contractors that have worked for the City in the past and have provided quality construction services. A pre-bid meeting was held on June 21, and on July 24, two bid proposals were received, as follows:

Goodland Construction, Inc.	\$56,726.80
Arrow J Landscape and Design, Inc.	\$68,267.00
T2 Construction	no bid submitted

The low bid, from Goodland Construction, Inc. is considered to be a good bid in comparison to Staff's estimate of \$52,000. Goodland Construction, Inc. was the general contractor for the renovations to the Community Senior Center parking lot in 1999, which was also funded by Community Development Block Grant funds. Staff believes they are qualified to perform this work.

Policy Issues

Does City Council wish to proceed with the renovation of Terrace Park?

Staff Recommendation

Authorize the City Manager to execute a contract with Goodland Construction, Inc. in the amount of \$56,726.80, and to authorize a 14 percent construction contingency in the amount of \$7,972.68.

Alternative

City Council could direct Staff to select the second lowest bid from Arrow J Landscape and Design, Inc., however, Staff believes Goodland Construction, Inc., to be a qualified contractor to perform this renovation.

Background Information

Terrace Park was initially acquired from Hyland Hills Park and Recreation District in the 1960's. It was rebuilt as a City park in 1973, and the playground was upgraded in 1992. This park was due to be renovated under the City's Park Improvement Program, which was initiated to improve the appearance of older parks and to bring older facilities into compliance with the American's With Disabilities Act (ADA). This renovation qualifies for Community Development Block Grant (CDBG) funding and was granted \$50,000 in the 2000 CDBG budget and an additional \$70,427.33 in the 2001 CDBG budget, for a total of \$120,427.33.

This renovation (see attached plan) includes the replacement of the original asphalt walkways and basketball areas with concrete, the removal of three timber retaining walls, the replacement of two play equipment areas, and the addition of a picnic shelter with two picnic tables. The use of Community Development Block Grant funds on this project necessitates the use of Davis Bacon wage rates as set by the Federal Government Department of Housing and Urban Development, and they are included with the bid prices shown. Demolition of the existing park amenities to be replaced or removed is being done by the City's construction crew in order to allow more of the project budget to be used toward improvements to the park.

The project budget includes expenditures for the following items:

Playground Equipment	\$23,065.00	
Picnic Shelter		\$9,990.00
Picnic Tables		\$1,125.82
Benches		\$1,622.03
Safety Surfacing		\$5,984.00
Basketball Goals		\$1,206.00
Equipment Install and Delivery		\$12,735.00
Goodland Construction, Inc.		\$56,726.80
Construction Contingency		\$7,972.68
Park Renovation Total		\$120,427.33

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001
Subject: Municipal Service Center – Gasoline Recovery System
Design/Build/Operate Contract Bids
Prepared by: Robert L. Booze, Utility Services Supervisor
Rachel Harlow-Schalk, Environmental Compliance Coordinator

Introduction

City Council action is requested to award a contract to EnviroClean – Rocky Mountain, Inc. (ERM), for the purpose of designing, constructing, and operating improvements to the Gasoline Recovery System at the Municipal Service Center; authorize the City Manager to execute a contract between the City of Westminster and ERM EnviroClean – Rocky Mountain, Inc.; and authorize a budget of \$465,722 and a 25% contingency of \$116,430 for the project. Funds are available for these services in the 2001 General Fund and Water and Wastewater Fund, Capital Improvement Budgets.

Summary

On May 23, 1986, gasoline contamination was detected in ground water during a geotechnical evaluation at the Municipal Service Center. In June of that same year temporary collection wells were installed. In November 1986, a Gasoline Recovery System was constructed and, in December 1986, gasoline recovery became a 24-hour operation. The original system was designed only to minimize the migration of gasoline offsite and slowly remove gasoline from a single well.

On October 27, 1997, City Council approved the Department of Public Works and Utilities' recommendation to accelerate the schedule for the recovery of gasoline and shorten the duration of the cleanup. A dual phase soil vapor extraction system was designed by URS (Dames & Moore) and the package was advertised for bid in September 2000. The lowest bid was 30 percent over the available funds for the project. Consequently this bid was not approved and options for lowering the costs were explored.

Options for reducing the cost were explored and a design-build-operate contracting approach was selected. The design-build-operate contract was prepared by CH2M-Hill, who has been the contractual project manager for the entire program. This performance based contract package was released to bid on May 25, 2001, to the two firms that submitted bids on the original URS designed package. Bids were received on July 5, 2001. A summary of the bids received is provided below.

<u>Name</u>	<u>Bid</u>
ERM EnviroClean – Rocky Mountain, Inc.	\$465,722
LT Environmental	\$643,006
Engineer's Estimate	\$650,000

CH2M Hill has reviewed ERM's references and has recommended the City proceed with award of the project to ERM based on those references and their proposal.

Policy Issues

Should the City of Westminster utilize General Fund and Water and Wastewater Fund monies to modify the Municipal Service Center – Gasoline Recovery System, to more aggressively recover subsurface gasoline in an attempt to clean up the site?

Staff Recommendation

Authorize the City Manager to execute a contract with ERM EnviroClean – Rocky Mountain, Inc. to provide design, construction, and operations services for the Gasoline Recovery System at the Municipal Service Center; and authorize a budget of \$465,722, and a 25% contingency amount of \$116,430, with the expenses to be charged to the appropriate project account in the General Fund and Water and Wastewater Funds Capital Improvement budgets.

Alternatives

One alternative available is for the City to consider keeping the existing pump and treat system. This method is estimated to take approximately 30 years to clean up the site. The existing method has been very labor intensive and has violated the State discharge permit on a number of occasions.

Background Information

On May 23, 1986, gasoline contamination was detected in ground water during a geotechnical evaluation at the Municipal Service Center. In June of that same year temporary collection wells were installed. In November, a Gasoline Recovery System was constructed and, in December, gasoline recovery became a 24-hour operation. The existing pump and treat method of remediation is still being used. The equipment has been replaced and the system discharge point was relocated from the sanitary sewer to the storm sewer. The current system is working, but without the installation of a new system the total facility cleanup would take as long as 25 to 30 years.

On October 27, 1997, City Council approved the Department of Public Works and Utilities' recommendation to accelerate the schedule for the recovery of gasoline. As part of this accelerated schedule, Delta Environmental Consultants, Inc. was hired to perform a feasibility study of the System and evaluate options to accelerate remediation. As a result of this feasibility study, Delta found the most economic and fastest paced remediation technology to be dual-phased soil vapor extraction. CH2M Hill was selected as a third party review consultant of Delta's feasibility study. CH2M Hill was also hired as a contractual project manager in September of 1999, to provide City Staff with technical assistance through the entire anticipated six-year project.

In June of 1999, the Department of Public Works and Utilities solicited proposals for the design of the remediation system. Dames and Moore Group (now URS) was selected to prepare the design. As part of the design effort, a preliminary design and a Corrective Action Plan were prepared. This plan was submitted to the Oil Inspection Section of the Colorado Department of Labor and Employment altering the City's cleanup to dual phase soil vapor extraction. The plan was approved.

URS also prepared a construction bid package for the proposed remediation system. The package was advertised for bid in September 2000. Approximately eight firms attended the pre-bid meeting. Two bids were received. The lowest bid was 30 percent over the available funds for the project. Consequently, neither bid was approved and options for lowering the costs were explored.

Options to reduce the cost that have been explored include modifications in the process, the location of some of the facilities, and contracting options. It was decided that the best approach would be to perform this project with one contractor that would prepare a final design, construct the system, and initially operate the system (i.e. a design-build-operate contract). This would allow the contractor to select the most cost effective approach. Through the bidding process, the contractor with the most cost-effective approach will be selected. The base contract includes operation of the system for one year. The City will have the option to extend the operating contract for three additional years. The project was offered to only the two contractors who responded to the original request for bids, LT Environmental, Inc. and ERM EnviroClean – Rocky Mountain, Inc.

The proposal received from ERM is the lower of the two proposals, both for the initial contract and for the overall project including three additional years' operations. The additional years operations contract(s) are at the City's option and are not being awarded at this time. A higher than usual contingency of 25% is being requested due to the nature of this design-build-operate project. Changes during the final design and actual construction will almost certainly be required to produce a project of the quality desired by the City of Westminster.

After Council approval, Notice of Award will be given and the project design will start immediately. Construction is anticipated to begin in December or early January. The anticipated construction completion date is April 2002. Operations should start shortly after construction is complete.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 13, 2001
Subject: Public Hearing re Telleren Area Preliminary and Official Development Plan
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the City initiated combined Preliminary and Official Development Plan (PDP/ODP) for nine privately owned parcels located west of Lipan Street and north of 144th Avenue.

Summary

Applicant/Property Owner: Scott and Barbara Robinson; Robert and Emily Robinson; Kelly and Sandra Robinson; Deb and Rick Granger; Donald and Marietta Hedenskog; Ruth Gussman and Peter Poses; William Kolb and Cecilia Trujillo; and Dirk McLean

Location: North side of 144th Avenue, west of Lipan Street

Size of Site: 23.15 acres

Description of Proposed Use: Rural single-family detached residential

Comprehensive Land Use Plan (CLUP) Designation: This area is not currently included in the Comprehensive Land Use Plan. The City Council has passed on first reading an ordinance designating the area as "Single-Family Detached – Low Density".

Major Issues: The annexation for this area was approved on first reading by the City Council on July 9, 2001, and at the same hearing a zoning of Planned Unit Development (PUD) was approved. At this time, the combined PDP/ODP for the site is ready for City Council review. The plan adopts as the approved land uses those uses by right in the A-1 zone district as delineated in the Adams County Zoning Code, and adopts a minimum lot size of .5 acre. The area is currently developed with seven single-family homes and no new development is contemplated as per this request. If any of the properties are redeveloped, the PDP/ODP will govern such redevelopment.

Major Transportation Issues: Because no new development is proposed, no changes to current transportation patterns are anticipated. Should redevelopment occur in the future, transportation issues will be addressed at that time.

Policy Issue(s)

Whether adoption of the existing uses as permitted in Adams County for the Telleren area annexation is in the best interests of the City.

Planning Commission Recommendation

This proposed Preliminary/Official Development Plan was reviewed by the Planning Commission on July 24, 2001. One individual appeared in support of the request. The Commission voted unanimously to recommend approval of the plan as submitted.

Staff Recommendation

1. Hold a public hearing.
2. Approve the combined Preliminary/Official Development Plan for the Telleren area as submitted, making a finding that the provisions of Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code have been met.

Alternative(s)

Deny the Preliminary/Official Development Plan or approve the plan with conditions.

Background Information

No new development is being proposed for the area subject to this PDP/ODP. The existing homes will remain and the uses as permitted in the Adams County A-1 zone category will continue as allowed uses. That zone district permits single family residential, agricultural uses such as planting of crops, greenhouses, and keeping of large animals such as horses and cows (no more than 4 per acre, 1 acre minimum). Under the proposed PDP/ODP, redevelopment of the lots would be permitted at a maximum density of 2 units per acre. The site design standards of the City’s R-E zone district and Single-Family Design Guidelines would also apply.

Water lines are located within the 144th Avenue right-of-way and are available to the property owners if taps are desired. A sanitary sewer line is located along the southern boundary of Quail Hill and is also available to these property owners. Any extension of service lines would be done at the owners’ expense.

