

August 26, 1996
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Citizen Recognition
 - B. Shaw Heights Little League Presentation
 - C. Excellence in Design & Outstanding Community Design Awards
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. IGA Amendment re E-911 Telephone Equipment
 - B. CB No. 51 re SLPP Supplemental Approp (Allen-Scott)
9. **Appointments and Resignations**
 - A. JeffCo Corrections Board
10. **Public Hearings and Other New Business**
 - A. TABLED - 92nd Ave Double Left Turn
 - B. IGA re Hyland Hills Ice Arena
 - C. Bond Counsel/Disclosure Counsel re Bond Issues
 - D. Public Hearing re Semper School Annexation & Zoning
 - E. Resolution No. 37 re Annexation Semper School
 - F. Councillor's Bill No. 52 re Annexation Semper School
 - G. Councillor's Bill No. 53 re Zoning Semper School
 - H. Public Hearing re Maulis Park Annexation & Zoning
 - I. Councillor's Bill No. 54 re Annexation Maulis Park
 - J. Councillor's Bill No. 55 re Zoning Maulis Park
 - K. Cobblestone Park Master Plan
 - L. Resolution No. 38 re Adams County Enterprise Zone
 - M. Resolution No. 39 re Jefferson County Enterprise Zone
 - N. Resolution No. 40 re Wadsworth Pkwy/90-92nd Improvements
 - O. Councillor's Bill No. 56 re Fireworks
 - P. Radio Frequency Meter Reading System Equipment
 - Q. Reclaimed Water System Program Management Services
 - R. Resolution No. 41 re Woman Creek Reservoir Loan
 - S. Payment re Woman Creek Reservoir Loan
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Financial Report for July, 1996
 - B. City Council
 - C. Request for Executive Session

1. Sheridan Crossing Business Assistance Package

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 26, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Dixon to accept the minutes of the meeting of August 12, 1996 with no additions or corrections. Councillor Scott requested to abstain as he was not present at the meeting. The motion carried with Councillor Scott abstaining.

PRESENTATIONS:

Mayor Heil and Fire Marshall Bill Work presented the Meritorious Citizen Service Award to John Butler and James Beasley for their act of heroism in saving the life of Mr. Hadji-Efthimiou.

Shaw Heights President Mark McKinnon presented the Mayor a plaque of appreciation for the City's support in renovating Carrol Butts Park and its continued support of Shaw Heights Little League.

Mayor Heil and Council presented awards to the developer and architect of each of the projects selected for receipt of the 1995 Award for Excellence in Design and Development and Outstanding Community Design Awards.

The Mayor recognized the Standley Lake High School students who were present at the meeting.

CITIZEN COMMUNICATION:

Ed Redmond, 7041 Beach Street, addressed Council speaking in support of the proposed Plan A for Skyline Vista Park.

Butch Hicks, 9044 Vance Street #203, addressed Council regarding political signs.

CITY COUNCIL COMMENTS:

Mayor Heil presented the City with a paperweight given to her by a Japanese exchange student from Narashino City, Japan, and a pewter statue that she received from the Lord Mayor of Westminster, England.

Mayor Pro Tem Dixon reported that the Westminster DARE Foundation "Holy Cow" trail run will be held October 12 and the entry fee is \$15. She also reported she had attended the following meetings: Rocky Flats Local Impacts Initiative with David Skaggs and DOE Assistant Secretary Al Ahm; Adams County Teen Diversion program; Private Industry Council on Westminster Issues and the Northwest Metro Chamber of Commerce meeting.

Councillor Merkel stated she liked the new sidewalk that goes to the Elk statue.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Amended IGA for Jefferson County Emergency Telephone Service Authority regarding equipment ownership, and Councillor's Bill No. 51 re Standley Lake Protection Project Supplemental Appropriation. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Allen and seconded by Dixon to recommend to the Jefferson County Commissioners the appointment of Barbara Castillo to serve as the City's representative on the Jefferson County Corrections Board.

TABLED 92ND AVENUE DOUBLE LEFT-TURN LANE PROJECT:

A motion was made by Scott and seconded by Dixon to Table action on the award of the 92nd Avenue Double Left-Turn Lane Project construction contract to September 9, 1996; and establish September 9, 1996 as the date for a public hearing on a proposed amendment to the Official Development Plan for Hyland Office Park for the purpose of limiting movements from the access point from this development onto 92nd Avenue. The motion carried unanimously.

IGA WITH HYLAND HILLS FOR NEW JOINT ICE ARENA PROJECT:

A motion was made by Dixon and seconded by Merkel to approve the IGA with Hyland Hills Park and Recreation District pertaining to the construction and operation of a new two-slab ice arena facility to be located in the Westminster Promenade Project area, and authorize the Mayor and City Clerk to execute the agreement.

A motion to amend the main motion was made by Harris and seconded by Dixon to reflect that some amendments to the agreement may be necessary as the agreement and financing mechanism are still under review, and that the City Manager has the discretion to have changes made to the agreement as necessary. Hyland Hills representatives Greg Mastriano, Don Critchfield, Kathi Williams, Glenn Axelson, Don VanArsdale and Don Wadle were present to address Council. The amendment carried unanimously. The main motion as amended carried unanimously.

SPECIAL BOND COUNSEL FOR CITY'S PROPOSED BOND ISSUES:

A motion was made by Harris and seconded by Smith to authorize the City Manager to execute an agreement with Sherman & Howard in the amount of \$37,000 for bond counsel services in connection with the City's anticipated bond issues for street and transportation improvements, urban renewal, parks, open space and trails, and the Countrydale Golf Course. The motion carried unanimously.

PUBLIC HEARING RE SEMPER ELEMENTARY SCHOOL ANNEXATION & ZONING:

At 8:05 P.M. the meeting was opened to a public hearing on the annexation and zoning for Semper Elementary School, generally located on the northeast corner of 96th Avenue and Wadsworth Boulevard. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum, Planning Commission report and other related items as exhibits. Don Cross, representing Jefferson County Schools, was present to address Council. No one spoke in opposition. At 8:21 P.M. the public hearing was declared closed.

RESOLUTION NO. 37 - SEMPER SCHOOL PROPERTY ANNEXATION FINDINGS:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 37 making certain findings of fact required by State Statutes. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 52 - SEMPER SCHOOL PROPERTY ANNEXATION:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 52 on first reading annexing the Semper Elementary School property. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 53 - SEMPER SCHOOL PROPERTY ZONING:

A motion was made by Merkel and seconded by Allen to pass Councillor's Bill No. 53 on first reading zoning the Semper Elementary School property to O-1. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON MAULIS PARK PROPERTY ANNEXATION & ZONING:

At 8:23 P.M. the meeting was opened to a public hearing on the annexation and zoning for the Maulis Park property, generally located south of 92nd Avenue, west of the Farmer's High Line Canal.

Planning Manager Larry Hulse entered a copy of the Agenda Memorandum, Planning Commission report and other related items as exhibits. Bill Walenczak, Director of Parks, Recreation and Libraries, answered questions from Council. No one spoke in opposition. At 8:25 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 54 - MAULIS PARK ANNEXATION:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 54 on first reading annexing the Maulis property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 55 - MAULIS PARK ZONING:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 55 on first reading zoning the Maulis Park property O-1. Upon roll call vote, the motion carried unanimously.

COBBLESTONE PARK MASTER PLAN:

A motion was made by Allen and seconded by Scott to approve the Cobblestone Park master plan, authorize the City Manager to sign a contract with Civitas, Inc. in the amount of \$31,962 to complete the design of construction and bid documents for Cobblestone Park, and charge this expense to the appropriate account in the Community Development Block Grant Fund. The motion carried unanimously.

RESOLUTION NO. 38 - ADAMS COUNTY ENTERPRISE ZONE:

A motion was made by Harris and seconded by Dixon to adopt Resolution No. 38 supporting the Westminster portion of the Adams County Enterprise Zone Economic Development Plan Revision. John Cody, representing Adams County Economic Development, was present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 39 - JEFFERSON COUNTY ENTERPRISE ZONE:

A motion was made by Harris and seconded by Scott to adopt Resolution No. 39 supporting the Westminster portion of the Jefferson County Enterprise Zone Economic Development Plan Revision. Michelle Straus, representing Jefferson Economic Council, was present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 40 - WADSWORTH PARKWAY/90-92ND AVE IMPROVEMENTS:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 40 which addresses financial participation by the City of Westminster for intersection improvements on Wadsworth Parkway at 90th and 92nd Avenues; authorize the City Manager to sign the Intergovernmental Agreement with the Colorado Department of Transportation; and charge the \$100,000 expense of the City's share of this cost to the appropriate project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 56 - FIREWORKS:

A motion was made by Smith and seconded by Dixon to pass Councillor's Bill No. 56 on first reading updating the requirements concerning fireworks. Upon roll call vote, the motion carried unanimously.

RADIO FREQUENCY METER READING SYSTEM EQUIPMENT:

A motion was made by Harris and seconded by Merkel to waive City Charter bidding requirements and authorize the expenditure of \$1.525 million to purchase 9,200 radio frequency meter reading units and provide contractual installation of the equipment with Mountain States Pipe and Supply Company, the sole supplier of the TRACE meter reading equipment in Colorado, and charge the expense to the appropriate Capital Improvement Project budget account. Utilities Services Supervisor Robert Booze was present to address Council. The motion carried unanimously.

RECLAIMED WATER SYSTEM PROGRAM MANAGEMENT SERVICES CONTRACT:

A motion was made by Allen and seconded by Scott to authorize the City Manager to sign an agreement with Richard P. Arber Associates for Project Management services related to the Westminster Reclaimed Water System Project in an amount not to exceed \$75,000 and charge the cost associated with this work to the Reclaimed Water Project Capital Improvement Account in the Utility Fund. The motion carried unanimously.

RESOLUTION NO. 41 - WOMAN CREEK RESERVOIR LOAN:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 41 authorizing the Mayor to execute a Grant Anticipation Loan Agreement and Promissory Note in the amount of \$8,147,000.00 plus interest charges and applicable loan origination fees with Norwest Bank Colorado for the Woman Creek Reservoir Authority. Upon roll call vote, the motion carried unanimously.

PAYMENT FOR WOMAN CREEK RESERVOIR LOAN:

A motion was made by Dixon and seconded by Merkel to authorize payment of interest charges and applicable loan origination fees from Public Works and Utilities Department budget with anticipated reimbursement of 2/3 of the total cost from the cities of Northglenn and Thornton, and to sponsor the Woman Creek Reservoir Authority for membership in the Colorado Intergovernmental Risk Sharing Agency. The motion carried unanimously.

CITIZEN COMMUNICATION:

Charles Martin, 7931 Bradburn Blvd, addressed Council concerning closing of the City's Animal shelter.

Cindy and Daniel Talarico, 7110 Alcott Street, addressed Council concerning the Skyline Vista park development.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for July, 1996.

Councillor Smith stated that he and Councillor Scott had attended the Independence Institute Seminar. He suggested Council consider forming an Administrative Board for concerns on Government takings and effect on small businesses for arbitration. Mayor Heil asked that he draft a proposal for consideration at the budget retreat.

The Mayor stated there would be an Executive Session concerning Sheridan Crossing, an Economic Development prospect and an update on a lawsuit.

ADJOURNMENT:

The meeting was adjourned at 9:22 P.M.

ATTEST:

Mayor

City Clerk

Date: August 26, 1996
Subject: Citizen Recognition
Prepared by: Gary Pedigo, Battalion Chief

Introduction

The Mayor, on behalf of City Council and with the assistance of members of the Westminster Fire Department, is requested to award the Meritorious Citizen Service Award to John Butler and James Beasley.

Summary

On August 11, 1996, Mr. Beasley and Mr. Butler saw a neighbor's house engulfed by fire near Garrison Court and 96th Drive. They rushed over to find 67-year-old Christos Hadji-Efthimiou struggling to escape through the bathroom window. Mr. Butler and Mr. Beasley immediately came to his aid by cutting him free of a mini-blind cord he was entangled in and pulled him through the window. Mr. Hadji-Efthimiou suffered only minor scrapes. Without the assistance of his neighbors, he would have been badly burned and probably would have lost his life.

At times of great stress, many people are unable to perform certain acts necessary to save a person's life. The Fire Department credits Mr. Butler and Mr. Beasley for quick thinking and calm presence in the face of an emergency which resulted in the saving of Mr. Hadji-Efthimiou's life.

Staff Recommendation

The Mayor present the Meritorious Citizen Service Award to Mr. Butler and Mr. Beasley for their act of heroism in saving the life of Mr. Hadji-Efthimiou.

Background Information

Westminster resident Christos Hadji-Efthimiou was roasting a lamb in the kitchen when he went downstairs and fell asleep. A short time later, he was awakened by a smoke alarm from the upstairs portion of the house. When he went to investigate, he found a large fire and thick smoke. He went back downstairs to the garden level bathroom to escape the fire but was unable to get through the window on his own. Neighbors saw smoke and fire at about the same time Mr. Hadji-Efthimiou was attempting to escape out the window. They ran to the scene, saw the victim at the window and together they pulled him out.

Firefighting equipment and personnel were dispatched to the scene and attempted to extinguish the fire. Their efforts were significantly hampered by the extreme amount of materials stored in the house. City crews with a backhoe and front-end loader were eventually brought in to fully extinguish the fire. The victim's home and vehicle suffered a nearly total loss and there was slight damage to the house next door.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 26, 1996
Subject: Shaw Heights Little League Presentation
Prepared by: Bob Spada, Recreation Program Manager

Introduction

Shaw Heights Little League representatives have requested time on Monday night's agenda to present City Council a plaque of appreciation.

Summary

The purpose of this presentation is to recognize City Council for their support in renovating Hyland Hill's Carrol Butts Park and to thank the City of Westminster for its continued support of Shaw Heights Little League through a good working relationship with City staff.

Staff Recommendation

Mayor and City Council accept the plaque from Shaw Heights Little League.

Background Information

The City of Westminster and the area Little Leagues have experienced an improved relationship over the past few years. It is in part due to City Staff providing coaches training, attending Board meetings and increasing communication with each area Little League organization. The following members of the Shaw Heights Little League will be present for this presentation to City Council: Mark McKinnon, President of Shaw Heights; Aaron Todd, Vice President; and Nancy Velasquez, Vice President of Operations.