City Council has approved on first reading an Ordinance designating the Telleren annexation area as “Single-Family Detached – Low Density” in the Comprehensive Land Use Plan. This is the same designation as used for the Cheyenne Ridge, Silver Oaks and Huntington Trails subdivision that surround the area. The proposed PDP/ODP limitation of two units per acre would be compatible with that designation.

Public Comments: No comments were received.

Surrounding Land Use and Comprehensive Land Use Plan Designation: The area around the subject site is designated as “Single-Family Detached - Low Density” in the Comprehensive Land Use Plan. The zoning of these parcels is compatible with that designation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: Councillor's Bill No. 57 re Vacation of Easements within Northridge at Park Centre Subdivision

Prepared by: Mikele Wright, Senior Civil Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill to vacate certain easements located within the Northridge at Park Centre Subdivision (see attached maps). The City no longer needs the easements, and the property owner has requested the vacations in order to remove these encumbrances on the land.

Summary

In order to accommodate the construction of the Northridge at Park Centre Subdivision, a proposed office complex in the vicinity of the intersection of 122nd Avenue and Pecos Street, six previously existing utility easements must be vacated. Descriptions of these easements are included within the Background Information section of this agenda memorandum. City Staff has assured that the subject easements are no longer needed by the City.

Policy Issue(s)

Shall the City vacate these easements, which by City Code, must be vacated by an ordinance of the City Council?

Staff Recommendation

Pass Councillor's Bill No. 56 on first reading vacating certain easements within the Northridge at Park Centre Subdivision.

Alternative(s)

No viable alternative to the proposed action has been identified.

Background Information

The Preliminary Development Plan (PDP) and Final Plat for Northridge at Park Centre reconfigured lots, which put an existing sanitary sewer line and easement in the middle of Lot 1. To provide for a buildable pad site on Lot 1, the existing sanitary sewer line has been relocated to run along the southerly boundary line of Lot 1 within a new easement that was dedicated to the City on the final plat for Northridge at Park Centre. The old sanitary sewer line has been abandoned per City of Westminster's Standards and Specifications.

The Preliminary Development Plan (PDP) and Final Plat for Northridge at Park Centre reconfigured lots, which resulted in the existing sanitary sewer line and easement cutting through Lot 4. To provide for a larger buildable pad site on Lot 4, the existing sanitary sewer line has been relocated south of Lot 2 to run under 122nd Avenue. West 122nd Avenue was dedicated to the City on the final plat for Northridge at Park Centre. The old sanitary sewer line has been abandoned per City of Westminster's Standards and Specifications.

The Official Development Plan (ODP) for Primecenter at Northridge proposed the construction of three office buildings on Lots 6 and 7. The location of Building B was directly over an existing sanitary sewer line. The existing sanitary sewer line has been relocated around Building B within a new easement that was dedicated to the City on the final plat for Northridge at Park Centre. The old sanitary sewer line has been abandoned per City of Westminster's Standards and Specifications.

The Preliminary Development Plan (PDP) for Northridge at Park Centre required the relocation of an existing sanitary sewer line due to improvements being made for the project's regional detention pond. The PDP proposed to relocate the existing sanitary sewer line around the pond. An easement for that alignment of the sanitary sewer line was dedicated to the City on the final plat for Northridge at Park Centre. After City Staff reviewed the Phase I construction plans for Northridge at Park Centre, it was determined that the proposed sanitary sewer line needed to be moved to avoid being under a portion of the detention pond. The sanitary sewer line has been constructed at the new location and a new easement has been dedicated to the City.

The Preliminary Development Plan (PDP) and the Phase I construction plans for Northridge at Park Centre required improving the overall drainage system, which includes piping storm water runoff from Pecos Street along the southerly portion of Lot 4 and tying it into the main storm sewer. With the reconfiguration of the drainage system, the size of easement required to convey the drainage can be reduced.

The Preliminary Development Plan (PDP) and the Phase I construction plans for Northridge at Park Centre called for the improvement of the overall drainage system that includes extending the existing pipe line located in the middle of Lot 6 to the north, piping the storm water under 122nd Avenue, and then discharging at the upper end of the improved open channel. The existing drainage easement is no longer needed with the reconfiguration of the drainage system.

The owner has requested that these easements be vacated. Staff has determined that the original easements can be vacated since they are no longer needed for Park Centre.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment(s)

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **56**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING UTILITY EASEMENTS WITHIN NORTHRIDGE AT PARK CENTRE

WHEREAS, certain easements were dedicated by the plat of The Park Centre Filing No. 1 (Exhibit A); and

WHEREAS, a certain sanitary sewer easement was dedicated by the plat of Northridge at Park Center (Exhibit B); and

WHEREAS, these utility easements are no longer necessary due to the relocation of the utilities as shown on the approved Preliminary Development Plan for Northridge at Park Centre; and

WHEREAS, the vacation is necessary to correct the locations of the easements as shown on the proposed Preliminary Development Plan for Northridge at Park Centre.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the utility easements in Sections 2 and 3 hereof.

Section 2. Legal Descriptions of Easements:

Easement No. 1 (Lot 1)

A 30-foot wide sanitary sewer easement dedicated by the plat of the Park Centre Filing No. 1, as recorded at Reception No. B373759 in the records of Adams County Clerk and Recorder; situation in Section 33, Township 1 South, Range 68 West of the 6th Principal Meridian; City of Westminster, County of Adams, State of Colorado; lying 15 feet, as measured at right angles, on each side of the following described centerline:

Easement Description

Basis of Bearings

The northeasterly boundary line of Lot 1, Northridge of Park Centre, as recorded at Reception No. C0735949 in the records of the Adams County Clerk and Recorder, bearing S74°41'12"E, per said plat of Northridge at Park Centre.

Commencing at the northeasterly corner of Lot 1, Northridge at Park Centre, as recorded at Reception No. C0735949 in the records of Adams County Clerk and Recorder; Thence along the easterly boundary of said Lot 1, and along the arc of a curve to the left, having a radius of 390.00 feet, a central angle of 25°19'18", and an arc length of 172.36 feet, the chord of which bears S14°04'25"W, a distance of 170.96 feet to the point of beginning;

Thence N77°00'44"W, a distance of 687.38 feet, to the point of terminus, said point being on the centerline of a 30 foot wide sanitary sewer easement recorded in Book 1668 at Page 107.

Sidelines of the above described easement to be lengthened or shortened to begin at said easterly boundary of Lot 1 and terminate at said centerline of a 30 foot wide sanitary sewer easement in Book 1668 at Page 107. Containing 20,624 square feet or 0.473 acres, more or less.

Easement No. 2 (Lot 4)

A 20-foot wide sanitary sewer easement dedicated by the plat of the Park Centre Filing No. 1, as recorded at Reception No. B373759 in the records of Adams Count Clerk and Recorder; situated in the south half of Section 33, Township 1 South, Range 68 West of the 6th Principal Meridian; City of Westminster, County of Adams, State of Colorado; lying 1000 feet, as measured at right angles, on each side of the following described centerline:

Easement Description

Basis of Bearings

The northerly line of Lot 4, Northridge at Park Centre as recorded at Reception No. C0735949 in the records of the Adams County Clerk and Recorder, bearing S65°58'39"W, per said plat of Northridge at Park Centre.

Commencing at the northeasterly corner of Lot 4, Northridge at park Centre, as recorded at Reception Number C0735949 in the records of Adams County Clerk and Recorder; Thence along the easterly boundary of said Lot 4 the following two (2) courses:

1. S29°20'58"E, a distance of 302.74 feet;
2. Along the arc of a curve to the right having a radius of 499.70 feet, a central angle of 26°07'30", and an arc length of 227.85 feet to the Point of Beginning;

Thence N75°05'25"W, a distance of 303.22 feet; Thence N80°45'18"W, distance of 281.17 feet, to the point of terminus, said point being on the centerline of a 30' sanitary sewer easement recorded in Book 1668, Page 107 as shown on said plat of the Park Centre Filing No. 1:

Sidelines of the above described easement to be lengthened or shortened to begin at the easterly boundary of said Lot 4 and terminate at the centerline of said 30 foot sanitary sewer easement as shown on said plat of the Park Centre Filing No. 1; Containing 11,687 square feet or 0.278 acres, more or less.

Easement No. 3 (Lots 6 &7)

A portion of a drainage easement dedicated by the plat of The Park Centre Filing No. 1, as recorded at Reception No. B373759 in the records of Adams Count Clerk and Recorder; situated in the southwest quarter of Section 33, Township 1 South, Range 68 West of the 6th Principal Meridian; City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

Easement Description

Basis of Bearings

The north line of Lot 4, Northridge at Park Centre as recorded under Reception No. C0735949 in the records of the Adams County Clerk and Recorder, bearing S65°58'39"W, per said plat of Northridge at Park Centre.

Commencing at the northerly corner of Lot 4, Northridge at Park Centre as recorded at Reception No. C0735949 in the records of the Adams County Clerk and Recorder, and a point on the westerly right-of-way line of North Pecos Street; Thence along said westerly right-of-way line of North Pecos Street and the easterly boundary of said Lot 4, Northridge at Park Centre, the following two (2) courses:

1. S29°20'58"E, a distance of 302.74 feet;
2. Along the arc of a curve to the right having a radius of 499.70 feet, a central angle of 05°43'44" and an arc length of 49.96 feet to the Point of Beginning;

Thence along said westerly right-of-way line of North Pecos Street and the easterly boundary of said Lot 4, Northridge at Park Centre and along the arc of a curve to the right having a radius of 499.70 feet, a central angle of 07°43'01" and an arc length of 67.30 feet; Thence S88°35'56"W, a distance of 43.93 feet; Thence S38°07'43"W, a distance of 69.51 feet; Thence N87°04'40"W, a distance of 331.15 feet; Thence N23°27'38"W, a distance of 86.49 feet; Thence N24°12'28"W, a distance of 378.14 feet; Thence S45°19'20"E, a distance of 180.00 feet; Thence S54°04'47"E, a distance of 335.02 feet; Thence N89°40'40"E, a distance of 185.03 feet to the Point of Beginning. Containing 81,009 square feet or 1.860 acres, more or less.

Easement No. 4 (Lots 3 & 4)

A 20-foot wide sanitary sewer easement dedicated by the plat of the Park Centre Filing No. 1, as recorded at Reception No. B373759 in the records of Adams County Clerk and Recorder; situated in the southwest quarter of Section 33, Township 1 South, Range 68 West of the 6th Principal Meridian; City of Westminster, County of Adams, State of Colorado, lying 10.00 feet, as measured at right angles, on each side of the following described centerline:

Easement Description

The southerly boundary line of Lot 7, Northridge at Park Centre as recorded at Reception No. C0735949 in the records of Adams County Clerk and Recorder, bearing N89°55'17"E, per the plat of said Northridge at Park Centre.

Commencing at the southeasterly corner of Lot 7, Northridge at Park Centre, as recorded at Reception No. C0735949 in the records of Adams County Clerk and Recorder; thence along the southerly boundary line of said Lot 7, S89°55'17"W, a distance of 375.36 feet to the Point of Beginning;

Thence N00°04'40"W, a distance of 365.00 feet; Thence N77°44'18"E, a distance of 374.31 feet; Thence N20°09'47"E, a distance of 351.18 feet, terminating at a point on the centerline of a 30' sanitary sewer easement as shown on said plat of the Park Centre Filing No. 1;

Sidelines of the above described easement to be lengthen or shortened to begin at said southerly boundary line of said Lot 7 and terminate at said centerline of said 30' sanitary sewer easement as shown on said plat of the Park Centre Filing No. 1; Containing 21,802 square feet or 0.500 acres, more or less.