Respectfully Submitted,

William M. Christopher
City Manager

Date: August 26, 1996

Subject: "Excellence in Design and Development" and "Outstanding Community Design" Awards Presentations

Prepared by: Shannon Sweeney, Planner I

Introduction

City Council action is requested to present the 1995 "Award for Excellence in Design and Development" to the developers and architects of the selected award-winning projects and to present the "Outstanding Community Design" awards to the developers of the Hyland Greens, NorthPark, and The Ranch communities.

Summary

The tenth annual "Award for Excellence in Design and Development" is a program to formally recognize outstanding architectural design and development taking place in Westminster. Over 250 projects were completed in 1995 and eligible for award consideration, and the judging committee chose the following 11 projects:

Project: Hidden Lake Medical Office Building
Address: 7701 Sheridan Blvd.
Category: Office
Developer: Kaiser Foundation Health Plan of Colorado, Mark Ortiz
Architect: Davis Partnership P.C., Architects, Brit Probst and Dave Rhyne
Comments: *Good overall site and building design
*Liked the building materials chosen (particularly the brick varieties)
*Site is well landscaped

Project: KinderCare Learning Center
Address: 7395 Church Ranch Blvd.
Category: Commercial
Developer: Home Place Land & Cattle Co., Charles McKay
Architect: Children's Design Group, Mark Pavey
Comments: *Nice building style (lower profile)
*Liked the sloped roof
*Good building orientation on the site (set back from the street)

Project: Remington West Apartments Clubhouse
Address: 6969 W. 90th Ave.
Category: Miscellaneous
Developer: Windsor Residential Properties, Terry Harper
Architect: Kaufman Meeks, Mark Kaufman
Comments: *Liked the steeper roof pitch
*Roof line breaks add interest to the design
*Details (such as Keystone work above the windows and entrance) are well done and consistent
*These details also repeated on rear elevation

Project: Adams County Animal Hospital
Address: 8020 N. Sheridan Blvd.
Category: Redevelopment/Redmodel
Developer: Kreutzman Construction Inc., Dave Kreutzman
Architect: Kurt Eugene Worthington Design, Kurt Worthington
Comments: *Dramatic exterior improvements to the building and surrounding area given the site limitations
*Incorporation of the planter area on front elevation will help to break up the tall wall on the west side

Project: Village at Horizon Pointe
Address: 96th Ave. & Independence Dr.
Category: Single-Family Attached/Townhomes
Developer: Beacon Hill Investments, Inc., Peter Kudla
Architect: Downing Thorpe & James, Inc., Mike Beitzel
Comments: *Buildings are well-oriented on the site
*Unique design adds interest and variety to the streetscape
*Garages are well-integrated into the design (no long, flat, garage walls as is common in many townhome projects)
*Architectural details such as different roof treatments over garages as well as horizontal offsets add interest

Project: NorthPark, Model 408
Address: 9796 Hooker Ct.
Category: Single-Family Detached (Category 2)
Developer: The Writer Corporation, George Writer
Architect: Habitat Design Group, Bob Moore
Comments: *Good overall composition with a simple, well-balanced design
*Liked the use of brick on this model
*Liked the vertical columns added to the front elevation

Project: Home Farm, Renaissance Homes, "Sausalito"
Address: 12585 Home Farm Dr.
Category: Single-Family Detached (Category 3)
Developer: Home Farm Company, Jim Nicholson
Architect: Renaissance Homes, Tom Hall
Comments: *Creates an unobtrusive streetscape appearance (house is greater than 2,000 s.f. but does not appear that large from the front)
*Because a side-load garage was incorporated into this design, the garage does not dominate the front elevation as in many other models
*Good choice of building materials with extensive use of brick in design
*Nice detailing around windows

Project: Legacy Ridge, Filing 4, "Doral" Model
(Cessna Associates is the builder)
Address: 10773 Alcott Way
Category: Single-Family Detached (Category 4)
Developer: Charter Investment Corp., John Baxter
Architect: Downing Thorpe & James, Inc., Bruce Downing
Comments: *Creative building orientation on the site
*Front porch with angled entry is unique and adds variety to the front elevation
*Liked the roof lines of this model as well as the tile roofing material
*Side-load garage helps to draw attention away from the garage

Project: Legacy Ridge, Filing 2, Raintree Homes, "Santa Barbara" Model
Address: 3482 W. 109th Cir.
Category: Single-Family Detached (Category 4)
Developer: Bruchez Farms Development, Art Bruchez
Architect: Sall Residential Design Group, Rick Sall
Comments: *Variety of horizontal offsets adds interest
*Liked the way the brick was incorporated in this design
*The horizontal setback, different roof treatment, and windows on garage doors help reduce garage dominance on the streetscape

Project: Legacy Ridge, Filing 1, custom home
Address: 10897 Legacy Ridge Way
Category: Single-Family Detached (Custom)
Developer: Bruchez Farms Development, Art Bruchez
Architect: Downing Thorpe & James, Inc., Steve James
Comments: *Good overall architectural design
*Double columns at entry provide balance to the design
*Excellent landscaping design

Project: Sunset Ridge, custom home
Address: 9521 Green Ct.
Category: Single-Family Detached (Custom)
Developer: John Silver
Architect: Jerold Axelrod & Associates, Jerold Axelrod
Comments: *Nice, simple design
*Proportionally good front elevation for a smaller home (more house than garage)
*Nice front porch

In addition to the Excellence in Design and Development awards, three special recognition awards will also be given this year. These "Outstanding Community Design" awards will be presented to formally recognize the developers of three exemplary Westminster communities (Hyland Greens, NorthPark, and The Ranch Planned Unit Developments). In each of these developments, the developers have successfully pioneered the Planned Unit Development (PUD) type of community design. These communities represent pace-setting residential development and excellent land use planning and home design in the City of Westminster. Each has played a key role in establishing the overall City image and is a great source of pride for the City. Below are the three projects and developers who will receive "Outstanding Community Design" awards:

PUD: Hyland Greens Planned Unit Development
Location: SEC W. 104th Ave. & Sheridan Blvd.
Developer: Celebrity Development Corporation, Dale Verdoorn
Comments: *Neighborhood park incorporated in community
*Natural drainage area preserved through subdivision with pedestrian pathway alongside
*Private amenities such as a pool, pool house, tennis courts, and landscaped play area provided for the residents
*Landscaped medians highlight main entrance into subdivision

PUD: NorthPark Planned Unit Development
Location: SEC W. 104th Ave. & Lowell Blvd.
Developer: The Writer Corporation, George Writer
Comments: *Neighborhood park and school incorporated in community
*Many greenbelts and trails throughout which are owned and maintained by the homeowners association
*Private amenities for the residents include a clubhouse, pool, basketball and tennis courts, and play area for children
*Subdivision has nice streetscape design along major streets (Federal and Lowell Blvds. and 104th Ave.) and well-designed entry features
*Community has a good mixture of housing types

PUD: The Ranch Planned Unit Development
Location: NWC W. 112th Ave. & Pecos St.
Developer: The Ranch Development Company, James Nicholson
Comments: *Private amenities offered to the residents include a golf course, clubhouse, and tennis courts
*Mix of different types of housing
*Incorporates office and residential uses within the development
*Private open space and park for residents

City Staff is prepared to present slides of the Excellence in Design and Development award-winning projects. Attached for further information is a list of projects which received design awards in previous years, as well as lists identifying the names of the architects and developers to receive "Excellence in Design and Development" awards and the developers to receive the "Outstanding Community Design" awards this year.

Staff Recommendation

View slides of the projects selected to receive the 1995 "Award for Excellence in Design and Development" and present the awards to the developer and architect of each winning project.

Present the three "Outstanding Community Design" awards to the developers of the Hyland Greens, NorthPark, and The Ranch Planned Unit Developments.

Background Information

Every year the City recognizes the developers and architects of new projects which reflect the type of design and development the City encourages. To qualify for design award consideration, projects must be completed (issued Certificates of Occupancy) during that design award year. Each spring, after most projects have been fully landscaped, Planning Staff photographs all eligible projects and invites a team of outside architects and developers familiar with the City to view the slides and choose the design award recipients. Staff then orders the awards and schedules the City Council presentation once the award order is received.

Due to the high rate of 1995 building activity, Staff photographed over 250 slides of new non-residential projects, housing models, and custom homes.

Because of the large number of slides this year, a Community Development Department subcommittee was established to view all of the slides and nominate projects for the judging committee to consider. This process helped narrow the scope for the judges by reducing the total number of slides by half.

This year, Mr. Donald Strauch (the architect of the Wallace Village for Children's most recent building) and Mr. Peter Kudla (developer of the Village at Horizon Pointe and previous design award recipient) aided City Staff in choosing a total of 11 award recipients in various non-residential and residential categories. Please note that the judges are not required to choose a project in each and every category and may select more than one project in any of the categories. The judges viewed slides and made site visits of projects they wished to see in the field. After discussion of the merits and weaknesses, they selected the projects which represent outstanding design in development in Westminster during 1995.

A special recognition award was designed this year to acknowledge the developers of three exemplary Westminster communities. These developers have successfully "pioneered" the Planned Unit Development (PUD) type of community design in Westminster. These communities represent pace-setting residential development and excellent land use planning and home design in the City. Each has also played a key role in establishing the overall City image and is a great source of pride for the City. This award is intended to be a unique, special recognition award and is not proposed as an annual type of design award.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

PREVIOUS RECIPIENTS OF EXCELLENCE IN DESIGN & DEVELOPMENT AWARDS

CATEGORIES

O OFFICE
C COMMERCIAL
RE REMODEL/REDEVELOPMENT
M MISCELLANEOUS

MF MULTI-FAMILY
SFA SINGLE-FAMILY ATTACHED
SFD SINGLE-FAMILY DETACHED

Projects completed in 1986

SFD NorthPark
MF Ironwood at the Ranch
C Towne Center at Brookhill
O Centre Court
RE Della Villa

Projects completed in 1993

C Montgomery Ward
RE Olive Garden Restaurant
MF Calavera Pointe
SFA Brittany Terrace
SFD Sunstream, Model 125A

Projects completed in 1987

SFD Hyland Greens East
C Metro Auto, Inc.: Olds/Volvo
RE Westminster Presbyterian Church
M Cascade Village Clubhouse

Projects completed in 1994

O Lifecare International
C Diamond Shamrock-Westglenn
C GoldenBanks
C Wal-Mart
RE Perkins Restaurant
MF Calavera Pointe
SFA Village at Horizon Pointe
SFD Hyland Greens East, Custom
SFD The Ranch, Custom
SFD The Ranch, Custom

Projects completed in 1988

MF Cascade Village
C Star Wash
RE Jalepenos
M Adams, Lukas Elementary Schools

Projects completed in 1989

SFD NorthPark
C Lamps Plus
C Soup Exchange
RE Westminster Flowers
RE Westminster Square
M Adventure Golf

Projects completed in 1995

O Hidden Lake Medical Office
C KinderCare Learning Center
M Remington West Clubhouse
RE Adams County Animal Hospital
SFA Village at Horizon Pointe
SFD NorthPark, Model 408
SFD Home Farm, Plan 306
SFD Legacy Ridge, Plan 4
SFD Legacy Ridge, Model 2670-B
SFD Legacy Ridge, Custom
SFD Sunset Ridge, Custom

Projects completed in 1990

SFD NorthPark
SFD Greenlawn Ranch
RE Hyland Hills Golf Course Clubh.

Projects completed in 1991

SFD NorthPark
SFD The Ranch
RE Wagon Road Park-n-Ride

Projects completed in 1992

SFD Arrowhead, Model 1140
SFD Greenlawn Ranch, Model 1304
SFD Hyland Meadows, Model 1347
SFD NorthPark, Model 1304
SFA NorthPark Filing 4
RE Arby's

1995 AWARD FOR EXCELLENCE IN DESIGN AND DEVELOPMENT

Developers and Architects

Office Category

I. Hidden Lake Medical Office Building:

Developer - Kaiser Foundation Health Plan of Colorado; Mark Ortiz

Architect - Davis Partnership P.C., Architects; Brit Probst, Dave Rhyne

Commercial Category

I. KinderCare Learning Center:

Developer - Home Place Land & Cattle Co., Inc.; Charles McKay

Architect - Children's Design Group; Mark Pavey

Miscellaneous Category

I. Remington West Apartments Clubhouse:

Developer - Windsor Residential Properties, Inc.; Terry Harper

Architect - Kaufman Meeks, Inc.; Mark Kaufman, Larry Santage

Remodel/Redevelopment Category

I. Adams County Animal Hospital:

Developer - Kreutzman Construction Inc.; Dave Kreutzman

Designer - Kurt Eugene Worthington Design; Kurt Worthington

Single-Family Attached Residential (Townhome) Category

I. Village at Horizon Pointe:

Developer - Beacon Hill Investments, Inc.; Peter Kudla

Architect - Downing Thorpe & James, Inc.; Mike Beitzel

Single-Family Detached Residential Category

I. NorthPark (Model 408):

Developer - The Writer Corporation; George Writer

Architect - Habitat Design Group; Bob Moore

II. Home Farm, Renaissance Homes ("Sausalito" Model):

Developer - Home Farm Company LLC; George Upton, Jim Nicholson

Architect - Renaissance Homes; Tom Hall, David Barber

III. Legacy Ridge, Filing No. 4, ("Doral" Model):

Developer - Charter Investment Corporation; John Baxter

Architect - Downing Thorpe & James, Inc.; Bruce Downing

- IV. Legacy Ridge**, Filing No. 2, ("Santa Barbara" Model):
Developer - Bruchez Farms Development; Art Bruchez, Paula Wilson
Architect - Sall Residential Design Group; Rick Sall

- V. Legacy Ridge**, Filing No. 1, (Custom):
Developer - Bruchez Farms Development; Art Bruchez, Paula Wilson
Architect - Downing Thorpe & James, Inc.; Steve James

- VI. Sunset Ridge** (Custom):
Developer - John Silver
Architect - Jerold Axelrod & Associates; Jerold Axelrod

OUTSTANDING COMMUNITY DESIGN AWARDS

Developers

- I. Hyland Greens Planned Unit Development**
Developer - Celebrity Development Corporation, Dale Verdoorn

- II. NorthPark Planned Unit Development**
Developer - The Writer Corporation, George Writer

- III. The Ranch Planned Unit Development**
Developer - The Ranch Development Company, James Nicholson

Date: August 26, 1996
Subject: IGA re Emergency Telephone Service And Equipment
Prepared by: Carol Bohannon, Communications Supervisor

Introduction

City Council action is requested to authorize the Mayor to sign an amendment to the Jefferson County Emergency Telephone Authority Intergovernmental Agreement (IGA).

Summary

The City of Westminster entered into an Intergovernment Agreement in October, 1983, along with twenty-eight other governmental entities, to form the Jefferson County Emergency Telephone Service Authority. This Authority is responsible for administering the operation of the 9-1-1 emergency telephone service.

The current agreement has ownership of all related 9-1-1 equipment and hardware remaining with the Authority rather than the entities who use that equipment in their 9-1-1 dispatch centers. This amendment proposes transferring ownership of the 9-1-1 equipment to the individual entities, reconveying that property back to the Authority by a defaulting entity, or if the IGA is terminated, ownership of the equipment will remain with the 9-1-1 center.

Staff Recommendation

Authorize the Mayor to sign the amendment to the intergovernmental agreement for the Jefferson County Emergency Telephone Service Authority regarding equipment ownership.

Background Information

All entities involved with the Jefferson County Emergency Authority IGA are required to have insurance for the Authority-owned equipment on their premises. This amendment allows those entities' Public Safety Answering Points (PSAP's) to include Authority-owned equipment in their individual inventories.

Currently, the City must provide the Authority Board with a yearly insurance certificate which specifically addresses coverage for this equipment. If ownership of the equipment remains with the City, Staff will simply include 9-1-1 equipment in existing inventory, thus simplifying the process of proof of insurance, and still allowing the Authority to satisfy State statute inventory requirements.

The amendment states further that if the City of Westminster would default under the terms of the IGA, the equipment shall be returned to the Authority. Conversely, if the IGA is terminated by agreement of a majority of the original signing entities, the equipment shall remain in the ownership of the City.

Respectfully submitted,

William M. Christopher, City Manager

Date: August 26, 1996

Subject: Appointment to Jefferson County Corrections Board

Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to recommend an appointment of a City representative to the Jefferson County Corrections Board. Appointments to this Board are made by the Jefferson County Commissioners.

Summary

In 1993, City Council approved an Intergovernmental Agreement with Jefferson County and five Jefferson County cities to initiate participation in the Jefferson County Corrections Program.

In August 1995 R. S. Douglass was recommended by City Council to Jefferson County Commissioners as the City's representative. Recently, Mr. Douglass has resigned and the Staff is recommending appointing a City employee that resides in Jefferson County to this position.

Barbara Castillo, Deputy Court Administrator has indicated that she is interested in this appointment.

Staff Recommendation

Recommend to the Jefferson County Commissioners the appointment of Barbara Castillo to serve as the City's representative on the Jefferson County Corrections Board.

Background Information

At the August 23, 1993 Council meeting, City Council approved participation in an Intergovernmental Agreement (IGA) with Jefferson County which provides the legal foundation for the Jefferson County Correction Program. The other participants in the Community Corrections Program are Jefferson County and the cities of Arvada, Edgewater, Golden, Lakewood, and Wheat Ridge.

In the same correspondence in which the City was asked to become a participant in this program, Judge Zimmerman asked that the City recommend an appointment for the Jefferson County Corrections Board to the appointing authority, which is the Jefferson County Commissioners. All of the Board members, which can number up to 19, are appointed by the Commissioners.

In addition to the City members, the Board is comprised of Jefferson County Judges, a County Commissioner, an at-large representative and representatives from the Jefferson County Mental Health Center, Jefferson County Bar Association, the District Attorney's Office, the Probation Department, the Jefferson County Coalition of Cities, and a police department.

The major responsibilities of the Board are three-fold: (1) to approve placement of felony offenders in the community; (2) to contract service providers for community corrections; and (3) to set the standards for how the program will work in the community.

The Board meets monthly on the fourth Wednesday at 7:00 AM in the Jefferson County Commissioner's Chambers. In addition, each Board member must participate in two to three of the screening committee meetings during the year. The screening committee meets weekly on Thursdays. The Board members who presently represent the cities of Arvada, Edgewater, Golden, Lakewood and Wheat Ridge are members of the City Councils of these jurisdictions.

While Jefferson County residency is not a requirement under the IGA, residency in Jefferson County is a prime consideration for the County Commissioners.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 26, 1996

Subject: TABLED 92nd Avenue Double Left-Turn Lane Project

Prepared by: Dave Downing, City Engineer

Introduction

City Council is requested to table action on the 92nd Avenue Double Left-Turn Lane Project to September 9, 1996. City Council action is also requested to establish September 9, 1996, as the date for a public hearing on a proposed amendment to the Official Development Plan for Hyland Office Park for the purpose of limiting traffic movements from the existing access point from this development onto 92nd Avenue.

Summary

On August 12, City Council tabled action on Staff's recommendation to award a construction contract for the closure of an existing break in the 92nd Avenue median at Hyland Office Park (9191 Sheridan Boulevard) which would limit the current full-turn access at this point to right-in and right-out movements only. It was Council's desire to learn more about possible alternative access to this site before considering the request to award the construction contract.

On August 19th, City Staff met with Council to present preliminary findings on a possible left-in access to the office building from northbound Sheridan Boulevard. Staff explained that the feasibility of constructing such a lane within the Sheridan Boulevard median would be dependent upon approval from the Colorado Department of Transportation (CDOT) due to the need to widen the westbound off-ramp from US 36 in conjunction with this project. Council instructed Staff to meet with CDOT representatives to attempt to gain such an approval. Staff was also directed to discuss this proposal with tenants of 9191 Sheridan Boulevard to ascertain their thoughts about this alternative access.

Due to time constraints, Staff will not be prepared to continue discussions on this matter at the August 26th City Council meeting. Staff will meet with CDOT representatives on Wednesday, August 21st and with the office building tenants on Thursday, August 22nd, but a report on the results of these meetings could not be prepared in time for the next City Council meeting. Therefore, it is requested that City Council table action on the previously proposed construction contract to September 9, 1996.

Staff also requests that City Council establish September 9th as the date of a public hearing on an amendment to the Official Development Plan for Hyland Office Park. The purpose of this amendment is to include wording on the Plan to limit turning movements from the office building's access point on 92nd Avenue to right-in and right-out only. Staff will be prepared to report on the results of the meetings with CDOT and the tenants at this public hearing.

Staff Recommendation

Table action on the award of the 92nd Avenue Double Left-Turn Lane Project construction contract to September 9, 1996; and establish September 9, 1996 as the date for a public hearing on a proposed amendment to the Official Development Plan for Hyland Office Park for the purpose of limiting movements from the access point from this development onto 92nd Avenue.

Background Information

Over the past two weeks, City Staff has remained in contact with Technology Constructors, Inc., the firm recommended to be awarded the contract for the 92nd Avenue Double Left-Turn Lane Project. The contractor has indicated that he would be willing to honor the bid that he submitted for this work and delay the start of the construction in order to accommodate further discussions between the City, CDOT representatives and the tenants of the office building. However, City Staff would advise that this award not be issued any later than September 9th in order to assure that the work does not carry over into the 1996 holiday shopping season. If a conclusion cannot be reached at that date, Staff recommends that the project be delayed until 1997 or some later time.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 26, 1996
Subject: Proposed IGA re Joint Ice Arena Project
Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested to approve an intergovernmental agreement (IGA) with the Hyland Hills Park and Recreation District pertaining to the construction and operation of a new two-slab ice arena to be located in the Westminster Promenade Project area.

Summary

A proposed intergovernmental agreement between the City of Westminster and the Hyland Hills Park and Recreation District is being submitted to City Council pertaining to the construction and operation of a new two-slab ice arena facility. The City Staff and Hyland Hills Staff members have been working on a joint proposal which would call for the City financing and owning a new ice arena facility to be located in the Westminster Promenade area and would be operated by Hyland Hills personnel. Given the increasing demand and popularity for public ice skating opportunities, the new facility would address the need for more public/open skating time as well as accommodating figure skaters, ice hockey leagues, and other users of indoor ice facilities. The proposed facility is viewed as a key anchor to the Westminster Promenade Project area and would serve as a catalyst to compliment the anticipated private development that would take place in the adjacent area.

The attached intergovernmental agreement sets forth the responsibilities of both the City of Westminster and the Hyland Hills Park and Recreation District. The agreement has been formally approved by the Hyland Hills Park and Recreation District Board of Directors at their regular meeting on August 20. Legal counsel for both entities have reviewed the documents along with the City's financial advisor, Nate Eckloff, and outside bond counsel. It is noted that amendments to the agreement may be necessary once the final financing mechanism has been confirmed for the construction cost of the ice arena, which is estimated to be \$6.0 million.

This facility is planned to be self sustaining and, at some point in time, would be established as an enterprise operation. Legal counsel, including outside legal counsel are presently evaluating the Amendment 1 criteria to determine if this facility would initially meet the requirements or could be designated at a future point in time.

Staff Recommendation

Approve the intergovernmental agreement between the City of Westminster and the Hyland Hills Park and Recreation District pertaining to the construction and operation of a new two-slab ice arena facility to be located in the Westminster Promenade Project area, and authorize the Mayor and City Clerk to execute the agreement.

Background Information

Negotiations have successfully been completed at the Staff level on a proposed intergovernmental agreement (IGA) pertaining to a new two-slab ice arena involving the City of Westminster and the Hyland Hills Park and Recreation District. The Hyland Hills Park and Recreation District Board of Directors approved the IGA at their regular meeting on August 20. The agreement has previously been reviewed with City Council and is ready for City Council's formal consideration. Staff recommends approval of the intergovernmental agreement so that design and construction of the desired facility can commence.

The following key components constitute the IGA:

- o The ice arena facility would initially be a two-slab of ice facility with the potential to expand to a third-slab in the future.
- o The City of Westminster would finance and own the facility utilizing enterprise revenue bonds or a lease/purchase. Incremental ownership would be gained by Hyland Hills each year, with successful operation of the ice arena and required payments to the City. After 20 years (the life of the indebtedness), Hyland Hills would be a 50% owner in the facility if they have made all required payments and successfully operated the ice arena.
- o The City would contract with Hyland Hills to be the operator of the ice arena and it would be required to make quarterly payments to cover debt service along with paying all budgeted expenditures. Any excess revenue would be shared on a 50-50 basis with the City of Westminster after satisfying all debt service, operational costs, and reserve accounts.
- o The City would be responsible for awarding the construction contract, overseeing the construction of the facility. In conjunction with the leasing of the new ice arena facility with Hyland Hills, they would commit to transferring all existing Hyland Hills ice arena programs and contracts to the new facility.
- o In consideration of the land that the City would provide for the site within the Westminster Promenade Project area, Hyland Hills would commit to conveying 50% ownership of the Carroll Butts Park (excluding the Hyland Hills Ice Arena and the adjacent parking lot). The City and Hyland Hills would jointly develop a master plan to address upgrades in facilities, new facilities, methods of financing improvements, and the respective division of costs between the parties. Also, Hyland Hills would commit to lease to the City an undivided 1/2 interest in the existing Hyland Hills Ice Arena building and adjacent parking lot for a 20-year length of time to run concurrently with the new ice arena lease. The annual cost of the lease to the City would be \$1.00. Upon expiration of the full term of the lease, and assuming Westminster had not defaulted on the provisions of the lease, Hyland Hills would convey to Westminster an undivided 1/2 interest in the real property and fixtures. The intent of this joint ownership is to redevelop the existing facility into an alternate use such as indoor soccer or indoor in-line skating, etc., with the City and Hyland Hills being co-owners/operators, and equally sharing costs and revenues.

- o In the event that Hyland Hills defaults on its obligation in the new ice arena, Westminster may, at its sole discretion, elect to terminate the lease agreement with Hyland Hills. In that event, Westminster shall convey to Hyland Hills an undivided percentage interest, as tenants in common, in the Ice Arena, equal to 5% per year for each year paid on the lease agreement.

The projected cost of the new Ice Arena Project is approximately \$6.0 million. This level of funding is being determined by the projected financial capability of the new Ice Arena facility generating revenue to pay the debt service, operating costs and equipment reserve. This estimate is predicated on an initial two-slab ice arena with future expansion for a third sheet of ice. Staff has been working with Nate Eckloff, Hanifen Imhoff, Inc., who is financial advisor to the City of Westminster, on the details involving the financing. Mr. Eckloff has confirmed to the City and Hyland Hills that financing is available through lease purchase and/or enterprise revenue bonds. Neither financing approach involves voter approval.

Further review by outside bond counsel and firming up pending details about the ice arena are needed prior to finalizing which financing mechanism is the best approach. Also, a formal feasibility report provided by an outside firm is needed on the financial projections of the ice arena.

As part of the IGA, the City of Westminster would form a partnership with Hyland Hills involving the existing ice arena facility as well as Carroll Butts Park. The intent of the partnership on the existing ice arena is to pursue redevelopment of the existing building to some other revenue producing operation such as indoor soccer, indoor in-line skating, or a gymnasium. The facility would be jointly owned, and operated by the two entities. In the case of Carroll Butts Park, the City would become a 50% owner of the park and would work cooperatively with Hyland Hills on upgrading the park and adding new enhancements. Many Westminster residents have the impression that the park is already owned by the City and is part of the Westminster park system.

This joint venture is an exciting prospect to move forward with an enlarged state of the art ice arena facility. It will help meet the escalating demand for ice time by various interests, including figure skaters, open skating time, and ice hockey enthusiasts. Westminster has enjoyed other joint ventures with Hyland and this is thought to be yet another exciting partnership that will produce a fine facility for the general public as well as new opportunities involving the existing ice arena and Carroll Butts Park. Members of the Hyland Hills Park and Recreation District Board of Directors are expected to be in the audience at Monday night's City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: August 26, 1996
Subject: Special Bond Counsel for City's Proposed Bond Issues
Prepared by: Martin R. McCullough, City Attorney

Introduction

City Council is requested to authorize the City Manager to execute a negotiated special legal counsel contract with Sherman & Howard for bond counsel services, in connection with the City's anticipated bond issues for street and transportation improvements, urban renewal, parks, open space and trails, and the Countrydale Golf Course.