Easement No. 5 (Lot 11)

A sanitary sewer easement, to be vacated, over and across a portion of Lot 11, Northridge at Park Centre, as recorded under Reception No. NC0735949 in the records of Adams County Clerk and Recorder; situated in the north half of Section 33, Township 1 South, Range 68 West of the 6th Principal Meridian; City of Westminster, County of Adams, State of Colorado; being more particularly described as follows:

Easement Description

Basis of Bearings

The northeasterly line of Lot 11 as shown on the plat of Northridge at Park Centre, Reception No. C0735949 in the records of the Adams County Clerk and Recorder, bearing S56°42'12"E, per said plat of Northridge at Park Centre.

Beginning at the northerly corner of said Lot 11; Thence S56°42'12"E, along the northeasterly line of said Lot 11, a distance of 6.35 feet; Thence S00°14'28"E, a distance of 74.25 feet; Thence S27°11'03"E, a distance of 370.27 feet; Thence S30°17'02"E, a distance of 362.09 feet to a point on the westerly line of Lot 1, Northridge at Park Centre, and a point on the centerline of that 30 foot sanitary sewer easement recorded in Book 1668 at Page 107 of the records of the Adams County Clerk and Recorder;

Thence S14°55'11"E, along the easterly line of Lot 11 and the centerline of said sanitary sewer easement, a distance of 75.48 feet; Thence N30°17'02"W, a distance of 435.42 feet; Thence N27°11'03"W, a distance of 375.60 feet; Thence N00°14'28"W, a distance of 74.43 feet to a point on the northwesterly line of said Lot 11; Thence N60°52'04"W, along the northwesterly line of said Lot 11, a distance of 16.80 feet to the Point of Beginning. Containing 16,967 square feet or 0.390 acres, more or less.

Easement No. 6 (Lots 6, 7 & Tract A)

A portion of a drainage easement dedicated by the plat of Park Centre Filing No. 1, as recorded at Reception No. B373759 in the records of Adams Count Clerk and Recorder; situated in the southwest quarter of Section 33, Township 1 South, Range 68 West of the 6th Principal Meridian; City of Westminster, County of Adams, State of Colorado, lying 10.00 feet as measured at right angles, on each side of the following described centerline:

Easement Description

Basis of Bearings

The southerly line of Lot 3, Northridge at Park Centre as recorded at Reception No. C0735949 in the records of the Adams County Clerk and Recorder, bearing S65°58'39"W, per said plat of Northridge at Park Centre.

Beginning at the southwesterly corner of Lot 3, Northridge at Park Centre as recorded at Reception No. C0735949 in the records of the Adams County Clerk and Recorder; Thence along the southerly and westerly boundaries of Lot 4, said Northridge at Park Centre the following two (2) courses:

1. S21°32'10"E, a distance of 11.75 feet;
2. Along the Arc of a curve to the left having a radius of 403.00 feet, a central angle of 55°30'54" and an arc length of 390.47 feet;

Thence S15°55'20"W, a distance of 276.09 feet; Thence S79°55'20"W, a distance of 50.00 feet; Thence N19°10'35"W, a distance of 681.66 feet; Thence N22°49'20"W, a distance of 324.21 feet to a point on the westerly boundary of Lot 11, said Northridge at Park Centre; Thence along the westerly boundaries of said Lots 11 and 3 the following two (2) courses:

1. Along the arc of a non-tangent curve to the right having a radius of 757.feet, a central angle of 13°37'25" and an arc length of 180.00 feet, the chord of which bears S28°20'52"E, a distance of 179.57 feet;
2. S21°32'10"E, a distance of 273.75 feet to the Point of Beginning. Containing 60,954 square feet or 1.399 acres, more or less.

Section 3. This ordinance shall take effect upon its passage after second reading. The 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 13th day of August 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26TH day of August, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: Volunteer Firefighter Pension Plan

Prepared by: Mary Ann Parrot, Finance Director
Jim Cloud, Fire Chief

Introduction

City Council action is requested to approve the following items:

- An increase in pension benefits for the City of Westminster Volunteer Firefighters' Pension Plan, from \$650 per month to \$700 per month to be effective immediately. Funds are available for this increased expense in the pension trust and will be budgeted accordingly by the Board of Directors of the Pension Plan. If the increase is approved by City Council, the increase would be effective immediately. This action is required by the state statute governing the City's Volunteer Firefighters' Pension Plan (CRS 31-30-1112).
- Resolution No. 51 re: Affiliation with the Fire and Police Pension Association (FPPA) and
- Resolution No. 52 re: Dissolution of the Volunteer Firefighter Program, in accord with City Council's direction from February 1999, thus acknowledging the retirement of the last remaining volunteer firefighter, the termination of the Volunteer Firefighter Program, the capping of the benefits for retirees and their beneficiaries, the affiliation of the pension plan with the Fire and Police Pension Association (FPPA), and the transferring of assets to FPPA for investment and other administrative functions. This secures the payment streams for the volunteers and their beneficiaries and will help to ensure their retirement incomes for their remaining lives. This is also required by the state statute governing the City's Volunteer Firefighters' Program and Pension Plan (CRS 31-30-1130).

These actions complete the tasks required by City Council of Staff and the Pension Board, taken at the meeting of the City Council on February 16, 1999.

Summary

In February 1999, City Council approved an increase in monthly benefit to the pension members from \$450 per month to \$650 per month. In addition, City Council directed Staff to investigate "defeating" the pension plan, wherein the payments would be guaranteed to be paid, thus eliminating major reinvestment risks associated with long-term streams of payments to be made to the volunteers.

The Pension Board and Staff have met regularly to explore options and research the best way to guarantee the payments for the retirees and their beneficiaries, to satisfy the request of the volunteers to maximize their monthly benefits, and to protect the interests of the City by minimizing the current and future liability to the City and its taxpayers.

The research and resulting recommendation involved three parts:

- What the maximum monthly benefit could be without jeopardizing the fund balances in the pension plan or leaving the City with additional liability.
- Where to place the administrative responsibilities for the plan over the next 40-60 years to ensure continuity and accuracy of benefit payments.
- When to dissolve the volunteer program.

The Board and Staff have come to agreement on a 3-part recommendation: first, outsourcing the investing for the fund to the Fire and Police Pension Association (FPPA) (administration for the Plan would remain with the City), second, maximize the monthly benefit at \$700, and third, dissolve the volunteer program immediately.

The actions requested above are required due to the State statute governing Volunteer Firefighters' Pension Plans (Sec. 31-30). The statute includes the following provisions:

- A requirement for City Council to approve increases in monthly benefits (per CRS 31-30-1112);
- A cap on the benefit when the volunteer firefighter program is "dissolved" (CRS 31-30-1130).

Further, City Council action is required for approval of the FPPA to invest the funds of the Volunteer Firefighters' Pension Plan. The requirements for City Council approval derives from two sources:

- FPPA requires, as a part of their affiliation process, that City Council pass a resolution enabling the transfer of the investment function to the FPPA
- The Volunteer Firefighter statute regarding dissolution requires that the assets of the fund be transferred upon dissolution (CRS 31-30-1130). A resolution that authorizes affiliation to FPPA will serve to satisfy this statutory requirement.

If the Staff Recommendations were approved by City Council, monthly benefits for retirees would be increased from \$650 to \$700 per month immediately. Monthly benefits for surviving spouses would be increased from \$325 to \$350 per month, in conformity with the State statute, wherein spouses receive 50% of the retiree's benefit. Monies are available from the pension fund, and Staff would direct the trust bank to begin to make payments effective with the next monthly pension check. Staff would then commence moving the investment functions for the plan to the FPPA, thus improving the interest re-investment of the funds from the current 8.5% to approximately 11.5% per year. The City would retain both liability for payments and the administrative responsibility for the plan, until the last beneficiary receives his/her last payment.

Staff Recommendation

1. Authorize the Volunteer Fire Fighter Pension Plan Administrator to increase the benefit from \$650 to \$700 per month, effective immediately.
2. Adopt Resolution No. 51 approving affiliation of the Volunteer Firefighter Pension Plan with the Fire and Police Pension Association.
3. Adopt Resolution No. 52 dissolving the Volunteer Firefighter Program, and thus capping monthly benefits at \$700 per month, and ensuring the continuance of the payment of pension benefits and approving the dissolution of the Volunteer Firefighter Program.

Alternatives

Outsource the pension plan to an insurance company by purchasing annuities to secure the payments to the members and their beneficiaries. This is known as "defeasance" and is accomplished by selling the plan (assets and liabilities) to an insurance company in return for the purchase of annuity contracts, which secure the future payment streams. This would transfer investing functions, administration and liability for the plan to an insurance company. This has been accomplished frequently in the US in other states, but is not common in Colorado, primarily because the pension plans here are so young. This was the Staff recommendation to the Board, but the Board declined to support this recommendation. The reasons they gave were two:

- First, they were concerned about the long-term viability of an insurance company; in other words, what would happen if the insurance company went bankrupt or defaulted on the pension payments? The risk of this is very small, as the Staff recommended the use of an AA-rated insurance company. However, the Board feels that this risk is unacceptable.
- Second, the Board wanted the City to be ultimately liable for pension payments if the investment returns in the future were inadequate to guarantee the maximum payment benefit to the City. This is why the Board researched options and determined that a satisfactory compromise could be developed using the FPPA, wherein the investment return is higher, and the administrative responsibility and ultimate liability remain with the City.

Do not dissolve the Volunteer Firefighter Program. This is not recommended by the Staff or the Pension Board. The reason for this is that it is in the best interests of the City and the beneficiaries of the Pension Trust to fix the benefit payments over a long period, as it will minimize the risk that reinvesting the proceeds will not produce the income needed to sustain the established level of payment. Currently, the plan is returning 8.5% per year, but re-investing at lower interest rates significantly increases the risk that payments will not be supported. In addition, the Staff recommendation for a maximum monthly benefit of \$700 per month is conditional upon the dissolution of the Volunteer Firefighter Program, in order to cap the monthly benefit. If the benefit is not capped (accomplished by dissolving the Volunteer Firefighter Program), this would present an unreasonable financial risk to the City.

Delay the dissolution of the Volunteer Firefighter Program. This is also not recommended for the same reasons as in the second option, described above. In addition, the \$700 benefit recommended by Staff is conditional upon minimizing the legal and financial liability, which the City retains, for maximum benefits to the retirees and their beneficiaries over a long period.

Background

In January 1997, the City decided at the recommendation of the Fire Department to discontinue hiring new Volunteer Fire Fighters and to slowly phase out the program over a period of 3 to 5 years. The last volunteer fire fighter retired in October 2000. This phasing out of the program is a real concern to the Board, as their opportunities to request pension benefit increases are minimized. Once the volunteer program is dissolved by City Council, State law mandates that benefits be capped; the benefits cannot be increased or decreased. In short, this opportunity for increase in benefits is the last opportunity the members will have before dissolution.

Another concern of the Pension Board is that there are no longer three active volunteers on the Pension Board. The Board's concern is that actions taken by an improperly constituted Board might be invalid. The Board retained legal counsel experienced in these matters and has been given an opinion to the effect that due to attrition, the Pension Board can be legally constituted at four members – the Mayor, Finance Director and two members appointed by City Council. This eliminated the need to have three active volunteers, elected by the membership, as there are no active volunteers, effective October 2000. There is no case law on this point. Staff believes the possibility of a challenge to this opinion is remote. Nonetheless, it is a possibility with which the Board is concerned and should be factored into consideration.