Summary

- > The City of Westminster is seeking voter approval to issue \$15 million in Sales and Use Tax Revenue Bonds for the purpose of funding street improvement projects in the Westminster Mall area.
- > The City will also be asking voter approval at this November's regular election for a 20-year extension of the City's 1/4 of 1% sales and use tax for parks and other recreational facilities, open space and trails ("P.O.S.T."), including authorization to issue bonds for these purposes using the revenues from the P.O.S.T. tax for repayment.
- > The City is also intending to issue \$3.6 million in Golf Course Enterprise Bonds for the joint Countrydale Golf Course.
- > Finally, voters will also be asked in November to authorize \$8.7 million in tax increment bonds for the City's Westminster Plaza redevelopment project.
- > Prior to issuing these bonds, it is necessary to obtain the services of special bond counsel to render an opinion concerning the tax-exempt status and enforceability of these bonds.
- > The law firm of Sherman & Howard has offered to provide bond counsel services for all four bond issues at a "group rate" of \$37,000, compared to a "standard" fee of \$71,000 if these issues were done separately.

Staff Recommendation

Authorize the City Manager to execute an agreement with Sherman & Howard in the amount of \$37,000 for bond counsel services in connection with the City's anticipated bond issues for street and transportation improvements, urban renewal, parks, open space and trails, and the Countrydale Golf Course.

Background Information

Council has previously directed Staff to prepare the necessary ballot questions to authorize these financings under Amendment 1 at the upcoming November 5, 1996 election.

Prior to issuing these various bonds, it is necessary for the City to retain bond counsel to assist in the structuring of the bond issues. Bond counsel is required to issue a bond opinion concerning the tax-exempt qualification and enforceability of the bonds. At a subsequent date, assuming a favorable result in the bond election, it will be necessary to retain bond counsel to issue its opinion regarding compliance of the Official Statement with federal securities laws.

City Charter section 4.14 requires City Council approval of all agreements with outside legal counsel.

Sherman & Howard's proposed fee of \$37,000 equates to an average of \$9,000 per bond issue. A copy of their proposal is attached. In the past, the City has paid from \$12,000-\$20,000 for similar bond issues. For example, the City paid \$18,000 for bond counsel services in connection with the 1992 Sales and Use Tax and G.O. Water Bond Issue.

Based on past bond issues in which Sherman & Howard has represented the City, this firm possesses the desired background and knowledge to meet the City's needs in terms of timing and marketing of this issues.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: August 26, 1996
Subject: Semper Elementary School Annexation and Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council is requested to adopt the attached Resolution making certain findings of fact and pass the attached Councillor's Bills on first reading annexing and zoning the Semper Elementary School site.

Summary

Applicant/Property Owner: Gene Green (The property is currently subject to condemnation procedures. However, the Green's have agreed to permit the annexation of the property even though final title has not yet been acquired by the Jefferson County R-1 School District).

Location: Northeast corner of 96th Avenue and Wadsworth Boulevard.

Size of site: 11.8 acres

Description of Proposed Use: Elementary School

Major Issues -

1. **Realignment of 96th Avenue:** As part of the annexation of the site and the construction of the school, the present off-set intersection of 96th Avenue and Wadsworth Boulevard will be reconstructed to a normal 90 degree alignment. This requires the realignment to the north of the eastern leg of 96th Avenue. This requirement is a part of the Intergovernmental Agreement between the City of Westminster and the Jefferson County School District adopted on February 26th.
2. **Condemnation of the Green property:** The School District has condemned the majority of the Green property. Possession of the property has been granted to the District by the Court. Only the acquisition price remains to be resolved.
3. **Zoning:** By City Code, the property may only be zoned O-1 or PUD. Staff is recommending that it be zoned O-1.
4. **Intergovernmental Agreement:** An intergovernmental agreement was approved by the City Council on February 26th, 1996, in which aspects of the development of the site were detailed.

Planning Commission Recommendation

This request was reviewed by the Planning Commission on August 13, 1996. It was their unanimous decision to recommend approval of the requested annexation and zoning. No members of the public appeared either in support or opposition to this proposal.

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. making certain findings of fact required by State Statutes.
3. Pass Councillor's Bill No. on first reading annexing the Semper Elementary School property.
4. Pass Councillor's Bill No. on first reading zoning the property to O-1.

Background Information

Discussion of Major Issues

1. The Intergovernmental Agreement, approved last February between the City and Jefferson County Schools, required that the District annex the site to the City and specified site development requirements and costs. The agreement allowed the District to pro-rate the cash in lieu of improvements for Wadsworth Boulevard over a three year period and specified that water and sanitary sewer taps would be granted at in-city rates.
2. As part of the construction of the site, 96th Avenue east of Wadsworth Boulevard will be realigned to the north to where 96th Avenue currently intersects Wadsworth Boulevard on the west. The cost of the realignment will be shared by the District and the City in accordance with the terms of the intergovernmental agreement. The City Staff considers this realignment to be essential to safe operation of the roads in the area especially once the school is in full operation.
3. The School District chose to purchase only a portion of the Green property even though the owners had desired to sell the entire property as a single unit. As result, the District initiated condemnation procedures and were granted possession of the southern 11.8 acres, leaving the Green's house on the remaining 3 acres. The District has since completed the construction of the school while future court proceedings will determine the value of the property.
4. For any property over 2 acres, the City Code requires that any new zoning be either PUD or O-1. Since construction of the school building is completed, there are few site design details to address in a PUD, which would require the preparation of additional documents. A school is an allowed use in the O-1 district.

Architectural/Building Materials: The building has been completed at this time. It is a single story, two tone split-face block structure with brick accent stripes. Those portions of the roof that are not flat are covered with a standing seam metal roof painted dark green.

Access and Circulation : Access will be provided from the newly realigned 96th Avenue only. This will provide safer access for the bus pull-off area while minimizing access to Wadsworth Boulevard. Sidewalks will be provided along 96th Avenue, and will be installed along Wadsworth Boulevard when the street is constructed to arterial standards.

Site Design: Playing fields are provided on the north and east side of the site. The bus pull-off is located on the east end, off of 96th Avenue, and will separate the bus traffic from the parking areas to the west of the building. Much of the landscaping has already been installed around the building and the playing fields are still under construction.

Signage: A single monument sign conforming to City Code requirements will be constructed on the site, at the 96th Avenue entrance.

Service Commitment Category: Ten service commitments have been awarded from Category F which is reserved for various public uses.

Surrounding Zoning: This property is bordered on the north by the remainder of the Green property which is zoned A-2 in Jefferson County. To the east is Westcliff, a residential PUD. On the south, across 96th Avenue there are several single family residential zones in the County as well as the Fox Meadows PUD in the City. Across Wadsworth Boulevard to the west the properties are all zoned A-2 in the County.

Respectfully submitted,

William M. Christopher,
City Manager

Attachments

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN A PORTION OF THE SOUTH 1/2 OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for Semper Elementary School property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 30 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the attachment of area from a school district;
- c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
- d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
- e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 26th day of August, 1996.

ATTEST:

Mayor

City Clerk

Semper Elementary School

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF THE SOUTH 1/2 OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M. COUNTY OF JEFFERSON, 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 Jefferson, 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 Sections 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. 16 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 Jefferson, State of Colorado, to wit:

A tract of land being a portion of a parcel of and as described by deeds recorded in Book 1704 at Page 405 and Book 2532 at Page 913, being a portion of the south one-half of Section 14 and the north one-half of Section 23, Township 2 south, Range 69W of the Sixth Principal Meridian, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the south one-quarter corner of said Section 14; Thence south 88°47'57" W along the south one-half of said Section 14 a distance of 40.00 feet to the True Point of Beginning, said point being on the west right-of-way line of North Wadsworth Boulevard; Thence north 00°13'57" E along the west right-of-way line of said North Wadsworth Boulevard a distance of 446.59 feet; Thence north 89°46'19" E a distance of 76.00 to a point on the east right-of-way line of said North Wadsworth Boulevard and the west line of said Book 2532 Page 913; Thence north 70°30'58" E a distance of 645.04 feet; Thence south 85°19'21" E a distance of 73.29 feet; Thence north 70°30'58" E a distance of 120.03 feet; Thence north 01°01'18" E a distance of 142.53 feet to a point on the north line of said book 1704 Page 405; Thence north 89°46'19" E along the north line of said Book 1704 Page 405 a distance of 20.00 feet to the northeast corner thereof; Thence south 01°01'18" W along the east line of said Book 1704 Page 405 a distance of 834.63 feet to the southeast corner thereof, said point also being on the south line of the southeast one-quarter of said Section 14 and the north right-of-way line of West 96th Avenue;

Thence south 89°46'19" W along the south line of said Book 1704 Page 405 and along the south line of the southeast one-quarter of said Section 14 a distance of 369.55 feet; Thence south 00°15'19" W a distance of 30.00 feet to a point on the south right-of-way line of said West 96th Avenue; Thence south 89°46'19" W along the south right-of-way line of said West 96th Avenue a distance of 257.24 feet to a point of curve; Thence along the arc of a curve to the left having a central angle of 253°40'38", a radius of 50.00 feet and an arc length of 221.37 feet, whose chord bears south 89°46'19" W a distance of 80.03 feet to a point on the south right-of-way line of said West 96th Avenue; Thence south 89°46'19" W along the south right-of-way line of said West 96th Avenue and the westerly extension thereof a distance of 172.96 feet to a point on the west right-of-way line of said North Wadsworth Boulevard; Thence north 00°13'57" E along the west right-of-way line of said North Wadsworth Boulevard a distance of 29.32 feet to the True Point of Beginning. Containing 515,064 square feet or 11.8242 acres.

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 26th day of August, 1996.

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

TEST:

Mayor

City Clerk

Munier Elementary School

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PORTION OF THE SOUTH 1/2 OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M. COUNTY OF JEFFERSON, 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 Jefferson County A-1 to City of Westminister PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminister 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 Westminister Municipal Code sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.

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 hereto from Jefferson County A-1 to City of Westminister PUD--Planned Unit Development.

A tract of land being a portion of a parcel of and as described by deeds recorded in Book 1704 at Page 405 and Book 2532 at Page 913, being a portion of the south one-half of Section 14 and the north one-half of Section 23, Township 2 south, Range 69W of the Sixth Principal Meridian, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the south one-quarter corner of said Section 14; Thence south 88°47'57" W along the south one-half of said Section 14 a distance of 40.00 feet to the True Point of Beginning, said point being on the west right-of-way line of North Wadsworth Boulevard; Thence north 00°13'57" E along the west right-of-way line of said North Wadsworth Boulevard a distance of 446.59 feet; Thence north 89°46'19" E a distance of 76.00 to a point on the east right-of-way line of said North Wadsworth Boulevard and the west line of said Book 2532 Page 913; Thence north 70°30'58" E a distance of 645.04 feet; Thence south 85°19'21" E a distance of 73.29 feet; Thence north 70°30'58" E a distance of 120.03 feet; Thence north 01°01'18" E a distance of 142.53 feet to a point on the north line of said book 1704 Page 405;

Thence north 89°46'19" E along the north line of said Book 1704 Page 405 a distance of 20.00 feet to the northeast corner thereof; Thence south 01°01'18" W along the east line of said Book 1704 Page 405 a distance of 834.63 feet to the southeast corner thereof, said point also being on the south line of the southeast one-quarter of said Section 14 and the north right-of-way line of West 96th Avenue; Thence south 89°46'19" W along the south line of said Book 1704 Page 405 and along the south line of the southeast one-quarter of said Section 14 a distance of 369.55 feet; Thence south 00°15'19" W a distance of 30.00 feet to a point on the south right-of-way line of said West 96th Avenue; Thence south 89°46'19" W along the south right-of-way line of said West 96th Avenue a distance of 257.24 feet to a point of curve; Thence along the arc of a curve to the left having a central angle of 253°40'38", a radius of 50.00 feet and an arc length of 221.37 feet, whose chord bears south 89°46'19" W a distance of 80.03 feet to a point on the south right-of-way line of said West 96th Avenue; Thence south 89°46'19" W along the south right-of-way line of said West 96th Avenue and the westerly extension thereof a distance of 172.96 feet to a point on the west right-of-way line of said North Wadsworth Boulevard; Thence north 00°13'57" E along the west right-of-way line of said North Wadsworth Boulevard a distance of 29.32 feet to the True Point of Beginning. Containing 515,064 square feet or 11.8242 acres.

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 26th day of August, 1996.

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

ATTEST:

Mayor

City Clerk

Semper Elementary School

Date: August 26, 1996
Subject: Maulis Park Annexation and Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council is requested to take action on the attached Councillor's Bills on the annexation and zoning of the City-owned "Maulis Park" property.

Summary

Applicant/Property Owner: City of Westminster (previously owned by the Maulis family).

Location: South side of 92nd avenue and west of the Farmers' High Line Canal.

Size of site: 3.5 acres

Description of Proposed Use: Public Park

Major Issues - None

Planning Commission Recommendation

This case was heard by the Planning Commission on August 13, 1996. It was their unanimous decision to recommend that the proposed annexation be approved and that the property be zoned O-1.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor's Bill No. on first reading annexing the Maulis property to the City of Westminster.
3. Pass Councillor's Bill No. on first reading zoning the property O-1.

Background Information

In January 1994, City Council evaluated a report which identified the need to provide additional park land for residents living north of 90th Avenue, east of Wadsworth Boulevard, west of Harlan Street, and south of U.S. 36. A neighborhood park was needed due to the number of existing and proposed apartment dwelling units with no public park facilities serving this area of the City. It was decided that the Maulis 3.5 acre parcel would provide an excellent neighborhood park for the large number of residents living in the apartment complexes south of 92nd Avenue. This parcel is bounded by 92nd Avenue, Burlington Northern Railroad tracks and the Farmers High Line Canal.

On March 15, of this year, City Council authorized the purchase of the Maulis property for \$250,000. The purchase has now been completed and the property will be developed as a park when funds become available.

It is desirable for City park property to be included within the boundaries of the City so that City codes will apply to the land and City services, such as police and fire protection, will be available.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED CITY-OWNED TERRITORY IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, C.R.S. section 31-12-106(3) provides that when a municipality is the sole owner of property that it desires to annex, and said area is eligible for annexation as set forth in section C.R.S. 31-12-104(1)(a) and section C.R.S. 31-12-105, the governing body may by ordinance annex that area to the municipality without notice and hearing; and

WHEREAS, City Council finds that the property proposed to be annexed, as more fully described below, is eligible for annexation as set forth in section 31-12-104(1)(a) and section 31-12-105, C.R.S. in that not less than one-sixth (1/6) of the perimeter of the property proposed to be annexed is contiguous with the existing limits of the City of Westminster; and

WHEREAS, the property proposed to be annexed is not within any of the limitations set forth in section 31-12-105, C.R.S.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, is hereby annexed to the City of Westminster, State of Colorado:

A parcel of land located in the southeast one-quarter of Section 23, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, in the State of Colorado. Being more particularly described as follows:

Commencing at the northeast corner of said quarter Section, a corner as referenced in the records of Jefferson County Clerk and Recorder; Thence along the east line of said quarter section on a bearing of S00°17'25"W, on which all bearings hereon are based, a distance of 30.01 feet; Thence parallel to the north line of said quarter section S89°00'06"W, 552.90 feet (record distance is 652.90 feet), to a point of non-tangent curve left; Thence along the arc of said curve with a central angle of 25°46'58", a radius of 126.58 feet, an arc length of 56.96 feet, long chord bears S20°38'29"W, 56.48 feet, to a point on the south right-of-way line of West 92nd Avenue, as described in Reception Number 86036048 of said records, said point also being 82.50 feet south of the north line of said quarter section; Thence along said right-of-way line S89°00'06"W, 15.17 feet to the True Point of Beginning, said Point being westerly right-of-way line of the Farmers Highline Canal as described at Reception number 85003791 of said records;

Thence along said westerly right-of-way line the following four (4) courses: 1) S07°41'59"W, 152.03 feet to a point of tangent curve right; 2) along the arc of said curve, with a central angle of 26°34'19", a radius of 166.75 feet, an arc length of 77.33 feet, long chord bears S20°59'08"W, 76.64 feet; 3) S34°16'18"W, 97.97 feet; 4) S38°23'50"W, 136.42 feet to the northerly right-of-way line of the Colorado and Southern Railroad;

Thence along said northerly line N51°50'45"W, 644.23 feet to a point on said south right-of-way line of 92nd Avenue, said point being 82.50 feet south of the north line of said quarter section; Thence along said right-of-way line N89°00'06"E, 694.42 feet to the True Point of Beginning.

Said parcel contains 154,330 square feet (3.5439 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 26th day of August, 1996.

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

ATTEST:

Mayor

City Clerk

Maulis Park Property

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property described below from Jefferson County A-2 to City of Westminster O-1, Open zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested rezoning pursuant to the provisions of Chapter 2 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 rezoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County A-2 to City of Westminster O-1--Open.

A parcel of land located in the southeast one-quarter of Section 23, Township 2 South, Ranch 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, in the State of Colorado. Being more particularly described as follows:

Commencing at the northeast corner of said quarter Section, a corner as referenced in the records of Jefferson County Clerk and Recorder; Thence along the east line of said quarter section on a bearing of S00°17'25"W, on which all bearings hereon are based, a distance of 30.01 feet; Thence parallel to the north line of said quarter section S89°00'06"W, 552.90 feet (record distance is 652.90 feet), to a point of non-tangent curve left; Thence along the arc of said curve with a central angle of 25°46'58", a radius of 126.58 feet, an arc length of 56.96 feet, long chord bears S20°38'29"W, 56.48 feet, to a point on the south right-of-way line of West 92nd Avenue, as described in Reception Number 86036048 of said records, said point also being 82.50 feet south of the north line of said quarter section; Thence along said right-of-way line S89°00'06"W, 15.17 feet to the True Point of Beginning, said Point being westerly right-of-way line of the Farmers Highline Canal as described at Reception number 85003791 of said records;

Thence along said westerly right-of-way line the following four (4) courses: 1) S07°41'59"W, 152.03 feet to a point of tangent curve right; 2) along the arc of said curve, with a central angle of 26°34'19", a radius of 166.75 feet, an arc length of 77.33 feet, long chord bears S20°59'08"W, 76.64 feet; 3) S34°16'18"W, 97.97 feet; 4) S38°23'50"W, 136.42 feet to the northerly right-of-way line of the Colorado and Southern Railroad; Thence along said northerly line N51°50'45"W, 644.23 feet to a point on said south right-of-way line of 92nd Avenue, said point being 82.50 feet south of the north line of said quarter section; Thence along said right-of-way line N89°00'06"E, 694.42 feet to the True Point of Beginning.

Said parcel contains 154,330 square feet (3.5439 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 26th day of August, 1996.

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

ATTEST:

Mayor

City Clerk

Maulis Park Property zoning

Date: August 26, 1996
Subject: Cobblestone Park Master Plan
Prepared By: Shinei Tsukamoto, Landscape Architect

Introduction

City Council action is requested to approve the attached master plan that has been developed for Cobblestone Park and authorize the City Manager to sign a contract with Civitas, Inc. in the amount of \$31,962 to develop construction drawings and bid documents for Cobblestone Park. Funds for this expense are available in the Cobblestone Park account from the 1995 Community Development Block Grant Fund.

Summary

A master plan for Cobblestone Park was designed over the last six months by Civitas Inc. based on an active community input process which has included three community meetings. There is support from the neighborhood on the concept that has been developed for this master plan. The residents of the Cobblestone area would like the City to proceed with the development of Cobblestone Park. Funding is available from the Community Development Block Grant (CDBG) program for design, water tap fees, irrigation, and construction of the project.

In December, 1995, Civitas Inc. was hired through a competitive bid process to develop a conceptual master plan for Cobblestone Park. Their design fees for the master plan services did not exceed \$25,000; therefore, City Council action was not required for this portion of the design work. The Civitas bid and proposal also included an estimate to develop construction documents for Cobblestone Park based on a percentage of total costs to construct the park. The construction costs for the park were unknown at the time of awarding a master plan services contract. Therefore, all design firms who submitted master plan proposals were also requested to submit a fee estimate for developing construction documents based on a percent of construction costs. Civitas was selected because of the quality of their proposal, ability to perform the design work, and their competitive fees.

Based on the proposed master plan for Cobblestone Park, the projected cost to construct this neighborhood park is \$600,000.

This cost estimate is based on developing approximately six of the eight acres with irrigated turf and active neighborhood park, and preserving some of the natural characteristics of the site with minor improvements to approximately two acres along the northern and southern boundaries of the property. A projected cost to develop this park ranges between \$90,000-\$100,000 per acre which is compatible with the development costs of other Westminster parks and is consistent with the goals established by the neighborhood through the public meeting process.

Staff Recommendation

Approve the Cobblestone Park master plan, authorize the City Manager to sign a contract with Civitas, Inc. in the amount of \$31,962 to complete the design of construction and bid documents for Cobblestone Park, and charge this expense to the appropriate account in the Community Development Block Grant Fund.

Background Information

Cobblestone Park is an eight acre neighborhood park site located at the northeast corner of Federal Boulevard and 81st Avenue, east of Green Briar and Cobblestone subdivisions, and south of the Panorama Point development. The land was dedicated as part of the public land dedication requirements for the surrounding developments in 1986. In 1995, City Council approved funding in the amount of \$124,000 from the Community Development Block Grant Fund (CDBG) for Cobblestone Park to include design services and water tap fees. In addition, another \$356,000 in 1996 from CDBG has been approved for a total of \$480,000. The remaining funds needed to complete the project are proposed to come from 1997 CIP (CDBG) in the amount of \$200,000.

In November 1995, Staff coordinated a competitive bid process through Requests For Proposals (RFP) to hire a professional design consultant. The RFP requested consultants to submit fee proposals for master planning and design development services, and construction drawings and documents preparation services based on an estimated \$650,000 construction budget for typical neighborhood park program elements. Thirteen bids were submitted. Staff conducted an extensive evaluation of proposals concerning the design approach, capability, experience for similar work, and professional service fees.

Councillor Ann Merkel assisted Staff with interviewing the four most qualified firms for this project based on the range of fees, experience, and ability to perform this work. Civitas Inc. was selected as the best firm for this project because they were the most qualified and capable consultant for the Cobblestone Park project. A contract was awarded to Civitas in the amount of \$24,980 for master planning and design development services in order to develop a projected cost estimate to develop Cobblestone Park. An additional fee proposal of 5.3% of construction costs was projected by Civitas for developing construction documents.

After the preferred master plan was accepted by the citizens on May 21, Civitas submitted a fee proposal in the amount of \$31,962 for the preparation of construction documents. This amount exceeds the percentage of the construction budget proposed in November 1995 because the irrigation pond was an unforeseen item in a typical neighborhood park and requires additional geotechnical investigation and irrigation pump house architectural studies. Staff determined the construction budget to be approximately \$600,000 based on the following:

- > Earthwork & drainage \$150,000
- > Irrigation pond & operation system \$134,000
- > Fundamental items (Circulation)\$100,000
- > Park improvements and landscaping \$216,000

- > TOTAL \$600,000

Civitas started the master plan work in January, 1996. The first public meeting was held in February with residents from Cobblestone Village, Green Briar Apartments, Shadowridge subdivision, and representatives from the Adams County Housing Authority and Westminster Housing Authority in attendance. At the first public meeting, residents expressed their desires and opinions for their future park and developed a general consensus of the project objectives and park program elements.

Three alternative park plans were developed by the consultant from input from the residents at the first meeting. One scheme included a highly active park plan with a baseball field, soccer field, paved basketball court, picnic shelter, playground, and paved and un-paved paths. Another park scheme included a more passive park plan with many trees, irrigated turf for multiple activities, playground and paved and un-paved paths. A third park scheme included a combination of active and passive park areas with a combined informal baseball-soccer field, picnic shelter, playground, and paved and un-paved paths. The presentation of the three alternative plans was a tool to communicate with the residents to clarify their needs and wishes.

A second public meeting was held to present the three distinctly different design schemes and receive response to each of the designs. The residents preferred the passive park scheme with a few more activities for wider range of user groups from the younger generation to senior adults. Based on a modified park plan, the consultant developed a priority list of park amenities and programs with the residents. At the third public meeting on May 21, 1996, the consultant provided two conceptual park plans. The first plan was developed based only on the residents input from the previous meetings and the second plan identified a scheme which utilized the construction of a small pond to store water for irrigation purposes. After a detailed presentation of both plans, the residents preferred the plan with the irrigation pond to utilize non-potable water from the Allen Ditch to irrigate the park site. The preferred plan accommodates not only the residents needs but also the engineering problems and water conservation concerns.

An alternative which City Council could consider would be to direct Staff to competitively bid the construction document design services for Cobblestone Park. Staff believes this requirement has been satisfied through the bid process for the master plan and design development services. Civitas was competitive with their bid compared to all of the proposals that were received and Civitas has performed exceptionally well over the past six months. It is also hopeful that construction of Cobblestone Park will begin later this year. By opening another bid for design services, construction would be delayed until 1997. Staff will be present to answer additional questions regarding the status of Cobblestone Park.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Master Plan

Date: August 26, 1996
Subject: Resolution No. 38 and 39 re City Enterprise Zones
Prepared by: Susan Grafton, Economic Development Manager

Introduction

City Council action is requested to approve the attached resolutions regarding Westminster's portions of the Adams County and Jefferson County Enterprise Zone Economic Development Plan Revision. As a result of Senate Bill 96-193, all county enterprise zone administrators must recertify all existing enterprise zones and subzones, as well as update the county enterprise zone development plans. Westminster falls within the jurisdiction of the Jefferson County Enterprise Zone and the Adams County Enterprise Zone. City Council is requested to pass a resolution endorsing that portion of each county's enterprise zone which pertains to Westminster.

Summary

- * Enterprise zones provide for state and county tax credits for expanding and new businesses in the zone.
- * Currently, the City has a portion of the Adams County zone in the area around 72nd Avenue and Federal Boulevard (see map).
- * There is no enterprise zone in the Jefferson County portion of the City.
- * The revised Adams County Enterprise Zone Plan calls for retaining the City's existing zone.
- * The revised Jefferson County Enterprise Zone Plan calls for adding a new portion of the zone along U.S. 36 to include property in the City of Westminster and the City of Broomfield (see attached map).
- * Resolutions supporting the plans are being requested in an effort to strengthen the likelihood of retaining and expanding the zones within Westminster.
- * Adams County Economic Development and Jefferson Economic Council Staff will be present during the City Council meeting to answer questions regarding the enterprise zone program.

Staff Recommendation

1. Approve Resolution No. 38 supporting the Westminster portion of the Adams County Enterprise Zone Economic Development Plan Revision.
2. Approve Resolution No. 39 supporting the Westminster portion of the Jefferson County Enterprise Zone Economic Development Plan Revision.

Background Information

The enterprise zone primarily assists businesses wishing to expand and new businesses locating in the zone. These businesses would be eligible for state and county tax credits for infrastructure improvements, remodeling or new construction, and new employees hired. An enterprise zone is the only way to get any state assistance for prospects and doubles the personal property tax rebate the county can potentially offer. Adams County Economic Development, Inc. (ACED) administers the zone for Adams County. Jefferson Economic Council (JEC) administers the zone for Jefferson County.

Adams County Zone:

The Adams County Enterprise Zone which includes much of the south Westminster commercial/industrial areas was established in 1990. In the past 24 months, approximately 14 businesses have benefitted from the enterprise zone. The map in the ACED Enterprise Zone booklet shows the approximate boundaries of the current zone.

As a result of the recertification process required by Senate Bill 96-193, a small portion of the existing zone was subject to deletion. ACED and City Staff have included information in the revised Adams County Enterprise Zone plan to justify retaining that area, which is located at the southwest corner of 72nd Avenue and Lowell Boulevard. Increasing the zone in this area did not seem feasible or justifiable, so that was not pursued.

Jefferson County Zone:

No portion of the City has ever been included in the Jefferson County zone, even though the zone has been in place since 1991. Staff has looked into the possibility for Church Ranch Corporate Center in the past, but the City's demographics in that area did not easily meet the requirements for enterprise zone status. The 1990 census data does reveal that census tracts 98.16 and 98.17 show areas of some economic distress. This includes the area generally south of 120th Avenue, west of Sheridan Boulevard and east of U.S. 36, as well as the area west of Old Wadsworth Boulevard and north of 82nd Avenue and west of U.S. 36 (see attached census tract map).

Although Staff has not been successful in the past pursuing a zone in this area, the City of Broomfield desired to pursue it again at this time. In partnership with Jefferson Economic Council Staff and the Broomfield Economic Development Corporation, arguments were developed for the approval of the new "North Jefferson County" addition to the Jefferson County zone. The section of the Jefferson County plan addressing this new area is attached.

Although arguments could possibly be made to include all of the two census tracts in the enterprise zone, it was jointly determined that the best strategy would be to eliminate the residential areas and clearly focus on the more recognizably distressed areas. As a result, all of Northpoint (Westminster Promenade) and the majority of Church Ranch Corporate center were eliminated from the proposed zone. However, that area delineated in the Northeast Comprehensive Development Plan for future potential commercial development was included in the zone. The map of the proposed new zone is included in your packet.