Once the dissolution resolution is approved, the amount of the monthly pension payment cannot be changed. The City Attorney's Office researched and provided the opinion that once the final benefit is set it cannot include an annual cost of living adjustment since this would contravene the cap imposed by law regarding volunteer fire pension plans. The conclusion was that the final benefit should be set before the dissolution commences.

Staff has researched other pension plan benefits for other plans (cities) in the Denver metropolitan area (survey attached). The survey shows that Westminster's plan, at \$700 per month would be the second highest pension plan payment for volunteers in the area.

Staff agrees with the transfer of the investing to the FPPA. The FPPA operates under different statutes and has more and higher returns on investments than those allowed under the current statute, which apply to small plans such as the Westminster Volunteer Pension Plan, helping to ensure the monthly benefit. This does not relieve the City of the legal liability to make the payments. This means that if the funds on hand are not adequate to make payments to the members and their beneficiaries over time, that the City is legally liable to make up the difference. The risk of this is minimal for two reasons: first, the FPPA earnings rate will greatly enhance the fund balance and second, the members will begin to decrease in numbers over time, thus reducing the amount of total payout. Nonetheless, the risk still exists and the City bears the fiduciary responsibility not only to make sure the payments are made to the members, but also to advise the City Council of the risks to the City.

The only way to eliminate this risk of future payment solvency is to "defease" the plan by selling the liability to an insurance company. In that way, the City can write the liability off their books, and the liability for payments is transferred to the insurance company. This is commonly done with other pension plans in the country, especially as they wind down. However, the two retired volunteer members of the Board are definite in their opposition to this possibility – they are concerned about the long-term viability of an insurance company and what would happen if it were to go bankrupt. The retired members of the Pension Board want to make sure the City is liable on a long-term basis for any shortfalls in payment streams.

Staff's recommendation is a prudent compromise for the City Council to consider. By outsourcing the pension investments to FPPA, the security for the payments is not guaranteed, but it is enhanced. The City retains the liability for the payments, should shortfalls occur, and this will eliminate one of the concerns of the retired volunteer members of the Board. The City would also have to retain the administrative responsibility for the plan. This consists of certifying annually that members are alive, in good state of mind, and that payments are not being paid erroneously to deceased members wherein others can defraud the system. Staff can recommend this compromise approach to the City Council as prudent and protective of the City's best interests, while honoring the concerns of the members.

The reasons for the Staff recommendation of a maximum monthly benefit are as follows:

- The Trust is made up of tax dollars. Both the State and City contributed to this retirement fund and the prudent expenditure of it is warranted. A benefit of \$700 would leave an estimated residual of \$200,000 in the plan; Staff recommends this as a minimum residual to protect the City from contingencies over the next three to four decades.

- Staff must still administer the plan by tracking the locations and status of all members. This gets extremely complicated over time, especially as retirees age, move to retirement locations, become frail in health and may have to move continuously for purposes of health care and other living accommodations. In addition, the Staff will need to keep the books of the pension records on a monthly basis, make audit work papers available, review the annual audit, the biennial actuarial report and satisfy themselves the FPPA is administering their portion of the plan properly. Staff believes the residual is adequate to compensate the City for the increased workload and associated costs, which would be charged if another third party were contracted to administer the plan.
- The volunteer retirement plan was created to reward long term volunteer employees with a retirement benefit. This benefit was never intended to be the sole retirement program for volunteers. The majority, if not all, of volunteers are covered by Social Security, other organizations' retirement pensions, or individual retirement plans.
- A monthly benefit of \$700 means this plan is the second highest-paying volunteer pension plan in the metro area. A survey of these plans is attached.
- State law contemplated a surplus in the Trust upon dissolution and designated these funds to be provided for Fire Department use only. Retired volunteers, while certainly the primary beneficiaries of the Trust, are not the only parties with an interest in the funds.

Staff has prepared attachments with details of the following:

- Exhibit 1: History of Volunteer Firefighter Pension Program
- Exhibit 2: Pension Survey of Local Area Fire Departments

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

SERIES OF 2001

RESOLUTION TO AFFILIATE WITH THE FIRE AND POLICE PENSION ASSOCIATION

WHEREAS, C.R.S. section 31-31-705, and Section 604 of the Fire and Police Pension Association (FPPA) rules and regulations, provide that an employer having a pension plan for its volunteer firefighters may elect to affiliate with FPPA by filing a resolution with the Association; and

WHEREAS, such affiliation is for the purpose of having FPPA administer such pension plan and manage the funds of such pension plan for investment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. The City of Westminster does hereby elect to affiliate with the Fire and Police Pension Association for the purpose of having FPPA administer its volunteer pension plan and manage the plan's funds for investment;
2. Such affiliation shall become effective on October 1, 2001, assuming all necessary forms, procedures and other relevant work is completed; and
3. This Resolution shall become effective August 13, 2001, and the Westminster City Clerk is directed to file a certified copy of this Resolution with the Fire and Police Pension Association as soon after August 13, 2001, as is practicable, together with a list of the assets currently held by the volunteer pension plan.

PASSED AND ADOPTED this 13th day of August, 2001.

Mayor

ATTEST:

City Clerk

SERIES OF 2001

RESOLUTION TO DISSOLVE THE VOLUNTEER FIREFIGHTER PROGRAM
FOR THE CITY OF WESTMINSTER

WHEREAS, the Westminster Volunteer Membership has been recognized as a permanent part of the Westminster Fire Department so long as there was volunteer membership; and

WHEREAS, the Westminster Volunteer Firefighters have provided an effective firefighting force for the City; and

WHEREAS, the last remaining active volunteer firefighter for the City retired on October 6, 2000, and shall begin receiving benefits in October 2004; and

WHEREAS, the City will no longer seek active volunteer firefighters; and

WHEREAS, dissolving the Program is appropriate at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. That the Volunteer Firefighter Program for the City of Westminster is hereby dissolved.
2. Benefits paid to Volunteer Firefighters or their surviving spouses and other beneficiaries at the time of dissolution shall continue;
3. Assets of the Volunteer Firefighters Fund shall be transferred to the Fire and Police Pension Association ("FPPA") and shall be administered by the Board of Trustees of the FPPA, pursuant to C.R.S. sections 31-30-1130 and 31-31-705;
4. Administration of the Volunteer Firefighter Fund shall be transferred to the City of Westminster Finance Department personnel;
5. In no event shall the rate of compensation be altered either after commencement of proceedings for dissolution has occurred or after its completion; and
6. A volunteer firefighter who has accrued ten or more years of active service at the time of the dissolution shall be granted an annuity after the firefighter is fifty years of age. The annuity shall be prorated in accordance with the number of years of service and the amount of annuity being paid for age and service pensions by the FPPA Board at the time of the dissolution.

PASSED AND ADOPTED this 13th day of August, 2001.

ATTEST:

Mayor

City Clerk

City of Westminster
History of Volunteer Firefighter Program and Pension Plan
August 2001

The City has provided a pension plan for volunteer firefighters since the 1950's. After a firefighter had volunteered for twenty years of service and reached the age of fifty, he/she may receive a pension payment with survivor benefits of fifty percent of the pension payment. The Fund has historically had excess funds in it beyond the required monies to pay benefits to all retirees and their beneficiaries. Because of the surplus, the Fund has required no contributions from the State or the City since 1984.

In the past, the Volunteer Pension Board reviewed and approved all benefits based upon consideration of the financial position of the plan. In 1999, a change in State law eliminated the cap on Volunteer Pension payments and required elected body (City Council) approval.

The following is a brief chronology of Volunteer Pension issues:

In 1963, the Board approved a graduated benefit schedule for those with 20 years of service, based on age, starting from \$15 per month (age 50) to \$100 per month (age 75).

In 1966, the Board approved a uniform benefit of \$50 per month. Periodic increases are summarized below:

- March 1966 \$50 per month
- January 1974 \$100 per month
- February 1978 \$125 per month
- July 1981 \$200 per month
- October 1984 \$250 per month
- January 1985 \$300 per month
- January 1995 \$450 per month
- February 1999 \$650 per month

The current benefit is \$650, approved in 1999. Benefits have increased at an average annual rate of 6.3% since January 1963. If benefits were capped at \$700 per month, and were to remain at that level until 2039, when most of the benefits would be paid out, this represents average annual increases of 7.8% per year. In addition, in 1996, the City made the decision to discontinue the hiring of Volunteer Fire Fighters and over a period of five to seven years, unwind and dissolve the program. In October 2000, the last active Volunteer Fire Fighter retired.

In 1999, with the impending retirement of the last-serving volunteer member, City Council increased the monthly pension benefit from \$450 per month to \$650 per month and directed Staff to investigate methods to fix the payments and guarantee the monthly benefits. This would provide security to the members, and minimize the liability to existing and future taxpayers.

Volunteer Pension Survey

1/8/01

As requested by Chief Cloud, the following questions were asked of each department surveyed:

1. Name of Department
2. Contact name, phone number
3. Is your volunteer program governed by the Volunteer Firefighter Pension Act, a member of the State Volunteer plan, or a member of FPPA?
- 4a. What is the current maximum monthly benefit for a retired member with 10 years? 20 years?
- 4b. Is your Pension Board or membership considering raising this benefit? If so, to what amount or percentage?
- 5a. What is the current maximum monthly spousal benefit if the member is deceased?
- 5b. Is your Pension Board or membership considering raising this benefit? If so, to what amount or percentage?
6. Does your plan provide for yearly cost of living increases (COLA)? If so, what is the COLA amount?
7. What is the actuarial status of your plan? (Is the plan in surplus or deficit status)

Results are as follows:

- 1)
 1. **Arvada Fire**
 2. Rosel Sersante, 303-424-3012
 3. Governed by FPPA
 - 4a. 10 years = \$287.50 / 20 years = \$575.00
 - 4b. Yes, given past increases, will not be more than \$100.00 per month.
 - 5a. ½ of Firefighter's benefit.
 - 5b. No
 6. No cost of living increases.
 7. Actuarial status: surplus.

- 2)
 1. **Brighton Fire**
 2. Randy Mier, President of the Pension Board, 303-659-2629
 3. FPPA
 - 4a. 10 years = \$300.00 / 20 years = \$600.00
 - 4b. Not at this point, need an actuarial study done.
 - 5a. ½ FF Benefit
 - 5b. No
 6. No
 7. Actuarial status: surplus

- 3)
 1. **Castlerock Fire**
 2. Assistant Chief Norris Corrm, 660-1368
 3. FPPA
 - 4a. 10 years = \$212.50 / 20 years = \$425.00
 - 4b. Just raised benefit from \$350 to \$425 in FY 2000
 - 5a. 50% of total benefit.
 - 5b. No
 6. No cost of living increases
 7. Actuarial status: surplus.

- 4)
 1. **Fairmount Fire**
 2. Laura Snider, Pension Administrator 303-279-2928
 3. FPPA or State Volunteer Plan (not sure which plan)
 - 4a. 10 years = \$300.00 / 20 years = \$600.00
 - 4b. Not at this time, based on actuarial study.
 - 5a. ½ FF Benefit
 - 5b. No
 6. No
 7. Actuarial status: surplus.