Approval Process

Adams County Commissioners and the Jefferson County Commissioners must approve their county enterprise zone development plan. From there, ACED and JEC will submit the plans to the Executive Director of the State Department of Local Affairs who will, in turn, present the various enterprise zone plans to the State Economic Development Commission. Approval is anticipated to occur in January, 1997.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION SUPPORTING THE WESTMINSTER PORTION OF THE ADAMS COUNTY ECONOMIC DEVELOPMENT PLAN REVISION PREPARED THROUGH A PARTNERSHIP BETWEEN ADAMS COUNTY AND THE CITY OF WESTMINSTER

WHEREAS, the Urban and Rural Enterprise Zone Act of 1986 provides incentives for private enterprise to expand and for new businesses to locate in economically depressed areas of the state; and

WHEREAS, Adams County submitted an application and was originally awarded an enterprise zone in 1988; and

WHEREAS, the Colorado Legislature has amended the Urban and Rural Enterprise Zone Act to include submittal of an economic development plan revision for each enterprise zone by September 1, 1996; and

WHEREAS, the boundaries within the original Adams County Enterprise Zone still meet statistical eligibility for inclusion in the state's Urban and Rural Enterprise Zone program; and

WHEREAS, a primary goal of Adams County and the City of Westminster is to promote economic development and increase job opportunity for its citizens; and

WHEREAS, the continuance of an enterprise zone in Adams County and Westminster will provide further incentive for business and industry to locate in economically distressed areas of the county.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that the City of Westminster does hereby support the Westminster portion of the Adams County Economic Development Plan revision prepared through a partnership between Adams County and Westminster. A copy of which is attached hereto and made a part hereof as Exhibit A and the City of Westminster authorizes the submission of said plan to the State of Colorado pursuant to provisions of the Urban and Rural Enterprise Zone Act.

Passed and adopted this 26th day of August, 1996.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION SUPPORTING THE WESTMINSTER PORTION OF THE JEFFERSON COUNTY ECONOMIC DEVELOPMENT PLAN REVISION PREPARED THROUGH A PARTNERSHIP BETWEEN JEFFERSON COUNTY AND THE CITY OF WESTMINSTER

WHEREAS, the Urban and Rural Enterprise Zone Act of 1986 provides incentives for private enterprise to expand and for new businesses to locate in economically depressed areas of the state; and

WHEREAS, Jefferson County submitted an application and was originally awarded an enterprise zone in 1988; and

WHEREAS, the Colorado Legislature has amended the Urban and Rural Enterprise Zone Act to include submittal of an economic development plan revision for each enterprise zone by September 1, 1996; and

WHEREAS, the boundaries within the original Jefferson County Enterprise Zone still meet statistical eligibility for inclusion in the state's Urban and Rural Enterprise Zone program; and

WHEREAS, the North Jefferson County (including Broomfield, Westminster, and unincorporated Jefferson County) has also been identified as economically distressed; and

WHEREAS, a primary goal of Jefferson County and the City of Westminster is to promote economic development and increase job opportunity for its citizens; and

WHEREAS, the continuance of an enterprise zone in Jefferson County and Westminster and the addition of the North Jefferson County Zone will provide further incentive for business and industry to locate in economically distressed areas of the county.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council that the City of Westminster does hereby support the Westminster portion of the Jefferson County Economic Development Plan revision prepared through a partnership between Jefferson County and Westminster. A copy of which is attached hereto and made a part hereof as Exhibit A and the City of Westminster authorizes the submission of said plan to the State of Colorado pursuant to provisions of the Urban and Rural Enterprise Zone Act.

Passed and adopted this 26th day of August, 1996.

ATTEST:

Mayor

City Clerk

Date: August 26, 1996

Subject: Resolution No. re Intersection Improvements on Wadsworth Parkway at 90th and 92nd Avenues

Prepared by: Michael Normandin, Transportation Engineer

Introduction

City Council action is requested to adopt the attached Resolution which addresses City of Westminster financial participation for intersection improvements on Wadsworth Parkway (State Highway 121) at 90th and 92nd Avenues. The resolution also authorizes the City Manager to sign an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation for the construction of these intersection improvements. Funds for the City' share of \$100,000 of this project cost are available in the General Capital Improvement Fund.

Summary

The Colorado Department of Transportation (CDOT) has requested financial participation from the City in the amount of \$100,000 for improvements to Wadsworth Parkway from 89th Avenue to 92nd Avenue. The State's current budget of \$602,000, which consists of Intermodal Surface Transportation Efficiency Act (ISTEA) funding and a local match by CDOT, is not adequate to complete the planned scope of work. State representatives have indicated that it is not possible to solicit additional ISTEA funds to cover the \$100,000 shortage, so they have turned to the City for assistance.

The full scope of proposed improvements to Wadsworth Parkway consists of widening the arterial street to six through lanes and providing double-left-turn lanes for the eastbound and northbound left-turn movements at 90th Avenue and the southbound left-turn movement at 92nd Avenue.

City Staff presented the CDOT request to City Council in early April as CDOT officials wanted to know how to proceed with the completion of the project design. CDOT indicated that the planned scope of the project would be reduced to reflect the amount of funding that is currently available. City Council has expressed their support for the City's financial participation since the construction of the full improvements represents a great benefit to the residents of the City and provides an opportunity to leverage a \$100,000 contribution for a \$700,000 improvement project.

Funds for this expense are available within the Greenlawn Traffic Mitigation Capital Improvement Project budget, which was funded in the amount of \$225,000 with Council's recent appropriation of 1995 revenues of Amendment No. 1 limitations.

Since the Jefferson County Commissioners have not appropriated a matching amount in the County's 1996 budget, the City will not be able to undertake a significant traffic mitigation project in the Greenlawn area this year. At best, some design work (which cost much less than \$100,000) could be initiated by the City in 1996.

Therefore, the \$100,000 needed for the proposed participation with CDOT could easily be provided from the Greenlawn Traffic Mitigation project.

The attached IGA, which has been reviewed and approved by the City Attorney's Office, documents the two parties' responsibilities with respect to the City's financial participation.

Staff Recommendation

Adopt Resolution No. which addresses financial participation by the City of Westminster for intersection improvements on Wadsworth Parkway at 90th and 92nd Avenues; authorize the City Manager to sign the attached Intergovernmental Agreement with the Colorado Department of Transportation; and charge the \$100,000 expense of the City's share of this cost to the appropriate project account in the General Capital Improvement Fund.

Background Information

Roadway improvements on Wadsworth Parkway from 87th Avenue to 92nd Avenue have been contemplated by CDOT and the City for several years. These improvements consist of widening Wadsworth Parkway (State Highway 121) to six through lanes and providing additional left-turn lanes at the intersections of 88th Avenue, 90th Avenue and 92nd Avenue. The initial plan for accomplishing these improvements was to complete the entire project at one time. However, due to funding constraints, a separate bid package for the 88th Avenue and Wadsworth Parkway intersection was developed, and the improvements at this intersection were completed in late 1994. CDOT provided the local matching funds for the 88th Avenue and Wadsworth Parkway portion of the project.

Funds were recently incorporated into the 1995-2000 Transportation Improvement Program (TIP) for improvements on Wadsworth Parkway from 89th Avenue to 92nd Avenue. However, CDOT has indicated a funding shortfall of \$100,000, if the planned scope of work for the project is to be constructed. The proposed improvements to Wadsworth Parkway from 89th Avenue to 92nd Avenue consist of widening Wadsworth Parkway to six through lanes, providing double-left-turn lanes for the eastbound and northbound left-turn movements at 90th Avenue and providing double-left-turn lanes for the southbound left-turn movement at 92nd Avenue.

With Council's approval of the requested action, CDOT will proceed with advertisement for bids in early September 1996 with construction of the intersection improvements to begin on April 1, 1997.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF COLORADO WHICH DEFINES FINANCIAL PARTICIPATION BETWEEN THE CITY OF WESTMINSTER AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR STATE PROJECT NO. STU 1211-50/11226 (WADSWORTH PARKWAY AT 90TH AND 92ND AVENUES)

WHEREAS, the City of Westminster desires to construct roadway improvements on Wadsworth Parkway from 89th Avenue to 92nd Avenue, and

WHEREAS, CDOT and Federal Aid funding under the Intermodal Surface Transportation Efficiency Act (ISTEA) has been secured and appropriated to the project, and

WHEREAS, CDOT and Federal Aid funds allocated to the project are not sufficient to complete the planned scope of work, and

WHEREAS, the City of Westminster desires to provide financial participation in an amount not to exceed \$100,000 so that the planned scope of work can proceed, and

WHEREAS, the proposed intersection improvements on Wadsworth Parkway from 89th Avenue to 92nd Avenue represents a substantial benefit to the residents of the City of Westminster.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that:

1. The City of Westminster, by its City Manager shall enter into an Intergovernmental Agreement with the State of Colorado which defines financial participation from the City of Westminster for the construction of improvements on Wadsworth Parkway from 89th Avenue to 92nd Avenue.

2. The City of Westminster shall provide financial participation to the Colorado Department of Transportation in an amount not to exceed \$100,000 for the construction of the planned scope of work for roadway improvements on Wadsworth Parkway from 89th Avenue to 92nd Avenue.

Passed and adopted this 26th day of August, 1996.

ATTEST:

Mayor

City Clerk

Date: August 26, 1996

Subject: Councillor's Bill No. re Fireworks

Prepared by: Bill Work, Fire Marshal

Introduction

City Council action is requested on the attached Councillor's Bill amending Title Six, Chapter 8 concerning fireworks. City Council is asked to approve this Councillor's Bill regarding the update of this ordinance.

Summary

In late 1994, the Mayor had requested a review of the City ordinance dealing with permits for the outdoor display of fireworks. The Mervyn's grand reopening had prompted this request. During review of this ordinance, it became apparent that a number of revisions were necessary to update this ordinance.

A staff report to City Council in 1995 showed the results of this review and listed several alternatives. The Staff recommendation was to rewrite the ordinance unless City Council provided feedback to indicate otherwise. This amended ordinance is the result of that staff report.

The changes reflected in this amended ordinance are as follows:

- > Opens the permit applicant process to all entities including private, for-profit, non-profit, and public.
- > Updates the required certificate of insurance requirements to \$1,000,000 for applicants.
- > Develops language covering the indoor display of fireworks material, (pyrotechnics).
- > Simplifies the technical requirements of the permit process subject to the rules, regulations, and guidelines of the Fire Department.
- > Clarifies language to make the ordinance easier to understand and enforce.

Staff Recommendation

Pass Councillor's Bill No. on first reading updating the requirements concerning fireworks.

Background Information

The current ordinance concerning fireworks allows for only non-profit organizations and public entities to be eligible to apply for a permit for public display of fireworks.

When Mervyn's Department Store at the Westminster Mall wanted to use fireworks for their grand reopening, this presented a technical problem because they could not even be considered for a permit under the current language of the ordinance. The Northwest Metro Chamber of Commerce had to apply for the permit on Mervyn's behalf.

The current ordinance requires a certificate of insurance, by any fireworks permit applicant, of only \$400,000. Current State Statute requires a minimum of \$600,000. The amount of a \$1,000,000 certificate of insurance is the standard amount required throughout the Denver Metro area.

Fireworks that are used indoors, primarily as props for magic acts, and theatrical productions are now referred to as Pyrotechnic Special Effects Material. To reduce any confusion as to the difference of these two types of displays, appropriate language has been added to clarify the difference and the procedures required for the permit process.

To simplify and clarify the ordinance, language has been added that would require all applicants to meet the currently adopted codes and requirements of the City. This will keep the ordinance more current over time, regardless of the number of other code updates such as the Uniform Fire Code.

The City receives very few applications for the display of fireworks each year. The joint City/Hyland Hills 4th of July Fireworks show is often the only permit issued for the outdoor display of fireworks. One to two applications are received each year for the pyrotechnic special effects material permit. Most of these are from the Wits End Comedy Club and occasionally a high school.

The intent of this amended ordinance is not to make it easier to get a permit, but to make it more clear as to the process and procedure required and to bring the City into compliance with current State statutes.

Respectfully submitted,

William M. Christopher
City Manager

Attachments:

Proposed Ordinance
Staff Report

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING TITLE VI, CHAPTER 8 CONCERNING FIREWORKS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 8 of Title 6 is hereby amended to read as follows: FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS MATERIAL

6-8-1: DEFINITIONS: The following words and phrases, as used in this Chapter, shall have the following meanings:

(A) "Fireworks" shall mean any COMBUSTIBLE OR EXPLOSIVE COMPOSITION, articles, devices, ~~or~~ substances OR COMBINATION OF SUBSTANCES, prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons,~~or~~ toy cones, TOY PISTOLS OR TOY GUNS in which explosives are used (UNLESS EXCEPTED BELOW), blank cartridges, ~~the type of balloon which requires fire underneath to propel the same,~~ firecrackers, torpedoes, skyrockets, Roman candles, ~~day glo bombs,~~ sparklers, ~~and torches,~~ or other fireworks DEVICES of like construction, and any ~~fireworks~~ DEVICES containing any explosive or flammable compound, or any tablets or device containing any explosive substances.

"FIREWORKS" DO NOT INCLUDE AUTO FLARES OR OTHER EMERGENCY SIGNAL DEVICES, OR PAPER CAPS CONTAINING AN AVERAGE OF 0.25 GRAIN OR LESS OF EXPLOSIVE CONTENT PER CAP, OR TOY PISTOLS, TOY CANES, TOY GUNS OR OTHER DEVICES FOR USE OF SUCH CAPS.

"Fireworks" shall not include:

- ~~1. Toy caps which do not contain more than twenty five hundredths (.25) of a grain of explosive compound per cap, or~~
- ~~2. Highway flares, railway fuses, ship distress signals, smoke candles, and other emergency signal devices.~~

(B) "PYROTECHNIC SPECIAL EFFECTS MATERIAL", ("SPECIAL EFFECTS") SHALL MEAN A LOW EXPLOSIVE MATERIAL, OTHER THAN DETONATING CORD, COMMONLY USED IN MOTION PICTURE, TELEVISION, THEATRICAL OR GROUP ENTERTAINMENT PRODUCTIONS.

6-8-2: PROHIBITED ACTS: It shall be unlawful for any person within the City to SELL, offer for sale, ~~sell or have in his possession~~ POSSESS with intent to offer for sale, OR TO use or explode any fireworks OR PYROTECHNIC SPECIAL EFFECTS MATERIAL, except as provided in Section 6-8-3 herein.

6-8-3: PERMITS FOR DISPLAY:

(A) Any ~~nonprofit~~ organization or public entity may apply for a permit for supervised public displays of fireworks AND PYROTECHNIC SPECIAL EFFECTS MATERIAL. Application for a permit shall be made in writing at least ~~fifteen (15)~~ FOURTEEN (14) days in advance of the date of display. Before a permit is granted, the operator and the location and handling of the display shall be investigated by the Fire Chief or his designee.

(B) The permit shall be granted if the Fire Chief finds that THE PERMIT APPLICATION, OPERATOR, AND CONDITIONS MEET THE REQUIREMENTS OF THE CURRENT UNIFORM FIRE CODE AS ADOPTED BY THE CITY, AND OTHER REQUIREMENTS OF THIS CODE.

~~1. The operator is competent, based on training or prior experience,~~

~~2. The location and character of the display is such that the discharge and firing of the display shall not be hazardous to property or dangerous to any person,~~

~~3. Sufficient Fire Department personnel are available to monitor the display, in addition to all other Fire Department responsibilities required at the date and time of the display, and~~

~~4. The display complies with all applicable regulations and codes.~~

(C) A permit shall not be transferred or assigned.

(D) If the operations of a permittee require additional City personnel to be assigned to the permitted event in order to protect the public welfare, the permittee shall pay in advance all labor and equipment costs associated with the assignment of such additional personnel.

6-8-4: INSURANCE AND BOND:

~~(A) Issuance of a permit pursuant to 6-8-3 shall be conditioned upon the applicant supplying~~ NO PERMIT FOR A DISPLAY OF FIREWORKS SHALL BE ISSUED PURSUANT TO SECTION 6-8-3 UNTIL THE APPLICANT FURNISHES the City with a certificate of insurance, naming the City as an additional insured for purposes of the display, demonstrating the applicant's insurance coverage FOR LIABILITY FOR PHYSICAL INJURY AND PROPERTY DAMAGE in an amount not less than ONE MILLION DOLLARS (\$1,000,000).~~one hundred fifty thousand dollars per person injured and four hundred thousand dollars per incident.~~

(B) NO PERMIT FOR USE OF PYROTECHNIC SPECIAL EFFECTS MATERIAL SHALL BE ISSUED PURSUANT TO SECTION 6-8-3 UNTIL THE APPLICANT PROVIDES EVIDENCE THAT THE APPLICANT OR THE OWNER/MANAGER OF THE SITE FOR SUCH USE IS INSURED FOR LIABILITY FOR PHYSICAL INJURY AND PROPERTY DAMAGE IN AN AMOUNT DETERMINED BY THE FIRE CHIEF TO BE REASONABLE FOR THE TYPE OF SUCH MATERIAL TO BE USED AND THE PHYSICAL CONDITIONS OF THE SITE.

~~(B) A permittee shall be required to provide a permit and license bond in a sum not less than five thousand dollars (\$5,000) conditioned upon compliance with the provisions of this Chapter, except that no public entity shall be required to file such bond.~~

6-8-5: SEIZURE OF FIREWORKS: Any police officer of the City, or the Fire Chief or his designee, shall seize, take and remove, at the expense of the violator, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this Chapter.

6-8-6: PENALTY: It shall be unlawful for any person to violate a provision of this Chapter. A violation of any provision of this Chapter shall be a criminal offense, punishable by imprisonment or fine, or both, as provided in Section 1-8-1 of this Code and may also be subject to civil remedies provided by Chapter 4 of Title VIII ~~IX~~ of this Code. A separate offense shall be deemed committed upon each day such person is in violation of this Chapter and for each separate incident within a day. The Court shall consider the issue of restitution to any victim suffering personal injury or property damage through the illegal use of fireworks.

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 26th day of August, 1996.

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

ATTEST:

Mayor

City Clerk

TO: The Mayor and Members of the City Council

DATE: March 17, 1995

SUBJECT: Fireworks Ordinance Review

PREPARED BY: Bill Work, Fire Marshal

Summary

The Mayor recently requested a review of the City ordinance dealing with permits for the outdoor display of fireworks. The specific concern was the requirement that only non-profit organizations and public entities were eligible to apply for permits for the public display of fireworks.

Staff completed a telephone survey of the Denver metropolitan area requesting requirements and procedural information that the various cities and counties require when dealing with requests for the outdoor display of fireworks. The results of the survey are as follows:

- > All jurisdictions strictly enforce the requirements of Article 78, Fireworks, of the Uniform Fire Code.
- > All jurisdictions require approval by the respective Fire Department/District having authority. Some jurisdictions additionally require approval by the City Manager and/or City Council.
- > All jurisdictions require a certificate of insurance for a minimum of \$1,000,000. Currently the City of Westminster ordinance requires \$400,000.
- > Westminster was the only jurisdiction that limited eligible permit applicants to non-profit or public entities.

During the review of the current ordinance, it also became apparent that the ordinance does not include language concerning firework displays which are conducted indoors in conjunction with plays, concerts, or magic shows. This type of fireworks usage is becoming more prevalent across the metro area, including Westminster. This indoor use of fireworks has created a need for local regulation regarding the safe setup and usage of same.

A review of alternatives available with respect to this situation include:

- > Leave the ordinance as written and allow Fire Department Staff to continue working within the limits of the ordinance. This requires Staff to direct a for-profit or private organization to join a non-profit organization such as a local Chamber of Commerce prior to applying for a fireworks display permit. The insurance requirements would be elevated to the State Statute minimum of \$600,000.
- > Rewrite the current ordinance to include the following:
 - 1) Open the permit applicant process to all entities including private, for-profit, non-profit, and public.
 - 2) Update the certificate of insurance requirements to \$1,000,000.
 - 3) Develop language covering indoor firework displays.
 - 4) Simplify the technical requirements of the permit process subject to the rules, regulations, and guidelines of the Fire Department.
 - 5) Clarify language to make the ordinance easy to understand and enforce.

Staff would recommend that the current ordinance be rewritten with respect to the points suggested in the second alternative. Staff will proceed with drafting the ordinance revision unless City Council provides feedback that would indicate otherwise. The revised ordinance will be presented for approval by City Council in the near future.

Background Information

The City of Westminster receives very few applications for the display of fireworks each year. The joint City/Hyland Hills 4th of July Fireworks show is the only permit that is issued on a regular basis. This last year,

Mervyn's Department Store applied for a permit to allow them to use fireworks to celebrate their remodeling grand opening. Originally this permit was denied due to the language of the Code that prohibited profit making organizations from applying for a permit. Staff suggested that Mervyn's join the Northwest Metro Chamber of Commerce so that the Chamber could apply for the permit on their behalf. This occurred, the details of the permit were worked out, and the display was held. This event brought up the question concerning the City of Westminster ordinance covering fireworks, specifically sections 6-8-3: PERMITS FOR DISPLAY and 6-8-4: INSURANCE AND BOND.

In researching this matter, Staff conducted a survey of the Denver metropolitan area concerning public firework display regulations and permit processes. The results of this survey are provided in the following chart:

<u>Jurisdiction</u>	<u>Enforced</u>	<u>Code Level</u>	<u>Approval Required</u>	<u>Insurance</u>	<u>Applicant Restrictions</u>
Arvada		UFC	Fire Dept	\$1,000,000	None
Aurora		UFC	Fire Dept	1,000,000	None
Boulder		UFC	Fire Dept	1,000,000	None
Broomfield		UFC Council	1,000,000 Fire Dept	None	
Castlewood		UFC Fire Dept	1,000,000	None	
Denver		UFC	Fire Dept	1,000,000	None
Federal Heights		UFC	Not Allowed	Not Applicable	None
Glendale		UFC	Fire Dept	1,000,000	None
Littleton		UFC Fire Dept	1,000,000	None	
Northglenn		UFC City Mgr	1,000,000 Fire Dept	None	
South Adams County FPD		UFC Fire Dept	1,000,000	None	
S.W. Adams County FPD		UFC Fire Dept	1,000,000	None	
Westminster		UFC	Fire Dept	400,000	Public/ Nonprofit

The intent of updating the ordinance would not be to encourage more permit applicants, but to make the application process open, fair, and current. Council should be aware that the Uniform Fire Code requirements with respect to firework displays is strict. The setback and safety requirements limits who applies and where displays can be held. As Westminster continues to develop, acceptable display sites will become harder to find. Public relations can also be a problem when citizens have access limited, experience increased traffic, and have to deal with the delays associated with firework displays.

Finally, the current City fireworks ordinance insurance requirement is out of date according to the City Attorney's office. The minimum amount per display should be at least \$600,000 under current State law. All of the cities and jurisdictions contacted for the survey required a minimum \$1,000,000 certificate of insurance. This insurance covers

damages that might be caused by a mishap such as an unplanned detonation. This insurance is separate from the required bond that would cover such items as a broken commitment to clean up the area after the display is completed. Staff believes these requirements should both be upgraded.

Respectfully submitted,

Bill Christopher
City Manager

Date: August 26, 1996

Subject: Radio Frequency Meter Reading System Equipment Purchase

Prepared by: Robert L. Booze, Utilities Services Supervisor

Introduction

City Council action is requested to authorize the expenditure of \$1.525 million to purchase Radio Frequency Meter Reading Equipment and the contractual installation of the equipment, and authorize a negotiated contract with the sole vendor of the desired equipment. Funds are available in the 1996 Utility Capital Improvement Project Budget.

Summary

On July 22, City Council approved a Supplemental Appropriation Ordinance authorizing the expenditure of 1995 carryover tap fee revenue for various Utility Capital Improvement Projects. An expenditure of \$1.525 million for the Radio Frequency Meter Reading System Retro-fit Program was included in the Capital Improvement Project list. The Department of Public Works and Utilities is recommending the purchase of TRACE Radio Frequency Meter Reading equipment manufactured by the Badger Water Meter Manufacturing Company and the contractual installation of the equipment.

The TRACE Radio Frequency Equipment was selected by City Staff in 1994, following the decision to utilize the Itron Computer Billing Program. The TRACE Equipment can be retro-fitted with the Badger water meter, which has been the meter equipment utilized by the City for 13 years for residential water services.

Mountain States Pipe and Supply Company is the sole supplier of the TRACE radio frequency meter reading equipment in Colorado.

Staff Recommendation

Waive City Charter bidding requirements and authorize the expenditure of \$1.525 million to purchase 9,200 radio frequency meter reading units and provide contractual installation of the equipment with Mountain States Pipe and Supply Company, the sole supplier of the TRACE meter reading equipment in Colorado and charge the expense to the appropriate Capital Improvement Project budget account.

Background Information

During 1994, City Council directed City Staff to investigate new water meter reading technology. A Staff task force was formed with representatives from the Department of Public Works and Utilities, and the Utility Billing and Data Processing Divisions within the Finance Department.

Subsequently, City Council decided to purchase the Itron computer billing program along with the hex-a-gram meter reading equipment for the commercial water meters and the TRACE radio frequency meter reading equipment for the residential water meters.

A test residential subdivision was retro-fitted with the TRACE equipment in February 1995. Starting in August 1995, all new water meter installations were installed with the TRACE radio meter reading equipment. Currently there are 1,500 residential water services utilizing the TRACE equipment.

An estimated 9,200 retro-fits can be accomplished with the \$1.525 million Capital Improvement Project funds authorized for this purchase. Due to the five to six week delivery time of the TRACE equipment and the limited amount of time Meter Shop Staff would have to install the equipment, Public Works and Utilities Staff is recommending contracting the installation of the equipment to an outside vendor.

Negotiations have been conducted with Mountain States Pipe and Supply Company to purchase the TRACE Meter Reading Transponder and Badger Water Meter equipment for \$159 per installation and TRACE Meter Reading Transponder cost is \$139 per unit.

An alternative to the recommended approach would be to utilize all the allocated funds to purchase TRACE equipment and perform the installations with Meter Shop Staff. However, this option would substantially increase the amount of time necessary to fully implement the TRACE Radio Meter Reading Program. Mountain States Pipe and Supply company can install 3,500 retro-fits per month. The Meter Shop would only be able to utilize 2 employees to perform retro-fits, which would result in completing an estimated 900 retro-fits per month, or 10-12 months to complete the same number of retro-fits the contractor could complete in 3 months.

With the recommended retro fit scope of work, a total of 10,700 meters will have been completed. This will leave approximately 15,000 existing meters in Westminster's water system to be retrofitted. Funds are being recommended in the 1997 Budget to achieve additional conversions. The radio wave technology provides a much enhanced method to obtain water meter readings.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 26, 1996

Subject: Reclaimed Water System Program Management Services Contract

Prepared By: Dan Strietelmeier, Water Resources Engineer

Introduction

City Council action is requested to approve an agreement with Richard P. Arber Associates for Program Management Services related to the Reclaimed Water System. Funds for this project are available in the Reclaimed Water Project Capital Improvement Account.

Summary

The preliminary design report of Westminster's Reclaimed Water System (WRWS) was completed by Richard P. Arber Associates in July.

Design of WRWS components is scheduled to begin this year with construction beginning in early 1997. Phase I construction is estimated to be \$13.0 million with the total system consisting of 18 miles of pipe and an estimated cost of \$19.3 million.

The design of the WRWS will be based on Richard P. Arber Associates preliminary design work.

The program management tasks will provide continuity to the project as Arber Associates will be available to provide input to other consultants, prospective customers, City Staff and regulatory agencies involved in the WRWS.

Arber Associates will also assist staff in keeping the project on schedule, updating the project phasing and preparing monthly project status reports. Actual design and construction of system components will be bid separately and will most likely involve several contracts. Arber and Associates will not be precluded from bidding on other components of the WRWS.

The City was fortunate to have Richard P. Arber and Associates prepare the WRWS preliminary design as Rick Arber is a nationally known expert in the field of water reclamation and has provided excellent technical support and information to the City project team during the preliminary design phase of this project.

The program management contract will extend for a twelve month period which will cover the completion of the design and initiation of construction of all system components.

The Reclaimed Water project will have an important role in the City's water supply. By using reclaimed water, the City can realize the use of 3,700 acre feet of water that otherwise would be used for turf irrigation.