- 5)
 1. **Federal Heights**
 2. Captain Joe Rondonelli, 303-427-7209
 3. FPPA
 - 4a. 10 years = \$225.00 / 20 years = \$450.00
 - 4b. Will be raising the benefit to \$650.00 for 20-year
 - 5a. ½ of Firefighter benefit.
 - 5b. No
 6. No
 7. Actuarial status: surplus

- 6)
 1. **Fort Lupton**
 2. Nona Schaefer, Executive Secretary, 303-857-4603
 3. Member of State Volunteer Plan.
 - 4a. 10 years = \$275.00 / 20 years = \$550.00
 - 4b. Yes, will be raising 10 years to another \$25.00 and 20 years to \$50.00
 - 5a. ½ of Firefighter benefit
 - 5b. No
 6. No
 7. Actuarial status: surplus

- 7)
 1. **Mountain View Fire Protection**
 2. Donna Mullison, 303-772-0710
 3. FPPA
 - 4a. 10 years = \$225.00 / 20 years = \$450.00
 - 4b. Raised amount from \$300 to \$450 in FY 2000
 - 5a. ½ of Firefighter benefit
 - 5b. No
 6. No
 7. Actuarial status: surplus.

- 8)
 1. **North Metro**
 2. Gaylene Wagner (Accountant), 303-452-9910
 3. Department runs plan.
 4. Pension was paid out on years of service. No longer have a Volunteer Pension Program.

- 9)
 1. **Parker Fire**
 2. Marie Hines, Finance Director, 303-841-5885 ext. 107
 3. FPPA administers plan – file under rules of State Volunteer Plan.
 - 4a. 10 years = \$190 / 20 years = \$380
 - 4b. Depends on actuarial status
 - 5a. ½ of Firefighter benefit
 - 5b. No
 6. No
 7. Actuarial status: surplus

- 10)
 1. **Poudre Fire**
 2. Randy Hatfield, 1-970-221-5537
 3. FPPA, will be phasing out the Volunteer Pension Program
 - 4a. 10 year = \$150.00 / 20 year = \$300.00
 - 4b. Will not raise benefit, it was reduced and will be phased out.
 - 5a. ½ of Firefighter benefit
 - 5b. No
 6. No
 7. Actuarial status: surplus, but is being phased out.

- 11) 1. **Sheridan Fire**
2. Fire Chief Ronald Carter – 303-762-2222
3. State Volunteer Plan.
4a. 10 years = \$125.00 / 20 years = \$250.00
4b. Yes, waiting on an actuarial status study.
5a. ½ of Firefighter benefit.
5b. No
6. No
7. Actuarial status: surplus
- 12) 1. **South West Adams County**
2. Kay Lombardi (Pension Admin) – 303-429-3597
3. Volunteer Firefighter Pension Act (governed by State bluebook).
4a. 10 years = \$375.00 / 20 years = \$750.00 (10-20 years pro-rated)
4b. Is a possibility, depends on actuarial study.
5a. ½ of Firefighter benefit
5b. No
6. No
7. Actuarial status: surplus
- 13) 1. **West Metro***
2. Marty Webb – 303-989-4307 ext. 521
3. FPPA
4a. 10 – 20 years = \$9.25 times number of years of service. After 20 years \$185.
4b. No, will not be raising the benefit.
5a. 10 – 20 years = \$4.53 times years of service. After 20 years \$92.50. One time death benefit of \$185.
5b. No
6. No
7. Actuarial status: surplus.
- 14) 1. **Wheatridge Fire**
2. Cathy Poudre (Admin Assist) 303-424-7323
3. Governed through the state. They have their own Pension Board.
4a. 10 years = \$250.00 / 20 years = \$500.00
4b. Not at this time, need to perform an actuarial study.
5a. ½ of FF pension
5b. Have considered raising, but can't fund right. Do provide a \$100.00 widow death benefit.
6. No
7. Actuarial status: surplus.

*The West Metro information was verified and updated on 7/31/01.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001
Subject: Regional Trails Planning Map
Prepared by: Becky Eades, Landscape Architect II

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Charlier Associates, Inc. in the amount of \$38,820 and to approve a project contingency in the amount of \$2,880. This project is funded jointly by municipalities and corporate sponsors along the U.S. 36 Corridor. City Council action is also requested to pass on first reading the attached Councilor’s Bill regarding a supplemental appropriation of \$38,700; \$19,200 of which is the amount awarded this project by Great Outdoors Colorado (GOCO) and \$19,500 of which is the amount pledged and paid by municipalities and corporate sponsors in support of the project. The City’s portion of the pledged amount, \$3,000, is available in the Trails Development account in the Capital Improvements Program fund.

Summary

The U.S. 36 Transportation Management Organization (TMO) has been working with ‘Stakeholders’ along the corridor to compile and analyze existing bike and trail master plans with the intent of developing a comprehensive U.S. 36 Corridor Bike and Trail System Master Plan. The Stakeholders include the Cities of Broomfield, Superior, Louisville, Lafayette, Boulder, and Westminster and Boulder County. The TMO and the above Stakeholder representatives have concluded that this project is of a magnitude that warrants private consulting services due to the overall scope, since this consultant would be responsible for working with each entity ‘Stakeholder’ to integrate their individual trail plans into one comprehensive regional trails master plan. The City of Westminster has taken the project administration lead because of our success with grant application submittals.

On May 31, a Request for Proposals (RFP) was sent to ten firms. On June 25, five proposals were received from the following:

Charlier Associates, Inc.	\$38,820
Carter & Burgess, Inc.	\$38,900
Recreation Engineering and Planning	\$44,000
Studio 2 Design	\$56,718
BRW	\$210,000

On July 31, representatives from each of the municipalities interviewed Charlier Associates, Inc. and Carter & Burgess, Inc. and determined Charlier Associates, Inc. to be the most qualified for the project.

Policy Issues

- Does City Council wish to proceed with a regional trails planning map?

Staff Recommendation

1. Authorize the City Manager to execute a contract with Charlier Associates, Inc. in the amount of \$38,820 with a 7.4% contingency in the amount of \$2,880.
2. Pass Councilor’s Bill No. on first reading appropriating \$38,700 into the Capital Improvement Program Trails Development account for design of a regional trails planning map.

Alternatives

- City Council could direct Staff to withdraw their participation from the Bike Links 36 project.

Background Information

Westminster has been an active member/participant of the U.S. 36 Transportation Management Organization (TMO) since its inception in December of 1998. Increasing traffic congestion in recent years has fostered a growing need for regional trails to promote alternative methods for transportation. Historically, many government entities and private organizations have planned and constructed large segments of trail within the U.S. 36 corridor without an overall plan in mind. The TMO and its constituents have brought forward, with support from several public interest groups, the idea of a Trails Master Plan for the U.S. 36 Corridor.

On October 23, 2000, City Council authorized Staff to submit a grant application to the State Trails Planning Grant Program on behalf of the group, and for Westminster to contribute financially toward the project and to take the administrative lead on the project. In the spring of 2001, Staff was notified that the Bike Links Project received a planning grant in the amount of \$19,200. Contributing participants and sponsorship amounts are:

Westminster	\$3,000	RTD	\$1,500
Boulder	\$3,000	Lafayette	\$1,500
U.S. 36 TMO	\$3,000	Etkin Johnson Group	\$1,000
CDOT	\$3,000	Westfield Property Services	\$1,000
Broomfield	\$2,000	Church Ranch Corporate Center	\$250
Superior	\$1,500	Lake Powell Land Co.	\$250
Louisville	\$1,500		

Contributions total \$22,500, and all contributions have been received, for a total project budget of \$41,700.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councilor’s Bill and Map

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **57**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2839 in the amount of \$14,802,638 is hereby increased by \$38,700 which, when added to the fund balance as of the City Council action on August 27, 2001 will equal \$35,178,407. The actual amount in the General Capital Improvement 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 a grant received from Great Outdoors Colorado and funds received from various municipalities and corporate sponsors.

Section 2. The \$38,700 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
Intergovernmental – State of Colorado			
75-0478-000	\$150,000	\$19,200	\$169,200
Miscellaneous Revenue 75-1072-000	0	<u>19,500</u>	19,500
Total Change to Revenues		<u>\$38,700</u>	
EXPENSES			
Trails Development 75-50-88-555-236	\$248,115	<u>\$38,700</u>	\$286,815
Total Change to Expenditures		<u>\$38,700</u>	

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. 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 13th day of August, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of August, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: Purchase of 320 Acres Adjacent to Strasburg Natural Resource Farm

Prepared by: Ron Hellbusch, Public Works and Utilities Director
David Cross, Wastewater Operations Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract for the purchase of 320 acres of farmland for \$900,000 to be used for biosolids application. Funds for the initial \$180,000 payment have been identified from existing Utility Fund Capital Improvement Project accounts.

Summary

The City of Westminster has an opportunity to purchase an additional parcel of land adjacent to the Strasburg Natural Resource Farm (SNRF). This 320-acre parcel would be added to the 2600 acres held by the City for application of biosolids. Biosolids are the nutrient-rich byproduct of the wastewater treatment process that are beneficially reused through application to farm fields as a fertilizer.

The land being offered is surrounded on three sides by the SNRF. Purchase of this parcel would fill a gap that currently exists along the northern border of the property and would provide a twofold benefit to the City. First, additional land would be made available for biosolids application, and second, the threat of residential development in this sensitive location would be averted.

Purchase of the 320 acres would add 106 acres of irrigated and 190 acres of dry cropland that could be used for application of biosolids volumes expected to expand with future City growth. In addition to the cropland, there are a number of improvements: two houses, three barns, livestock pens, grain storage structures and several wells. The improvements, while not of primary concern to the City, do increase the income-generating ability of the parcel. Currently this property generates over \$30,000 income per year. This compares favorably with the larger SNRF, which generates an average income of \$46,000 per year.

The owner listed the property for \$937,000 for the land and all improvements. An appraisal has been done which assigned a value of \$892,000 to the property. After Staff negotiation, the owner has agreed to accept a \$900,000 payment. The owner will accept 20% down with a 5-year payout at 5.5% interest. Funds for the initial \$180,000 payment have been identified from existing Capital Improvement Project accounts. Annual payments will be approximately \$170,000 per year.

Policy Issue

Should Westminster purchase 320 acres of farmland for \$900,000 to add to the existing Strasburg Natural Resource Farm thus increasing its size and capacity for biosolids application for future City growth and shielding it from encroaching development?

Recommendation

Authorize the City Manager to execute a contract for \$900,000 to purchase a 320 acres parcel of land and all improvements adjacent to the Strasburg Natural Resource Farm.

Alternatives

The alternative is to let the property be sold and most likely be broken into 40-acre ranches. This would deprive the City of the use of this land for biosolids application for future City growth. The influx of new neighbors could introduce one or more objectors that would oppose the City's biosolids activities at the existing SNRF.

Background Information

The City of Westminster purchased the SNRF in 1997 to insure that there would be a supply of farmland under the City's control to receive the biosolids produced by the City's treatment facility. Currently 600 acres of dryland wheat fields are permitted to receive biosolids each year at the SNRF. Annual needs for the program are 1000-1200 acres. Privately owned fields are used to supplement the SNRF when available. These fields are continually being lost to development, with over 2000 permitted acres lost over the last 10 years.

In the next eight to ten years, the City's needs are projected to increase to 1400-1600 acres per year based upon current City growth and development plans. Purchase of the additional acreage to add to the SNRF will help to meet the existing and projected needs. Privately owned fields will continue to play a significant role as they remain or become available.

Federal, state and county regulations strictly control the beneficial application of biosolids to farm fields. All fields that receive biosolids must be permitted through the Colorado Department of Public Health and Environment and the respective county health department before biosolids may be applied. Permitting is done to insure that acceptable site conditions exist and soil quality is not degraded through excess application.

To increase public acceptance, Westminster injects its biosolids four to six inches under the soil surface as opposed to the surface application method used by Metro Denver and others. The City has taken a proactive approach in the purchase, permitting and operation of the SNRF. Staff maintains contact with the neighboring landowners and stays current on the issues and activities in the Strasburg area to insure that the City's biosolids activities continue to enjoy the support in the Strasburg region.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment(s)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001
Subject: Special Legal Services Contract for State Reapportionment Process
Prepared by: Martin R. McCullough, City Attorney

Introduction

City Council is requested to approve the retention of Mr. Mark Grueskin of the law firm of Isaacson, Rosenbaum, Woods, and Levy for assistance in developing a proposed reapportionment plan for the City to the state reapportionment commission that best represents the City's interests at a cost not to exceed \$7,500. Funds for this expense are available in the Central Charges-Litigation Account.

Summary

- Every ten years, following the last census, the state's house and senate districts are reapportioned by the Colorado Reapportionment Commission. The Commission is required to conduct public hearings, consider proposed plans, and develop a final proposed plan that takes into consideration both federal and state constitutional requirements relative to the creation of political representation districts. On the one hand, under federal law such districts are required to be substantially equal in population, but on the other hand, under state law they are required to preserve "communities of interest" to the extent possible and avoid fragmenting cities and counties unnecessarily.
- In 1992, following the 1990 census, the City was fragmented into seven districts, and suit was filed with the Colorado Supreme Court to contest the plan with respect to its effect on the City of Westminster. The plan was very narrowly approved by a 4-3 vote and there is reason to believe that the Reapportionment Commission this year will be motivated to more closely consider Westminster's position in this particular matter.
- Mark Grueskin is very experienced in the reapportionment process, and in the past has served as counsel to the governor.
- City Council has recently expressed its support of reducing, to the extent possible, the number of districts covering the City of Westminster. Mr. Grueskin's assistance will help the City prepare and present a plan for Westminster for the Commission's consideration that reflects this objective.

Policy Issue(s)

Whether Special Legal Counsel should be retained to assist in developing and preparing an alternative reapportionment plan for the City of Westminster for consideration by the Colorado Reapportionment Commission.

Staff Recommendation

Authorize the City Manager to execute a fee agreement in an amount not to exceed \$7,500 with Mr. Mark Grueskin of the law firm of Isaacson, Rosenbaum, Woods, and Levy for special legal counsel services related to the state reapportionment process.

Alternative(s)

1. Handle the preparation of the alternative plan in-house. This is not recommended because it would fail to take advantage of considerable experience and knowledge that Mr. Grueskin and his firm can bring to bear in this matter.
2. Use other legal counsel for the work. This is not recommended because there are very few law firms that do this work, Mr. Grueskin's firm has no other conflicts to prevent his representation of the City, and he reduced his normal fee of \$300 per hour to \$200 per hour for the City (with other paralegal work to be charged at a lower rate).

Background Information

Mr. Grueskin is an experienced attorney specializing in election law and other specialized areas of the political process in the state of Colorado. Staff met with Mr. Grueskin recently and determined that this work could be accomplished for an amount not to exceed \$7,500. Given the importance and duration of the districts that will be established through the reapportionment process, and the fact that other cities and political groups are competing for their own districting plans, Staff believes it is important for the City to exhibit a strong presence in this year's process in an effort to reduce the number of districts into which the City is currently fragmented.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: TABLED Councillor's Bill No. 41 re Definitions of "Public Place" and "Possession"

Prepared by: Jeff Cahn, Lead Prosecuting Attorney and Mark Cohen, Assistant Prosecuting Attorney

Introduction

City Council is requested to pass on second reading Councillor's Bill No. 41, as amended, which sets forth certain definitions in the City Code concerning "public place" and "possession".

Summary

As Council will recall, Staff originally proposed adding two definitions to Section 6-1-1 of the Westminster Municipal Code to clarify the meaning of the terms "possession" and "public place" as used in the City's disorderly conduct and harassment ordinances. During Council discussion of the proposal, questions arose concerning whether the definition of "public place" should include automobiles and/or private residences occupied by someone other than the owner or the owner's agent without the owner's permission.

Councillor's Bill No. 41 has been amended to clarify that the definition of "public place" applies only in the context of the City's disorderly conduct and harassment ordinances, and to expressly disclaim any intent to effect the constitutional protections currently in place relative to government searches and seizures.

Policy Issues

Should Council amend the Westminster Municipal Code to clarify the meaning of "public place" and "possession" as used in the City's disorderly conduct and harassment ordinances?

As used in the City's disorderly conduct and harassment ordinances, should the term "public place" be defined to include vehicles?

As used in the City's disorderly conduct and harassment ordinances, should the term "public place" be defined to include private property used by persons other than the owner or owner's agent without the owner's permission?

Staff Recommendation

Remove this item from the Table and pass Councillor's Bill No. 41 on second reading amending Section 6-1-1 of the Westminster Municipal Code pertaining to definitions of "Public Place" and "Possession"

Alternatives

Defeat Councillor's Bill No. 41 on second reading, which would leave the City Code unchanged relative to these issues.

Further amend Councillor's Bill No. 41 to add further clarification to these definitions or to further limit the proposed definitions.

Background Information

Section 6-1-1 of the Westminster Municipal Code defines several terms contained in a number of the City's criminal ordinances. The proposed ordinance would add two additional definitions, one defining "public place," and the other defining "possession."

Public Place: In order to establish certain types of disorderly conduct (Section 6-2-1) or harassment (Section 6-2-2), the City must prove that the otherwise criminal conduct occurred in a "public place," but neither Section defines that term.

There are other municipal offenses that require the prosecution to prove the Defendant's conduct took place in a "public place." These include Section 6-9-2 (minor in possession of alcohol), Section 6-9-3 (open container in a public place), Section 6-3-11 (night-time juvenile loitering), and Section 6-13-4 (smoking in designated areas). For each of these provisions, however, the Code specifically defines the term "public place."

The proposed amendment will create a specific definition of the term "public place" as used in the City's disorderly conduct and harassment ordinances only. The proposed definition generally tracks the definition of the term as it is used in those portions of the Municipal Code pertaining to minors in possession and open containers. The proposed definition would define "public place" to include public streets, public buildings, private property open to the public, and vehicles located in any of these locations.

Council initially expressed two concerns about the proposed definition. First, Council expressed concern that defining "public place" to include vehicles would jeopardize the privacy interests of individuals and could create a perception among some that the City is attempting to circumvent existing constitutional protections against unreasonable searches and seizures. The proposed amendment defines a vehicle as a "public place" only when the vehicle is located on or in one of the defined public areas; however, to better address the privacy concerns raised by Council, Staff has added language to the proposed amendment expressly stating that the ordinance in no way diminishes the protections afforded to citizens under the state and federal constitutions.

Defining "public place" to include vehicles for purposes of a particular ordinance is not new; Section 6-9-3 already makes it illegal to possess an open container of alcohol in a vehicle located in a "public place." Similarly, Staff recommends that vehicles located in public areas be included in the definition of "public place" to make clear that the City may prosecute harassment and disorderly conduct occurring in automobiles located in public areas such as shopping centers. The Prosecutor's office sees several cases each year where the facts involve a defendant following the victim in or about a public place while traveling in an automobile. In domestic violence cases, charges stemming from physical fights occurring in automobiles are often cited under the disorderly conduct and/or harassment ordinances.

Council's other concern about the definition first proposed was that it included in the definition of "public place," any "private property used by persons other than the owner or owner's agent, without a special permit." One variation of this proposal changed "without a special permit" to "without the owner's permission." Council expressed concern that this language might be perceived as unnecessarily infringing upon privacy interests.

By way of explanation, this language was taken from the definition of "public place" applicable to minor in possession and open container offenses. In those cases, such language is necessary to facilitate enforcement of alcohol violations occurring at residences while the adult owners are not home. This language is not, however, necessary in the context of disorderly conduct or harassment offenses and has been deleted from the proposed definition.

Possession: The term "possession" appears in several City ordinances including those prohibiting possession of marijuana, possession of drug paraphernalia, and possession of firearms by a juvenile. The proposed definition is taken from the Colorado Supreme Court's decision in *People v. Vigil*, 489 P.2d 593 (Colo. 1971).

Defining these terms will clarify the Westminster Municipal Code, thereby eliminating disputes that sometimes arise after a prosecution has been initiated, and will assist police officers in making appropriate charging decisions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTION 6-1-1 OF THE WESTMINSTER MUNICIPAL CODE TO PROVIDE ADDITIONAL DEFINITIONS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-1-1, Westminster Municipal Code, is hereby amended to read as follows:

6-1-1: DEFINITIONS: Definitions set forth in any Section of this Title apply whenever the same term is used in the same sense in another Section of this Title, unless the definition is specifically limited, or the context indicates it is inapplicable.

The following terms shall have the meanings hereinafter set forth when used in this Title.

"Bodily Injury" means physical pain, illness, or any impairment of physical or mental condition.

"Criminal Negligence" A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

"Culpable Mental State" means intentionally, or with intent, or knowingly, or wilfully, or recklessly, as these terms are defined in this Section:

1. "Intentionally" or "with intent". All offenses defined in this Code in which the mental culpability requirement is expressed as "intentionally" or "with intent" are declared to be specific intent offenses. A person acts "intentionally" or "with intent" when his conscious objective is to cause the specific result proscribed by the ordinance defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.

2. "Knowingly" or "wilfully." All offenses defined in this Code in which the mental culpability requirement is expressed as "knowingly" or "wilfully" are declared to be general intent crimes. A person acts "knowingly" or "wilfully" with respect to conduct or to a circumstance described by the ordinance defining an offense when he is aware that his conduct is of such a nature or that such circumstances exist. A person acts "knowingly" or "wilfully", with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

3. "Recklessly." A person acts "recklessly" with respect to a result or to a circumstance described by an ordinance defining an offense, when he consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists.

"Deadly Weapon" means any firearm, whether loaded or unloaded, knife, bludgeon, bow and arrow, sling shot or other weapon, device, instrument, material, or substance whether animate or inanimate, which, in the manner it is used, or intended to be used, is capable of producing death or serious bodily injury.

"Destructive Device" means any material, substance or mechanism capable of being used, either by itself or in combination with any other substance, material or mechanism, to cause sudden and violent injury, damage, destruction or death.

"Firearm" shall mean any instrument or device used in the propulsion or discharge of shot, slugs, shells, cartridges, bullets or other harmful objects or projectiles by the action of gunpowder exploded or burned within it, or by the action of compressed air within it, or by the power or action of springs, and including what are commonly know as air rifles, air pistols and B-B guns.

"Knife" means any dagger, dirk, knife or stiletto with a blade over three and on-half inches (3 1/2") in length, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife carried for sport use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

"Officer" means any administrative officer of the City.

"Police Officer" means a police officer in uniform, or if out of uniform, one who has identified himself as a police officer.

“POSSESSION” MEANS PHYSICAL POSSESSION OF AN ITEM BY THE DEFENDANT OR, IF THE DEFENDANT IS NOT IN PHYSICAL POSSESSION OF AN ITEM, MEANS THAT THE ITEM WAS AT LEAST PARTIALLY UNDER THE DEFENDANT’S DOMINION AND CONTROL. “POSSESSION” NEED NOT BE EXCLUSIVE AND AN ITEM MAY BE POSSESSED JOINTLY BY THE DEFENDANT AND ONE OR MORE OTHER PERSONS WITHOUT A SHOWING THAT THE DEFENDANT HAD ACTUAL PHYSICAL POSSESSION OF THE ITEM.

"Premises" means real property, buildings and other improvements thereon.

"Property" is that of "another" or "one or more other persons" if anyone other than the defendant has a possessory or propriety interest therein.

“PUBLIC PLACE” MEANS ANY STREET, ALLEY, ROAD, HIGHWAY, SIDEWALK, PARKING LOT, PUBLIC OR COMMUNITY BUILDING, PUBLIC PARK, ~~OR ANY PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC, OR ANY PLACE USED BY PERSONS OTHER THAN THE OWNER OR OWNER’S AGENT WITHOUT THE PERMISSION OF THE OWNER OR OWNER’S AGENT, AND INCLUDES ANY VEHICLE IN A PUBLIC PLACE AS DEFINED HEREIN~~ AND INCLUDES ANY VEHICLE IN OR ON ANY OF THE ABOVE-DESCRIBED LOCATIONS. NOTHING IN THIS DEFINITION SHALL BE CONSTRUED TO EFFECT ANY CHANGE TO FEDERAL AND STATE LAWS AND PRECEDENTS APPLICABLE TO SEARCH AND SEIZURE.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The 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 25TH day of June, 2001 AS AMENDED.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of August. 2001 AS AMENDED.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: TABLED Councillor's Bill No. 42 re Gopeds and Other Unlicensed Vehicles

Prepared by: Jeff Cahn, Lead Prosecuting Attorney and Mark Cohen, Assistant Prosecuting Attorney

Introduction

City Council is requested to remove this item from the table and adopt Councillor's Bill No. 42 on second reading as amended concerning gopeds and other unlicensed vehicles on City streets.

Summary

As Council will recall, Staff originally proposed amending Section 10-1-14(B) to make clear that gopeds are "unlicensed vehicles" for purposes of the ordinance and are not allowed on public streets. During Council discussion of the proposal, questions arose concerning the applicability of this ordinance to play vehicles (such as "Barbie cars"), golf carts, and wheelchairs.

In response to Council's concerns, Staff has made significant revisions to the proposed ordinance, including changes designed to clarify Section 10-1-14(A) as well as 10-1-14(B). The revised version accomplishes the original goal of clarity by explicitly stating that "gopeds" are "unlicensed vehicles" for purposes of the ordinance. It also clarifies other ambiguities and addresses issues not addressed at all in the current ordinance, thus giving the public and the Police Department an ordinance that is easier to understand and apply.

Under the revised ordinance, it remains illegal to operate a goped on public streets or sidewalks; however, the ordinance allows gopeds on private parking lots with the permission of the owner and on City owned public parking lots with the permission of the City Manager or the City Manager's designee.

The proposed ordinance continues the existing policy making it illegal to operate children's play vehicles on public streets, but allows children's play vehicles on private property with permission of the owner and on City owned public property with permission of the City Manager.

The proposed ordinance allows children's play vehicles on sidewalks adjacent to private property or public streets other than state highways. The proposed ordinance retains the current prohibition against the operation of golf carts on public streets, but makes clear that operators of golf carts, children's play vehicles, and wheelchairs may cross public streets so long as they cross in designated crosswalks and in compliance with the laws applicable to pedestrians.

Policy Issues

What limitations, if any, should be placed upon the operation of vehicles such as gopeds, go-karts, golf carts and children's play vehicles?

Recommendation

Remove this item from the Table and pass Councillor's Bill No. 42 on second reading regarding gopeds and other unlicensed vehicles on City streets as amended.

Alternatives

Defeat Councillor's Bill No. 42 on second reading, which would leave the City Code unchanged.

Further amend Councillor's Bill No. 42 to further restrict or to expand the operation of gopeds and other unlicensed vehicles.

Background Information

Gopeds: Section 10-1-14 of the Westminster Municipal Code, as currently written, makes it unlawful for any person to operate certain vehicles on public streets, sidewalks, parks, school grounds and private and public parking lots. The applicability of Section 10-1-14(B) to gopeds has been a recurring issue in the Municipal Court. A goped is essentially a gasoline powered skateboard. Gopeds are popular with grade school and middle school children, but pose a safety problem when operated on public streets or in parking lots where there may be significant traffic. The City Prosecutor's Office has interpreted the current version of Section 10-1-14(B) as applicable to gopeds, go-karts, and other similar vehicles, and the Municipal Court has consistently upheld that interpretation. Nevertheless, the City Prosecutor's Office occasionally receives inquiries or complaints from parents who have purchased or are contemplating purchasing a goped for their child. The proposed modification makes clear that gopeds are "unlicensed vehicles" and may not be operated on public streets and sidewalks. The proposed ordinance permits the use of gopeds on private property and private parking lots with the permission of the owner and on City owned public parking lots with the permission of the City Manager.

Children's Play Vehicles ("Barbie Cars"):

In order to address Council's concern that Section 10-1-14 not be applied to Barbie cars and similar toys, the revised ordinance creates and defines a new category of vehicles known as children's play vehicles. The revised ordinance makes clear that it is legal to operate children's play vehicles on private property with permission of the owner, on public property with permission of the City Manager or his designee, and along sidewalks adjacent to private property or public streets other than state highways. The proposed ordinance does not permit children's play vehicles on sidewalks adjacent to state highways. The rationale for this is two-fold. First, Section 710(3) of the Model Traffic Code and its statutory counterpart provide that sidewalks may only be used by pedestrians or people operating human-powered vehicles. Any attempt by the City to legalize anything other than human-powered vehicles on sidewalks adjacent to state highways would contradict state law and would be beyond the power of the City's home-rule authority. The other reason for not allowing children's play vehicles on sidewalks adjacent to state highways is that the volume of traffic on state highways is considerable and it tends to move at higher speeds than traffic on other streets within the City. Keeping sidewalks adjacent to state highways clear of non-essential traffic is important for the protection of pedestrians. For both legal and practical reasons, Staff recommends that the City follow the state's policy of prohibiting children's play vehicles on sidewalks adjacent to state highways.

The proposed ordinance continues the existing policy making it illegal to operate children's play vehicles on public streets. After Staff first proposed amending Section 10-1-14(B), a few citizens opined that children's play vehicles should be legal on streets in residential neighborhoods. Neither the existing ordinance nor the proposed ordinance permits this. In drafting these revisions, Staff has attempted to strike a balance between the desires of some citizens and the obvious safety concerns that arise if children's play vehicles are allowed to operate alongside fast moving vehicular traffic. Although the operation of children's play vehicles on public streets has not been the subject of any Municipal Court prosecutions, Council may wish to consider this matter and provide additional direction concerning this issue. Staff believes an ordinance that differentiates certain streets, such as cul-de-sacs, from other public streets would create significant public confusion and enforcement issues.

Golf carts and wheelchairs: The ordinance does not alter the existing prohibition of golf carts on public streets. Golf carts will continue to be allowed on private property, including golf courses and adjacent parking lots, with the permission of the owner or his designee. The ordinance also allows golf carts on public golf courses and adjacent public parking lots, unless restricted by the City Manager or his/her designee. Under the Model Traffic Code, persons operating wheelchairs are treated as pedestrians and may operate their wheelchairs on sidewalks, public and private parking lots and, where there is no sidewalk, they are allowed to be in the public street as long as they stay near the edge of the roadway. The proposed ordinances explicitly incorporates this provision of the Model Traffic Code.

The proposed ordinance provides that any person operating a wheelchair, golf cart, children's play vehicle or the like may cross public streets, provided they do so in a designated crosswalk and in compliance with the laws applicable to pedestrians.

New language is designated in bold print on the attached Councillor's Bill.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTION 10-1-14 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE OPERATION OF UNLICENSED VEHICLES ON PUBLIC STREETS AND IN CERTAIN PARKING LOTS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 10-1-14 of the Westminster Municipal Code is hereby amended to read as follows:

10-1-14: OPERATION OF MOTORCYCLES AND OTHER VEHICULAR DEVICES:

(A) It shall be unlawful for any person to operate a motorcycle, motor powered bike or scooter, all terrain vehicle, or any other vehicle device powered by an internal combustion engine in any of the following places without first obtaining the permission or authorization hereinafter required:

1. On any property owned by the City, other than public streets and parks as specified in subsection 2., below, except where such operation is specially permitted by written order of the City Manager or his designated representative.

2. Upon or within any City park property or other publicly held or controlled park or recreational property within the City of Westminster, except in areas specifically posted for such use or designated parking lots when used for that purpose or where such operation is specifically permitted by written order of the respective Director of parks, Recreation and Libraries or his designated representative.

3. On any property owned by a school district, or any public school grounds or campus, except a designated parking lot when used for that purpose, unless such operation is specifically permitted by written order of the district superintendent of schools or his designated representative, or in the case of a college or university, by the president thereof or his designated representative.

4. On any private property within the City of Westminster, except parking lots open to the public, unless specific written permission has been given by the owner or designated representative of the owner of such property to the individual operating said vehicle.

5. ON ANY SIDEWALK WITHIN THE CITY OF WESTMINSTER. PROVIDED, HOWEVER, THAT CHILDREN'S PLAY VEHICLES MAY BE OPERATED ON ANY SIDEWALK ADJACENT TO PRIVATE PROPERTY OR SIDEWALKS ADJACENT TO ANY PUBLIC STREET THAT IS NOT A STATE HIGHWAY.

(B) It shall be unlawful for any person to operate an unlicensed vehicle on any public street or public or private parking lot within the City **EXCEPT WHERE SUCH OPERATION IS SPECIFICALLY PERMITTED UNDER PART 1 OF THIS SUBSECTION B.** ~~AS USED IN THIS SUBSECTION, "UNLICENSED VEHICLE" MEANS ANY VEHICLE OF ANY TYPE REQUIRED BY STATE LAW TO BE LICENSED THAT IS NOT ACTUALLY LICENSED, AND ALSO INCLUDES GOPEDS, GO-KARTS, ALL TERRAIN VEHICLES, SNOWMOBILES, ANY DEVICE OR VEHICLE LISTED IN SECTION 109(9) OF THE MODEL TRAFFIC CODE, AND ANY OTHER VEHICLE OR DEVICE POWERED BY AN ELECTRIC MOTOR OR INTERNAL COMBUSTION ENGINE THAT IS NOT GENERALLY AND COMMONLY USED TO TRANSPORT PERSONS AND PROPERTY OVER PUBLIC STREETS AND HIGHWAYS, BUT DOES NOT INCLUDE BICYCLES.~~

1. UNLICENSED VEHICLES MAY BE OPERATED ON PRIVATE PARKING LOTS WHERE EXPRESS PERMISSION HAS BEEN GIVEN BY THE OWNER OR DESIGNATED OWNER OF SUCH PRIVATE PARKING LOT AND MAY ALSO BE OPERATED ON CITY OWNED PUBLIC PARKING LOTS WHERE EXPRESS PERMISSION HAS BEEN GIVEN BY THE CITY MANAGER OR THE CITY MANAGER'S DESIGNATED REPRESENTATIVE.

2. A PERSON OPERATING A CHILDREN'S PLAY VEHICLE OR GOLF CART MAY GO UPON A HIGHWAY OR PUBLIC STREET WHEN CROSSING THE PUBLIC STREET OR HIGHWAY IN A DESIGNATED CROSSWALK, AND WHEN SO CROSSING SHALL BE GRANTED ALL OF THE RIGHTS AND SHALL BE SUBJECT TO ALL OF THE DUTIES APPLICABLE TO PEDESTRIANS.

(C) DEFINITIONS: THE FOLLOWING TERMS SHALL HAVE THE MEANINGS HEREINAFTER SET FORTH WHEN USED IN THIS SECTION 10-1-14.

"UNLICENSED VEHICLE" MEANS ANY VEHICLE OF ANY TYPE REQUIRED BY STATE LAW TO BE LICENSED THAT IS NOT ACTUALLY LICENSED, AND ALSO INCLUDES GOPEDS, GO-KARTS, ALL TERRAIN VEHICLES, SNOWMOBILES, AND ANY OTHER VEHICLE OR DEVICE POWERED BY AN ELECTRIC MOTOR OR INTERNAL COMBUSTION ENGINE THAT IS NOT GENERALLY AND COMMONLY USED TO TRANSPORT PERSONS AND PROPERTY OVER PUBLIC STREETS AND HIGHWAYS, BUT DOES NOT INCLUDE BICYCLES.

"CHILDREN'S PLAY VEHICLE" SHALL MEAN ANY BATTERY OR ELECTRIC POWERED VEHICLE DESIGNED FOR OPERATION BY CHILDREN AND WHICH HAS A TRANSMISSION WHICH PRODUCES A MAXIMUM DESIGN SPEED NOT TO EXCEED TEN MILES PER HOUR.

(D) A PERSON OPERATING A WHEELCHAIR AS DEFINED IN MODEL TRAFFIC CODE SECTION 102 (89) SHALL BE CONSIDERED A PEDESTRIAN FOR THE PURPOSES OF THIS CODE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A PERSON WITH A PHYSICAL DISABILITY FROM OPERATING A WHEELCHAIR ALONG HIGHWAYS AND UPON SIDEWALKS AS AUTHORIZED UNDER MODEL TRAFFIC CODE SECTION 805.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The 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 SECOND READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of June, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of August, 2001 AS AMENDED.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 13, 2001

Subject: TABLED Councillor's Bills 48, 49 and 50 re Telleren Annexation, Zoning and Comprehensive Land Use Plan Amendment.

Prepared by: David Falconieri, Planner III

Introduction

City Council is requested to remove the three Councillor's Bills re the Telleran area annexation, zoning and Comprehensive Land Use Plan (CLUP) amendment and pass these Councillor's Bills on second reading. These Councillor's Bills were approved by City Council on first reading on July 9, 2001. On July 23, 2001, the City Council tabled second reading until August 13th at the request of the property owners.

Summary

Applicant/Property Owner: Scott and Barbara Robinson; Robert and Emily Robinson; Kelly and Sandra Robinson; Deb and Rick Granger; Donald and Marietta Hedenskog; Ruth Gussman and Peter Poses; William Kolb and Cecilia Trujillo; and Dirk McLean.

Location: North side of 144th Avenue, west of Lipan Street

Size of Site: 23.15 acres

Description of Proposed Use: Rural single-family detached residential

Comprehensive Land Use Plan (CLUP) Designation: This area is not currently included in the Comprehensive Land Use Plan. The City Council has passed on first reading an ordinance designating the area as "Single-Family Detached – Low Density".

Policy Issue(s)

Whether to approve the Telleren annexation, zoning and CLUP amendment on second reading.

Staff Recommendation

1. Remove Councillor's Bill No. 48 from the tabled and adopt Councillor's Bill No. 48 on second reading, annexing the Telleren area to the City.
2. Remove Councillor's Bill No. 49 from the tabled and adopt Councillor's Bill No. 49 on second reading, zoning the Telleren area from Adams County A-1 to City of Westminster Planned Unit Development (PUD).
3. Remove Councillor's Bill No. 50 from the tabled and adopt Councillor's Bill No. 50 on second reading, adding the Telleren annexation area to the Comprehensive Land Use Plan (CLUP) and assigning a designation of "Single-Family Detached - Low Density".

Alternatives

Make a finding that the Telleren area should not be annexed at this time and take no further action.

Background Information

The annexation, zoning and CLUP amendment for the Telleren area annexation was approved on first reading by the City Council on July 9, 2001. Second reading was continued at the July 23, 2001, hearing until August 13th. This was done in order to allow Council time to review the Preliminary Development Plan (PDP) and Official Development Plan (ODP) for the annexation prior to the annexation being completed. The property owners in the annexation area asked for the continuance so that they could review the document as well.

If the Preliminary Development Plan/Official Development Plan has been approved earlier on the agenda, then second reading of these Councillor's Bills may now be acted upon.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **2902**

COUNCILLOR'S BILL NO. **48**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 45, Series of 2001, making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, to wit:

A parcel of land located in the southeast ¼ and the southwest ¼ of Section 16. Township 1 South, Range 68 west of the 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the SW corner of said Section 16; thence N89°57'11"E and along the south line of the SW ¼, said Section 16 a distance of 1964.32 feet to the true point of beginning:

Thence continuing N89°57'11"E and along said south line a distance of 654.50 feet to the south ¼ corner of said Section 16; thence S89°50'40"E and along the south line of the SE ¼ said Section 16 a distance of 1331.84 feet to the west line of the east ½ of said SE ¼; thence N00°41'23"W and along said west line a distance of 1321.31 feet to northeast corner of Telleren Subdivision as recorded in File 14 at Map 506; thence along the boundary of said Telleren Subdivision the following two (2) courses;

1. N89°57'05"W a distance of 650.37 feet;

2. S00°39'34"E a distance of 225.48 feet to the NE corner of a parcel of land as described in Book 4903 at Page 891; thence along the boundary of said parcel the following three (3) courses;
 1. N89°57'06"W a distance of 325.50 feet;
 2. S00°39'34"E a distance of 334.79 feet;
 3. S89°57'25"E a distance of 325.50 feet to a point on the boundary of said Telleren Subdivision; thence along said boundary and along the west line of that parcel of land as described in Book 4948 at Page 90, S00°39'34"E a distance of 729.84 feet to a point on the north right-of-way line of West 144th Avenue; thence along said right-of-way line the following two (2) courses;
 1. N89°50'40"W a distance of 680.38 feet;
 2. S89°57'11"W a distance of 654.89 feet;

Thence S00°41'56"E a distance of 30.00 feet to the point of beginning. Said described parcel of land containing 23.149 acres, more or less.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The 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 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of August, 2001.

ATTEST:

Mayor

City Clerk

Telleren Annexation

BY AUTHORITY

ORDINANCE NO. **2903**

COUNCILLOR'S BILL NO. **49**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminster Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-1 to City of Westminster PUD. A parcel of land located in Section 16, Township 1 South, Range 69 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the S ¼ corner of said Section 16; thence S89°50'40"E and along the south line of the SE ¼, said section 16 a distance of 1331.84 feet to the west line of the east ½ of said SE ¼; thence N00°41'16"W and along said west line, a distance of 30.00 feet to the true point of beginning;

Thence continuing N00°41'16"W and along said west line a distance of 1291.28 feet; thence N89°57'05"W, a distance of 650.37 feet; thence S00°39'34"E, a distance of 225.48 feet; thence N89°56'37"W, a distance of 325.21 feet; thence S00°33'41"E, a distance of 334.77 feet; thence N89°58'19"E, a distance of 325.26 feet; thence S00°52'26"E, a distance of 730.32 feet; thence S89°50'40"E, a distance of 648.81 feet to the point of beginning. Said described parcel of land containing 21.764 acres, more or less.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The 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 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of August, 2001.

ATTEST:

Mayor

City Clerk

Telleren Zoning

BY AUTHORITY

ORDINANCE NO. **2904**

COUNCILLOR'S BILL NO. **50**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Telleren Area annexation property. The Telleren Area annexation property shall be changed from Unincorporated Adams County, to Single Family Detached Residential-Low Density. The Telleren Area annexation property described as a parcel of land located in the southeast ¼ of Section 16. Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the S ¼ corner of said Section 16; thence S89°50'40"E and along the south line of the SE ¼, said section 16 a distance of 1331.84 feet to the west line of the east ½ of said SE ¼; thence N00°41'16"W and along said west line, a distance of 30.00 feet to the true point of beginning:

Thence continuing N00°41'16"W and along said west line a distance of 1291.28 feet; thence N89°57'05"W, a distance of 650.37 feet; thence S00°39'34"E, a distance of 225.48 feet; thence N89°56'37"W, a distance of 325.21 feet; thence S00°33'41"E, a distance of 334.77 feet; thence N89°58'19"E, a distance of 325.26 feet; thence S00°52'26"E, a distance of 730.32 feet; thence S89°50'40"E, a distance of 648.81 feet to the point of beginning.

Said described parcel of land containing 21.764 acres, more or less.

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.

Section 4. The 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 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of August, 2001.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 13, 2001.

Present at roll call were Mayor Heil, Mayor Pro-Tem Dixon, Councillors Atchison, Hicks, and Moss. Absent was Councillor Merkel and Councillor Kauffman.

The minutes of the July 23, 2001 meeting were approved.

Mayor Heil presented a Citizen's Commendation to Brian Kautz, and recognized employees with 20 and 25 years of service.

Council approved the following: Bucket Truck Purchase to Altec Industries, Inc., for \$65,966; 112th Avenue, Sheridan to Stuart Street Construction Contract to Lawrence Construction for \$3,194,960; US36/Barr Land and 93rd Ave/Wadsworth Pkwy Sewer Bid to T. Lowell Construction for \$620,700; Irrigation Improvements to Swim & Fitness Center and Terrace Park to Arrow J Landscape for \$89,130; contract with Goodland Construction for \$56,726.80 for renovation of Terrace Park; Municipal Service Center Gasoline Recovery System Design/Build/Operate Contract to ERM EnviroClean-Rocky Mountain Inc., for \$465,722 and contingency of \$116,430; PDP/ODP for the Telleren Area located North of 144th Ave, West of Lipan; authorized Volunteer Fire Pension Plan increase in benefit to \$700/month; contract with Charlier Associates, Inc., for \$38,820 with contingency of \$28,880 for Trails Planning map; contract for \$900,000 to purchase a 320 acre parcel of land and improvements to Strasburg Natural Resource Farm; authorized a fee agreement with Mark Grueskin for \$7,500 for legal counsel services for state reapportionment process.

The following Public Hearing was held: PDP/ODP re Telleren Area west of Lipan St and North of 144th Avenue.

The following Councillor's Bills were introduced on first reading:

A BILL FOR AN ORDINANCE VACATING UTILITY EASEMENTS WITHIN NORTHRIDGE AT PARK CENTRE purpose: vacating easements within the Northridge at Park Centre Subdivision

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND purpose: appropriating \$38,700 for design of a regional trails planning map

The following Councillor's Bills were adopted on second reading:

A BILL FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF WESTMINSTER, HYLAND HILLS PARK AND RECREATION DISTRICT, AND INLINE ENDEAVORS L.L.C. FOR THE LEASE OF THE FORMER HYLAND HILLS ICE ARENA LOCATED AT 94TH AVENUE AND PERRY STREET, WESTMINSTER, CO

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE AMENDING SECTION 6-1-1 OF THE WESTMINSTER MUNICIPAL CODE TO PROVIDE ADDITIONAL DEFINITIONS as amended

A BILL FOR AN ORDINANCE AMENDING SECTION 10-1-14 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE OPERATION OF UNLICENSED VEHICLES ON PUBLIC STREETS AND IN CERTAIN PARKING LOTS as amended

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 58 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

The following Resolutions were adopted:

Resolution No. 51 re Approving affiliation with the Fire and Police Pension Association

Resolution No. 52 re Dissolving the Volunteer Firefighter Program

At 8:15 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on August 23, 2001