Staff Recommendation

Authorize the City Manager to sign an agreement with Richard P. Arber Associates for Project Management services related to the Westminster Reclaimed Water System Project in an amount not to exceed \$75,000 and charge the cost associated with this work to the Reclaimed Water Project Capital Improvement Account in the Utility Fund.

Background Information

Richard P. Arber and Associates finalized the preliminary design report of Westminster's reclaimed water system in July. The study included a detailed site identification study to locate potential reclaimed water users in the City of Westminster, and market reclaimed water to potential customers outside of Westminster's jurisdiction. Golf courses, parks, greenbelts, street-scapes, rights-of-way, open space, city facilities, business parks, schools, churches, hospitals, lakes, ponds, and wetlands were all considered as potential reclaimed water users. City owned landscapes that could be served by the proposed WRWS include Legacy Ridge Golf Course, Countrydale Golf Course, Westminster City Hall, City Park, and other City of Westminster parks, ponds, and wetlands areas. Other areas that could be served include the Ranch Golf Course, Hyland Hills Golf Course, and numerous commercial, industrial, and institutional sites.

A total of 195 potential reclaimed water sites were identified in this study; 104 sites controlled by the City, and 91 sites controlled by other entities. Water use for the identified sites was estimated to be 3,700 acre feet per year, with a projected demand of 5,200 acre feet. More area can be served with reclaimed water as additional wastewater becomes available for reclamation and customer demand grows. Over 70 percent of the irrigated acreage and water use is accounted for by golf courses and parks.

The proposed WRWS initial phase can serve approximately 1,100 acre feet of irrigation usage in the summer of 1999, if design of all system components begins in June 1996. The initial sites that could be served in 1998, include Legacy Ridge Golf Course, Countrydale Golf Course, The Ranch Golf Course, Hyland Hills Golf Course, City Park, and Westminster City Hall.

The study evaluated several alternative water treatment methods needed to meet Colorado Department of Health and Environment regulations. The recommended method of advanced wastewater treatment was direct filtration. Direct filtration includes chemical coagulation, sand filtration, and disinfection of the water with chlorine. It appears that adequate space is available at the BDCWRF for the additional advanced wastewater treatment facilities.

A preliminary design of the pipeline from BDCWRF to the sites that could potentially use reclaimed water was also completed. Lateral pipeline extensions, including an extension to Countrydale Golf Course, were also included in the preliminary design. The pipeline analysis also considered locations for storage tanks on the system. The location and size of storage tanks was an important factor in determining pipeline size. Two storage locations were considered in this study, City Hall and BDCWRF.

The proposed WRWS components will consist of a treatment plant at the BDCWRF, a 2.5 million gallon equalizing storage reservoir at the Reclamation Facility for peak day demands, a 110,000 gallon standpipe at the existing tank site south of Westminster City Hall, and approximately 95,000 lineal feet of 2-inch to 36-inch diameter distribution system pipe.

The proposed WRWS will have a first phase capacity of 4 million gallons per day (MGD). Two subsequent phases of 4 MGD each could be constructed as demand increases and additional wastewater becomes available.

The initial phase of WRWS is estimated to have probable capital costs of \$12 Million and when completed, the 3,700 acre feet WRWS is estimated to have capital costs of \$19.3 Million. The proposed Reclaimed Water System can be financed via loan or other debt financing pledging a combination of tap fees and user rates. The decision on tap fees and rates will be the subject of a future City Council action.

The initial stages of the WRWS are already underway. A basis of design report for the pipeline system is being completed by Arber and Associates which will assist other contractors in installing sections reclaimed water pipe as part of parallel projects along the reclaimed pipeline alignment. Possible sources of funding for the WRWS are also being evaluated. The public information program is also in full swing and several public meetings have been held.

Additional duties under the program management scope will include preparing applications for permitting from the Colorado Department of Health and environment, preparing customer rules and regulations for on-site management practices and review of designs for compatibility and conformance with the requirements of WRWS.

The proposed WRWS will be the largest system in Colorado and can be "showcased" throughout the country as an example of conservation and wise stewardship of water resources. The results of the preliminary design show that the proposed reclaimed water system can provide water at a competitive cost per acre foot and should be considered as a key and feasible water supply alternative.

An alternative to approving the program management contract with Arber and Associates would be to advertise for bids. It is unlikely another consultant would submit a more attractive proposal than Arber and Associates considering their intimate familiarity with the proposed WRWS in addition to their growing familiarity with our entire utility system. Other consultants would have to include in their costs the time needed to discuss with Arber and Associates, the details and interpretations of the preliminary design.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 26, 1996

Subject: Resolution No. re Short-Term Bridge Loan for Woman Creek Reservoir Authority

Prepared by: C.L. Cargill-Warner, Financial Manager
Dave Kaunisto, Senior Water Resources Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing a Grant Anticipation Loan to fund a disbursement of \$8.147 million to the Woman Creek Reservoir Authority. Funds are subject to reimbursement by the United States Department of Energy through an existing grant.

City Council action is also requested to authorize the payment of interest and applicable loan origination fees, and to sponsor the Authority for membership in the Colorado Intergovernmental Risk Sharing Agency.

Summary

- > The Cities of Westminster, Thornton, and Northglenn recently formed the Woman Creek Reservoir Authority through an intergovernmental agreement to provide for the ongoing operations of the Standley Lake Protection Project.
- > The United States Department of Energy (DOE) has consented to allow Westminster to disburse \$8.147 million remaining grant funds to the Authority with a commitment for expedited reimbursement. This money has been appropriated and is currently available in the Standley Lake Protection Project account.
- > To provide liquid funds to bridge the period of time between disbursement and reimbursement by the DOE, Staff has explored several alternatives including (1) Grant Anticipation Loan from a financial institution, (2) Reverse-repurchase Agreement utilizing securities held in the Operating Portfolio, and (3) Liquidation of securities held in the Operating Portfolio.
- > After careful consideration, Staff recommends the first alternative as the preferred method of generating liquid funds. Quotes were obtained from several area financial institutions and it was deemed most beneficial to accept the proposal established by Norwest Bank of Colorado. The bridge loan will be outstanding for approximately a ten day period.
- > Voter approval of this loan is not required under Amendment One or the City Charter because it is not a multiple-year fiscal obligation and is for water (utility enterprise) purposes.
- > Council Action is also requested to sponsor the Authority for membership in the Colorado Intergovernmental Risk Sharing Agency so that the Authority is eligible to obtain insurance through the Agency.

Staff Recommendation

1. Adopt Resolution No. _____ authorizing the Mayor to execute a Grant Anticipation Loan Agreement and Promissory Note in the amount of \$8,147,000.00 plus interest charges and applicable loan origination fees with Norwest Bank Colorado.
2. Authorize payment of interest charges and applicable loan origination fees from Public Works and Utilities Department budget with anticipated reimbursement of 2/3 of the total cost from the cities of Northglenn and Thornton. Sponsor the Woman Creek Reservoir Authority for membership in the Colorado Intergovernmental Risk Sharing Agency.

Background Information

On July 22, 1996, City Council adopted Resolution Number 34 authorizing the City of Westminster to enter into an inter-governmental agreement with the cities of Northglenn and Thornton to establish the Woman Creek Reservoir Authority. The newly created Authority has the responsibility for operating the Standley Lake Protection Project. \$8.147 million of grant funds are available to the Authority to be used for the on-going operations of this project from savings on the original United States Department of Energy Grant.

In accordance with the provisions outlined in the original grant, the City of Westminster must make a "disbursement" in the form of an irrevocable payment to the Authority, and subsequently request reimbursement from the United States Department of Energy. This is necessary to allow the Authority to retain interest earned on the funds for use in future operations.

Staff researched a number of options to obtain \$8.147 million for this transaction including:

- (1) Grant Anticipation Loan - Under this option, the City would enter into a loan agreement with a financial institution, generating a loan of \$8.147 million collateralized by the DOE Grant Document and full faith in the City of Westminster Utility Enterprise Fund. Westminster, as sub-grantee to the City of Broomfield, would request reimbursement and utilize these proceeds for repayment of the loan. This is the preferred approach in that the transaction would be simplified in form and legal structure.
- (2) Reverse-repurchase Agreement on securities currently held in the City operating portfolio - Under this option, the City would transfer certain U.S. Treasury and Agency Obligations to a third party custodian who would offer safekeeping of the investments while a transaction was completed to temporarily "sell" the securities. The City would commit to repurchase these securities at a specified time. Certain legal concerns surround this transaction regarding jeopardy of securities in the event of financial failure on the part of the third party custodian.
- (3) Liquidation of securities held in the City operating portfolio - Under this option, the City would liquidate \$8.147 million of securities for the period between disbursement and reimbursement and purchase new securities at the completion of the transaction. This option involves financial risk through opportunity costs (in the event higher yielding securities are liquidated) or market costs (in the event lower yielding securities are liquidated).

Staff recommends the Grant Anticipation Loan as the preferred alternative. In further evaluation of this option, three area financial institutions were contacted and requested to offer quotes for such a transaction.

Institution	Interest Rate	Origination	3 day	10 day
	<u>Fee</u>	<u>Cost</u>	<u>Cost</u>	
Norwest	5.9125%	\$9,200	\$13,215	\$22,580
Bank One	7.75%	\$8,000	\$13,262	\$25,539
Colorado National	5.75%	\$50,000	\$53,904	\$63,013

Staff recommends consideration of the Grant Anticipation Loan alternative through Norwest Bank for the following reasons:

- (1) If the funds are outstanding for a period of 3 days or more, the lower cost alternative is found through Norwest.
- (2) Norwest Bank and their legal representatives have experience in this type of transaction; recently a similar Grant Anticipation Loan was completed for the City of Broomfield.
- (3) All three member cities of the Authority maintain their operating accounts at Norwest Bank and support the recommended alternative.
- (4) With the City of Westminster maintaining the operating account at Norwest, the loan can be initiated on the day the check actually clears the bank, thus reducing additional interest cost exposure.

The Cities of Northglenn and Thornton will equally share in the costs surrounding this loan alternative along with Westminster. The United States Department of Energy is aware of the City's intention to secure funds through the Grant Anticipation Loan and has agreed to expedite reimbursement in order to minimize interest costs which will be incurred. In the unlikely event the request for reimbursement is denied by the United States Department of Energy, it is anticipated the City of Westminster could request the Authority to return the funds, thus allowing the loan to be repaid.

The Authority will need to provide its own insurance once it takes ownership of the land involved with the Standley Lake Protection Project. One option for insurance is the Colorado Intergovernmental Risk Sharing Agency (CIRSA). The Authority must have a sponsor in order to get insurance through CIRSA. Council action is requested to sponsor the Authority for membership in CIRSA.

Alternatives:

- (1) Fund operations of Woman Creek Reservoir Authority on a monthly reimbursement request basis for the on-going operations of the project. This alternative does subject the project to a risk that the grant funds will be discontinued.
- (2) Deny the Authority funding and reject the balance of the United States Department of Energy grant. This alternative is not preferred because the allocation is available for the benefits of area citizens.

Respectfully submitted,

William M. Christopher, City Manager
Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN NORWEST BANK COLORADO, NATIONAL ASSOCIATION AND THE CITY OF WESTMINSTER, COLORADO, AND THE EXECUTIVE AND DELIVERY OF A PROMISSORY NOTE IN THE AMOUNT OF \$8,147,000 IN CONNECTION THEREWITH; AND REPEALING ACTION HERETOFORE TAKEN IN CONFLICT THEREWITH.

WHEREAS, the City of Westminster, (the "City") is a municipal corporation duly organized and existing under laws of the State and its Home Rule Charter (the "Charter"); and

WHEREAS, pursuant to Section 18(2)(a) and (b) of Article XIV, Constitution of the State of Colorado, the General Assembly has enacted part 1 of article 2 of title 29, Colorado Revised Statutes, as amended, concerning intergovernmental relations; and

WHEREAS, the City has heretofore determined to borrow on a short term basis \$8,147,000 to finance certain costs in connection with the Standley Lake Protection Project including payment to the Woman Creek Reservoir Authority for operations of the facilities associated with the Standley Lake Protection Project, which payments are to be reimbursed by the United States Department of Energy pursuant to a grant commitment letter attached hereto as Exhibit A; and

WHEREAS, the City shall be authorized to execute a Promissory Note (the "Note) evidencing its obligation to repay the Bank with respect to such loan; and

WHEREAS, the City has heretofore appropriated \$8,147,000 for the funding of Woman Creek Reservoir Authority's operations; and

WHEREAS, the form of Loan Agreement and form of Note have been presented to the City Council.

THE CITY OF WESTMINSTER RESOLVES:

Section 1. The Loan Agreement and the Note are hereby approved and the Mayor of the City and the City Clerk are hereby authorized to execute and attest the Loan Agreement and the Note on behalf of the City.

Section 2. The officers of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of the Loan Agreement and the Note.

Section 3. All action heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this resolution and toward the Loan Agreement and the Note is hereby ratified, approved and confirmed.

Section 4. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 5. All ordinances, resolutions, bylaws, and regulations of the City in conflict with this resolution, are hereby repealed to the extent only of such inconsistency. The repealer shall not be construed to revive any ordinance, resolution, bylaw, or regulation or part thereof, heretofore repealed.

Section 6. After the Note has been executed and delivered, this Resolution shall be and remain irrevocable until the Note and the interest thereon shall have been fully paid, canceled, and discharged.

Section 7. This resolution shall take effect immediately upon adoption.

Introduced, read and adopted this 26th day of August, 1996.

ATTEST:

Mayor

City Clerk

Date: August 26, 1996
Subject: Financial Report for July 1996
Prepared by: Nancy Alberts, Accounting Manager

Introduction

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 61% of the total budget estimate while General Fund expenditures and encumbrances represent 63% of the 1996 appropriation.

Utility Fund revenues represent 75% of the total budget estimate while expenditures and encumbrances in that fund represent 61% of the 1996 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 65% of the total budget estimate, while expenditures and encumbrances in that fund represent 59% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 36% from the same period last year and increased 10% year-to-date.

The Open Space Fund revenues represent 67% of the total budget estimate while expenditures and encumbrances in that fund represent 45% of the 1996 appropriation.

The Golf Course Fund revenues represent 58% of the total budget estimate while expenditures and encumbrances in that fund represent 51% of the 1996 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$71,405 while expenditures and encumbrances in that fund consist of \$9,208. The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$1,639,000 for Emergency Reserve as required by the Colorado Constitution.

Theoretically, 58% of revenues and expenditures should be realized after seven months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments