

**Date:** September 8, 1997  
**Subject:** Westminster Spirit March Presentation  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

Julius (Papa J) Giraldi has written the first Westminster Spirit March and would like to have City Council hear this arrangement at Monday night's Council meeting.

**Summary**

Papa J recently finished composing the first official Westminster Spirit March for the City of Westminster.

Arrangements have been made for the Westminster High School Band (65 musicians) to attend Monday night's Council meeting and play the March for the City Council.

Vi June and Jeanne Bender, who both worked on the arrangement of the music will be introduced, along with Bob June, who wrote the lyrics.

After the Westminster High School Marching Band has completed the first rendition of the Westminster Spirit March, Bob June, George Hovorka and Mervin Hillsberry will sing a version of the March with words written by Bob June.

After the vocal version has been performed, Papa J will be presenting the original music to the Mayor.

**Staff Recommendation**

City Council listen to this historical presentation by the Westminster High School Marching Band and other members of the community.

Respectfully submitted,

William M. Christopher  
City Manager

Mayor introduces the Westminster High School Marching Band

Band marches into Council Chambers, down the middle aisle and both sides (65 musicians)

Band will play the first official Westminster Spirit March

Mayor introduces Papa J Giraldi

Papa J will introduce Vi June and Jeanie Bender, who worked on the arrangement

Papa J will introduce Bob June who wrote the lyrics to the March

Bob June, George Hovorka and Merv Hillsberry will sing the March accompanied by Jeanie Bender on keyboard.

Papa J will present the first original Westminster Spirit March music to the Mayor.

September 8, 1997  
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.

**\* Westminster Spirit March**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
  - A. Open Space Volunteer Presentation
  - B. Proclamation re Employee Appreciation Day
- 5. Citizen Communication (5 minutes or Less in Length)**
  - A. Dale Emme re Yellow Ribbon Week
  - B. Paul Nilles re Village at Cotton Creek Surety Bond
- 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. Reclaimed Water System Facility Design Contract Addendum
  - B. Big Dry Creek Channel Design Change Order
  - C. College Hill Library Technology Purchase
  - D. Police Car Purchase
  - E. CB No. 55 re Cost Recoveries 104th Ave/Federal (Allen-Harris)
  - F. CB No. 56 re Youth/Preschool/Library Programs (Dixion-Merkel)
  - G. CB No. 57 re Legacy Junior Golf Camp (Smith-Dixion)
  - H. CB No. 58 re City Charter Ballot Question (Dixion-Merkel)
- 9. Appointments and Resignations**
  - A. Resolution No. 46 re Special Permit & License Board Appointment
- 10. Public Hearings and Other New Business**
  - A. Second Public Hearing re 1998 City Budget
  - B. Bull Canal Annexation Agreement
  - C. Resolution No. 45 re Landscape Regulations
  - D. Urban Drainage Agreement re Broomfield & Vicinity Outfall System
  - E. Councillor's Bill No. 59 re Westminster Blvd Supplemental Appropriation
  - F. Westminster Boulevard Project
  - G. Resolution No. 47 re Pump Station Land Acquisition
  - H. Jefferson County Airport Lease Agreement
  - I. Playground Renovation at Squires Park
  - J. City Park Ballfields Phase 1 Construction Contracts
  - K. Selection of Auditors for 1997-2001
  - L. Resolution No. 48 re Salary Adjustments
- 11. Old Business and Passage of Ordinances on Second Reading**

None
- 12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Steve Prokopiak, NorthPark HOA Presentation
  - B. City Council
  - C. Request for Executive Session
    1. Golden Litigation

2. City Manager Evaluation

**13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, SEPTEMBER 8, 1997 AT 7:00 P.M.

WESTMINSTER SPIRIT MARCH:

The Westminster High School Band led by Band Director Jim Schneider, played the first Westminster Spirit March, written by Julius (Papa J) Giraldi. Vi June and Jeanne Bender worked on the arrangement and Bob June penned the lyrics which were sung by Bob June, George Hovorka and Mervin Hillsberry. The Mayor introduced all the people involved with this historic moment and the original music was presented to the City.

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 Dixion and Councillors Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Allen.

CONSIDERATION OF MINUTES:

A motion was made by Harris and seconded by Scott to accept the minutes of the meeting of August 25, 1997 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil accepted a symbolic check for \$65,894.88 from Open Space Volunteer Coordinator Diane Dynis, Open Space Supervisor Rod Larsen and Open Space volunteers representing the dollars saved by utilizing Open Space volunteers.

Mayor Heil presented a proclamation to Employee Advisory Committee members Cliff Coffman, Rich Dahl, Louis Engleberg, LaVerne Glasmann, Marjorie Miller, Margo Schultz and Clint Smith proclaiming September 10th as City of Westminster Employee Appreciation Day.

CITIZEN COMMUNICATION:

Dale Emme, 3699 W. 76th Avenue, thanked Council for the funding received for the Yellow Ribbon Campaign and the proclamation proclaiming the week of September 15 as Yellow Ribbon Week.

Paul Nilles, 4104 W. 111th Circle, representing the Village at Cotton Creek Townhome Owners Association, addressed Council concerning the developer's work on a retaining wall in the Cotton Creek Townhomes Subdivision.

Betty Whorton, 3720 W. 103rd Drive, complimented the City on the Citizens College and encouraged the Council to continue this excellent program.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixion attended a meeting with the Assistant Secretary of Energy, Al Alm, discussing issues related to the plans for cleanup and closure of Rocky Flats.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Reclaimed Water System Facility Design Contract Addendum - Authorize City Manager to execute an addendum to the existing contract with Black & Veatch in the amount of \$142,000 for design and bidding on the 6 MGD Westminster Reclaimed Water Treatment Facility and approve an additional design contingency of \$14,200, expense associated with this work to be charged to the Reclaimed Water Project Capital Improvement Account in the Utility Fund; Big Dry Creek Channel Design Change Order - Authorize the City Manager to sign Change Order No. 1 for \$17,000 to the current design contract of \$36,050 with The Sear-Brown Group, \$13,050 of the expense would be charged to the project's contingency account within the 1995 Carry-over Revenue, and \$3,950 of the expense would be charged to the 1997 Storm Drainage Improvements Capital Improvement Projects; College Hill Technology Purchase Agreement - Authorize the City Manager to sign a contact in the amount of \$93,071 with the State of Colorado to jointly purchase software, licenses, and services to expand the City's Dynix automation system at the new College Hill Library; authorize the expenditure of \$93,071 to purchase Dynix software services and telecommunications equipment to connect College Hill to the City's server; and authorize the City manager to sign a contract with Ameritech Library Services in the amount of \$70,749 to expand the City's Dynix automation system for additional software, licenses, and services. Funds for these expenses are available in the College Hill Library account in the General Fund Capital Improvement Fund; Patrol Car Purchases - Authorize the purchase of two 1997 Ford Crown Victorias at a cost of \$40,786 to Burt Chevrolet and charge the expense to the appropriate 1997 Police Department budget and authorize the trade-in of the used police cars to Burt Chevrolet and charge expense to the appropriate 1997 Police Department budget account; Councillor's Bill No. 55 re Cost Recoveries re 104th Avenue/Federal Boulevard; Councillor's Bill No. 56 re Youth/Preschool/Library Programs; Councillor's Bill No. 57 re Legacy Junior Golf Camp; and Councillor's Bill No. 58 re City Charter Ballot Question.

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. The motion carried unanimously.

RESOLUTION NO. 46 - SPECIAL PERMIT & LICENSE BOARD APPOINTMENT:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 46 accepting the resignation of Walt Williams and appointing Phillip Auth to the Special Permit and License Board with the term of office to expire December 31, 1997. Upon roll call vote, the motion carried unanimously.

SECOND PUBLIC HEARING ON PROPOSED 1998 CITY BUDGET:

At 7:57 P.M. the meeting was opened to a public hearing on the 1998 City Budget. City Manager Bill Christopher gave a brief overview of the proposed budget.

Pam Ortega, 10401 King Circle, entered a petition with 6 signatures requesting a sound barrier fence on 104th Avenue between Lowell Boulevard and King Street; Richard Marvel, 9636 W. 106th Avenue, representing the neighborhood of Walnut Grove requesting a park on the land located north of 106th Avenue between Garrison Street and 105th Place.

Bob Klock, 7765 Newton Street, Gylinda Gonzales, Crystal and Ashley Cobb and another member of The New Club all spoke in support of continued funding to New Club; Bob June, 7500 Wilson Court, requested funding to repair the Gezebo building at the Bowles House, and requested adding additional Code Enforcement Officers; Carl Walzak, 3725 W. 78th Avenue, requested acceleration of the 76th Avenue Water Line Project. At 8:40 P.M. the public hearing was declared closed.

BULL CANAL ANNEXATION AGREEMENT WITH FRICO:

A motion was made by Scott and seconded by Smith to authorize the City Manager to sign the proposed Annexation Agreement with the Farmer's Reservoir and Irrigation Company. The motion carried unanimously.

RESOLUTION NO. 45 - LANDSCAPE REGULATIONS:

A motion was made by Merkel and seconded by Smith to adopt Resolution No. 45 adopting the Landscape Regulations for the City of Westminster. The final printed copy of the Regulations includes the changes suggested by the Chambers of Commerce, and agreed to by Staff. Upon roll call vote, the motion carried unanimously.

URBAN DRAINAGE AGREEMENT FOR OUTFALL SYSTEM PLAN UPDATE:

A motion was made by Harris and seconded by Smith to authorize the Mayor to sign the Agreement with the Urban Drainage and Flood Control District regarding funding for updates to the Broomfield and Vicinity Outfall Systems Plan; and charge the expense to the appropriate Capital Improvement Project. The motion carried unanimously.

COUNCILLOR'S BILL NO. 59 - WESTMINSTER BOULEVARD APPROPRIATION:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 59 on first reading appropriating \$337,100 to the Westminster Boulevard Project. Upon roll call vote, the motion carried unanimously.

WESTMINSTER BOULEVARD PROJECT:

A motion was made by Dixon and seconded by Merkel to authorize the expenditure of an amount not to exceed \$65,000 for the purchase of water meters and tap fees; authorize the expenditure of an amount not to exceed \$45,000 for the installation of street lights; and charge the expenses to the appropriate project account in the General Capital Improvement fund. The motion carried unanimously.

RESOLUTION NO. 47 - PUMP STATION/WATER TREATMENT LAND ACQUISITION:

A motion was made by Harris and seconded by Dixon to adopt Resolution No. 47 authorizing the City Manager to proceed with the acquisition of 7.3 acres of land known as Mandalay Gardens Lot TR15C, for a pump station and future water treatment facility and charge the appropriate expenses necessary for the land acquisition and associated costs to the appropriate project account in the Utilities Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

JEFFERSON COUNTY AIRPORT LEASE AGREEMENT:

A motion was made by Scott and seconded by Dixon to authorize the City Manager to sign the land lease with the Jefferson County Airport Authority Board for the purpose of constructing a new City golf course, a portion of which will be on Jefferson County Airport land. The motion carried unanimously.

PLAYGROUND RENOVATION AT SQUIRES PARK:

A motion was made by Merkel and seconded by Harris to award the bid for playground equipment for Squires Park to Landscape Structures at a cost of \$50,000 based on their favorable design and adaptability for the targeted age groups and charge the expense to the appropriate General Capital Improvement Fund project account. The motion carried unanimously.

CITY PARK BALLFIELDS PHASE I CONSTRUCTION CONTRACTS:

A motion was made by Dixon and seconded by Merkel to authorize the City Manager to sign contracts with Tarco in the amount of \$2,018,196, Goodson & Associates, Inc. in the amount of \$11,500, DHM Design in the amount of \$20,082, and authorize a 6 percent contingency; and approve a total project budget of \$2,169,000 for the construction of the first phase of the City Park ballfield project. The motion carried unanimously.

SELECTION OF AUDITORS FOR FISCAL YEARS 1997-2001:

A motion was made by Dixon and seconded by Smith to authorize the City Manager to sign a contract for the independent audit of the City's financial records for the years 1997-2001 with an option to renew on an annual basis for up to an additional five years with Bondi & Co., with the first year cost of \$41,000 and charge this expense to the appropriate 1998 Finance Department budget account. The motion carried unanimously.

RESOLUTION NO. 48 - PAY RANGE UPGRADES:

A motion was made by Smith and seconded by Merkel to adopt Resolution No. 48 authorizing an increase in salary for the System Administrator from a grade 58 to a grade 65, and an increase in salary for the Senior Microcomputer Analyst from a grade 55 to a grade 62. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION:

Herb Phelps, 10233 King Court, representing the NorthPark Traffic Calming Work Group, addressed Council on the NorthPark traffic calming pilot program.

MISCELLANEOUS BUSINESS:

Councillor Merkel reported that Jody Schomberger, a Westminster resident, was the recipient of the \$1,000 Mary Ciancio Scholarship award.

Councillor Scott reported that the students of Jefferson Academy in Westminster achieved the highest test scores in the County.

Mayor Heil stated there would be an Executive Session regarding Golden Litigation and the City Manager's evaluation.

ADJOURNMENT:

The meeting was adjourned at 9:18 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Date:** September 8, 1997  
**Subject:** Open Space Volunteer Presentation  
**Prepared By:** Diane Dynis, Open Space Volunteer Coordinator

### **Introduction**

The City Council is requested to recognize the City of Westminster's Open Space volunteers for donating 5,132 hours of service from June 1, 1996 to August 30, 1997. The Points of Light Foundation recognizing the value of a volunteer's time has established a dollar figure of \$12.84 per hour. Using this figure, a facsimile symbolic check representing the dollars saved by utilizing volunteers for various projects will be presented to Council on behalf of the citizens of Westminster.

### **Summary**

The Open Space volunteers have completed a variety of projects including installation of over 3,000 lineal feet of fencing; planting 500 trees for a windbreak; constructing a boardwalk and dock; installing culverts, trail building; making and installing mile markers; providing bank stabilization for erosion control and most recently creating a wetland area and planting 1,850 plants. In addition, individuals and families provide ongoing clean up and maintenance of open spaces throughout the City each month.

### **Staff Recommendation**

City Council accept the symbolic check for \$65,894.88 from the following volunteers: Bob Alexander; Beverly Marozsan; Don Weis; Ben Ruby; Shirley Drnovsek; Open Space Volunteer Coordinator, Diane Dynis; and Open Space Supervisor, Rod Larsen.

### **Background Information**

The Open Space Volunteer Program began in May 1996 and has continued to grow. The response and interest from the public in having an opportunity to make a difference in the Open Space areas as well as the need for help in maintaining the 1,300 acres of land has resulted in the scheduling of one to two projects each month. A volunteer base of 75 individuals, companies, and service groups has evolved who participate to assist.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 8, 1997

**Subject:** Proclamation re City Employee Appreciation Day

**Prepared By:** John Carpenter, Director of Community Development

### **Introduction**

The Mayor is requested to proclaim Wednesday, September 10, 1997 City of Westminster Employee Appreciation Day. The day will be observed with an employee appreciation breakfast that is being hosted by the City Manager, Assistant City Manager, City Attorney and Department Heads at the City Park Recreation Center.

### **Summary**

The overall continuing excellent performance and commitment to service by Westminster City employees is worthy of recognition. City employees devote their time and skills to make Westminster the community of choice in the Denver metropolitan region. Therefore, it is appropriate to recognize their hard work and designate a day in their honor.

In recognition of City employees' ongoing commitment and contributions to the City and its residents, the City Administration will be providing all City employees with an Employee Appreciation Breakfast on September 10th at City Park Recreation Center for the seventh year in a row. At this event, the City Manager, Assistant City Manager, City Attorney and all of the Department Heads will be preparing and serving a full breakfast from 6:00 A.M. to 8:30 A.M. The breakfast is conveniently scheduled so that all employees have the opportunity to attend.

The proclamation will provide employees with well-deserved recognition and will designate September 10th as City of Westminster Employee Appreciation Day.

Members of the Employee Advisory Committee will be present to accept the proclamation on behalf of all City of Westminster Employees. All of the members of the City's Employee Advisory Committee have been invited to attend the meeting.

### **Staff Recommendation**

Mayor proclaim September 10th as City of Westminster Employee Appreciation Day to recognize the contributions of City employees to the overall benefit of the City of Westminster..

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Proclamation

WHEREAS, the very high City service ratings from Westminster citizens in each of the past citizen surveys attest to the high quality of services provided by Westminster City employees; and

WHEREAS, Westminster employees are in large part responsible for the City's national and regional reputation for quality, progressive municipal government; and

WHEREAS, the 745 full-time and part-time employees have made tremendous contributions to the quality of life of Westminster Citizens; and

WHEREAS, these employees which are employed in Police, Fire, Public Works & Utilities, Parks, Recreation & Libraries, Finance, General Services, and Community Development Departments and the City Manager's and City Attorney's Offices are unquestionably the City's most valuable resource; and

WHEREAS, on September 10, 1997, the City Manager, the Assistant City Manager, the City Attorney and all City Department Heads will be sponsoring an Employee Appreciation Breakfast in recognition of all City employees at City Park Recreation Center.

NOW, THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, on behalf of the entire City Council, do hereby proclaim September 10, 1997 as City of Westminster Employee Appreciation Day.

Signed this 8th day of September, 1997.

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Nancy M. Heil, Mayor

**Date:** September 8, 1997  
**Subject:** Citizen Communication - Dale Emme  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

Dale Emme has requested an opportunity to address City Council at Monday night's meeting.

**Summary**

Dale Emme, who resides at 3699 West 76th Avenue, will be present at Monday night's City Council meeting to thank City Council for the funding received for the Yellow Ribbon Campaign and the proclamation that was recently prepared proclaiming the week of September 15th as Yellow Ribbon Week.

Youth suicide is one of the most disruptive and tragic events a family and a community can experience, and is occurring at a national rate of over 5,000 youth suicides annually and is the second leading cause of death for people between the ages of 15 and 19 nationwide. Colorado is one of the leading states of highest youth suicides with at least one youth suicide every week. Suicide kills youth 3 to 6 times more than homicide. Research shows that 95% of all youth suicides are preventable; and

Statistics show that awareness, education and action does save lives. Heightened community awareness will encourage communities to develop strategies to prevent youth suicides. The Yellow Ribbon is rapidly becoming recognized internationally as the symbol for the awareness and prevention of youth suicide. It is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers/hospitals and especially youth themselves.

Mr. Emme has indicated that his presentation will be less than 5 minutes in length, and therefore this item has been placed on the Agenda under Item 5.

**Staff Recommendation**

Listen to the presentation by Dale Emme.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 8, 1997

**Subject:** Citizen Communication - Paul Nilles

**Prepared by:** David Shinneman, Planning Manager and Greg Savage, Official Development Plan Inspector

### **Introduction**

Paul Nilles has requested an opportunity to address City Council at Monday night's meeting.

### **Summary**

Mr. Nilles, representing the Village at Cotton Creek Townhome Owners Association has requested time at Monday night's City Council meeting to address Council on various concerns he has with the developer's work in the Cotton Creek Townhomes.

Given the rather long history of Mr. Nilles concerns, a brief overview of this matter will be provided by Staff during the pre-meeting. Mr. Nilles has expressed to Staff his belief that, the City should either require the developer, as a part of the developer's construction of Phase 2 of the development, to go back and correct various items dating back as far as 1984, or use the developer's surety for the Phase 2 private improvements to do so.

Staff did arrange for three mediation sessions between the developer and the townhome owners association starting in 1995. These sessions were productive, but did not resolve the issues.

Attached are some recent communications between Mr. Nilles and the City Attorney's office concerning this matter.

Mr. Nilles has indicated that this presentation will be less than 5 minutes in length, and therefore this item has been placed on the Agenda under Item 5.

### **Staff Recommendation**

Listen to the presentation by Mr. Nilles of the Village at Cotton Creek Townhome Owners Association.

Respectfully submitted,

William M. Christopher  
City Manager

attachments

**Date:** September 8, 1997

**Subject:** Reclaimed Water System Facility Design Contract Addendum

**Prepared By:** Dan Strietelmeier, Senior Water Resources Engineer  
Kelly DiNatale, Water Resources Manager

### **Introduction**

City Council action is requested to authorize the City Manager to sign an addendum to an existing contract with Black and Veatch in the amount of \$142,000 for the design of the additional treatment capacity needed for the Westminster Reclaimed Water System Treatment Facility and approve an additional design contingency of \$14,200. Funds are available in the Reclaimed Water Project Capital Improvement Project account in the Utility Fund for this expense.

### **Summary**

City Council approved a design contract with Black & Veatch for the design of a 4 million gallon per day (MGD) facility on March 17, 1997. The 4 MGD design contract was in the amount of \$250,103.00.

City Council directed staff on August 11, 1997 to negotiate an addendum to the design contract with Black & Veatch for increasing the capacity of the treatment facility to 6 MGD.

Black & Veatch agreed to expand their scope of work to include the design of a 6 MGD treatment and storage facility, design of flexibility for adding full pretreatment in the future, and additional hydraulic analysis for optimizing pump size.

The 6 MGD Reclaimed Water System would supply approximately 1,600 acre feet of irrigation water at a capital cost of around \$9,500 per acre foot.

### **Staff Recommendation**

Authorize the City Manager to execute an addendum to the existing contract with Black & Veatch in the amount of \$142,000 for design and bidding of the 6 MGD Westminster Reclaimed Water Treatment Facility and approve an additional design contingency of \$14,200.

The expense associated with this work should be charged to the Reclaimed Water Project Capital Improvement Account in the Utility Fund.

### **Background Information**

The 1996 preliminary design of the Westminster Reclaimed Water System (WRWS) recommended constructing an initial 4 MGD system that would supply approximately 1,100 acre feet per year of irrigation water to Legacy Ridge Golf Course, Hyland Hills Golf Course, City Park, Countrydale Golf Course, and City Hall. The initial phase design cost estimate has increased due to the need for the construction of more treatment capacity. With the enlarged treatment capacity there will be more alternatives to consider, additional systems of valves and piping, and additional concrete design activities. The design will also include the flexibility to add a full pretreatment step in the future to the reclaimed water treatment process.

Full pretreatment was determined not to be necessary at this time as a result of the pilot plant test, but flexibility to add additional treatment processes later should be designed in the Phase I construction. Sites added to the Phase I system could be Cotton Creek Park, Carrol Butts Park, Ryan School Park, Ball Campus, Lucent Technologies, and Park Center.

Current wastewater flows at the Big Dry Creek Water Reclamation Facility are averaging 5.8 MGD and are estimated to be nearly 6.5 MGD at the time the WRWS first phase is on-line in 1999. Since there are no major water supply acquisitions pending, the City is in need of additional water supply and reclaimed water demands are greater than 4 MGD, an initial size of 6 MGD was chosen.

A pilot plant was operated during April 1997 to test the effectiveness of various filter types and chemical feed rates. The analytical water quality as well as the aesthetic quality of the reclaimed water was also demonstrated by the pilot plant. The reclaimed water quality goals, both analytical and aesthetic, were compared with the costs of various levels of treatment to determine the most cost effective advanced wastewater treatment process. The continuous contact filtration design was determined to provide excellent water quality. Additional full pretreatment was determined not to be necessary at this time, but flexibility to add additional pretreatment should be designed into the initial construction in case of regulatory or other circumstances requiring additional treatment.

Requests for proposals for design and construction of the remainder of the pipeline system will be distributed this fall. The pipeline system will be sized for the fully developed capacity of approximately 10 MGD. The goal remains to have the WRWS on-line in 1999.

The fully developed reclaimed system is projected to have a 10 MGD capacity with a total construction cost of approximately \$18,000,000. A 10 MGD system could supply up to 2,500 to 3,000 acre feet per year for irrigation at a cost of \$6,000 to \$7,200 per acre foot. The above costs do not include the acquisition of additional water supply required to meet return flow requirements.

Alternatives to awarding an addendum to the existing contract with Black & Veatch would be to solicit bids for this additional design work or to continue the 4 MDG capacity design contract with Black & Veatch.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 8, 1997

**Subject:** Big Dry Creek Channel Design Change Order

**Prepared by:** Sheila Beissel, GIS Coordinator

### **Introduction**

City Council action is requested to authorize the City Manager to execute Change Order Number 1 to the current design contract with The Sear-Brown Group (formerly RBD, Inc.) in the amount of \$17,000 for evaluation of additional alternatives and the design of a trail along Big Dry Creek at the Water Reclamation Plant. Funds for the expense are available in the project's contingency account (\$13,050) and the Storm Drainage Improvements Capital Improvement Project account (\$3,950).

### **Summary**

The original contract with The Sear-Brown Group was initiated in October 1996 for an Alternative Design Report, preliminary design, and final design of the necessary improvements to Big Dry Creek at Interstate 25, Huron Street, and along the south side of the Big Dry Creek Waste Water Reclamation Plant (BDCWWRP). The project goal is to modify the Big Dry Creek channel and bridge so that the plant is no longer within the 100-year floodplain and floodway. The Alternative Design Report was completed in January 1997.

After reviewing the report, desired alternatives to accomplish the project goal were selected. The selected alternatives include an improved inlet at the Interstate 25 bridge (which requires the lowering of the channel through the bridge) and modifications to the Big Dry Creek channel to stabilize its banks and increase the flow capacity. When evaluating the alternatives, it was determined that a trail along the south bank of Big Dry Creek should be incorporated into the design as well as a low-flow crossing for the proposed Water Reclamation Facility. Also, due to the options selected for preliminary and final design, other additional services are required beyond the original scope of services contracted.

Change Order Number 1 would allow for the design of a trail along the south bank of Big Dry Creek and the improved Interstate 25 bridge crossing, a low-flow crossing for the proposed Water Reclamation Facility, and the additional services required to extend the channel design downstream of Interstate 25 for several hundred feet to accommodate the lowering of the channel through the Interstate 25 bridge.

### **Staff Recommendation**

Authorize the City Manager to sign Change Order Number 1 for \$17,000 to the current design contract of \$36,050 with The Sear-Brown Group. \$13,050 of the expense would be charged to the project's contingency account within the 1995 Carry-over Revenue, and \$3,950 of the expense would be charged to the 1997 Storm Drainage Improvements Capital Improvement Projects.



### **Background Information**

The WWTP is located within the 100-year floodplain and floodway as defined by the Federal Emergency Management Agency (FEMA). The City is a participant in the National Flood Insurance Program. As a participant in the program, the City must abide by the rules and regulations of the program which require that no new buildings be built within the floodway and all new buildings within the floodplain to be flood-proofed.

The original design project evaluated several alternatives to remove the plant from the designated Big Dry Creek 100-year floodplain and floodway. These alternatives included modifications to the Interstate 25 crossing, the Big Dry Creek channel and the Huron Street crossing. The consultant provided an Alternative Design Report, Preliminary Design Report, and construction drawings and specifications for the selected alternative.

The consultant will also obtain a Conditional Letter of Map Revision (CLOMR) from FEMA as part of this project. The CLOMR would provide the City with the assurance from FEMA that if the project was built per the construction drawings, the FEMA designated floodplain and floodway would be modified to exclude the WWTP.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** September 8, 1997  
**Subject:** College Hill Technology Purchase Agreement  
**Prepared by:** Kathy Sullivan, Library Services Manager

### **Introduction**

City Council action is requested on the following items as they relate to the College Hill Library construction project: Authorize the expenditure of \$93,071 to purchase Dynix software and services, along with telecommunications costs to connect College Hill Library to the City's server; authorize the City Manager to sign a contract with Ameritech Library Services in the amount of \$70,749 to expand the City's Dynix automation system for additional software, licenses, and other services; and authorize the City Manager to sign an agreement with the State of Colorado (representing Front Range Community College) to allow for joint purchases of said software, licenses, and services to expand the City's Dynix automation system for joint use at the College Hill Library as described above. Funds for these expenses are available in the General Capital Improvement Fund.

### **Summary**

The upgrade and expansion of the automation system agreed to in the IGA between the City and the college will allow the information currently housed on Front Range Community College's CARL system to migrate to the City's Dynix system. This arrangement will allow patrons of the College Hill Library to simultaneously search for books in both the City's and College's collections.

Upon Council's approval of this agreement, officials of the College will present the agreement to their State Boards for approval.

Both the City and College will be purchasing personal computers which will be connected to a central network, providing access to the Dynix system, electronic databases, and the Internet. These personal computers, which will be purchased at a later date, will be the exclusive property of each agency, as specified in the original IGA between the City and Front Range Community College.

The total expenditure of \$93,071 will be allocated to the following items, which will be split evenly between the City and the College per the joint purchase agreement attached:

Dynix software upgrades and related services	\$70,749
Custom programming for Front Range Community College bar codes	\$ 1,400
Online Computer Library Center (OCLC) profile set up	\$ 250
Telecommunications costs to connect College to City's services	\$20,672
<b>TOTAL</b>	<b>\$93,071</b>

Per the agreement with Front Range Community College, the City and the College will equally share the cost of the above items. Therefore, the College will reimburse the City 50% of the \$93,071, or \$46,535.

### **Staff Recommendation**

Authorize the City Manager to sign a contract in the amount of \$93,071 with the State of Colorado to jointly purchase software, licenses, and services to expand the City's Dynix automation system at the new College Hill Library; authorize the expenditure of \$93,071 to purchase Dynix software services and telecommunications equipment to connect College Hill to the City's server; and authorize the City manager to sign a contract with Ameritech Library Services in the amount of \$70,749 to expand the City's Dynix automation system for additional software, licenses, and services. Funds for these expenses are available in the College Hill Library account in the General Fund Capital Improvement Fund.

### **Background**

Over the past year, a task force composed of Front Range Community College and Westminster Public Library staff have been meeting to review options for providing integrated access to library records and other electronic information at the College Hill Library. In August 1996, the two agencies jointly hired a technology consulting firm (RMG Consultants, Inc.) to analyze the two existing systems and make recommendations concerning automated systems for the College Hill Library. Particularly, the consultants were to address the issue of the best option for the College Hill Library catalog/circulation system. The Task Force received the final report authored by the consultants in January 1997.

After careful consideration and review, and after preliminary discussions with Ameritech Library Systems, the Task Force accepted the recommendations presented in the consultant's report.

On the basis of the report's conclusions and recommendations, the task force recommends that the City and College:

- Upgrade and expand the Ameritech Dynix systems currently used by Westminster Public Library to support College Hill Library joint-use operations and to provide user access to information in library collections. Adding the College to the City's Dynix system was by far the least costly option for providing integrated systems at the new Library.
- Implement new graphical-user interfaces to electronic information resources (library bibliographic databases, databases and resources available as networked information) at Front Range Community College and Westminster Public Library locations
- Replace ASCII text-type terminals in the libraries with intelligent workstations capable of supporting new user interfaces and access to digital information resources.
- Provide access to the Internet and World Wide Web to users at workstations at all libraries and other network sites; provide Web-based access to the shared bibliographic database and other databases and services.

Since the City of Westminster owns the Ameritech Library System on which the recommended upgrade and expansion will be based, the task force recommended that the City purchase and own all additional software, user licenses, and services associated with the expansion. The College will receive five years of use of the City's Ameritech Library System for its contribution of \$35,375. The College will also pay 50% of the telecommunications costs associated with connecting the College Hill Library to the Library's server, located at City Hall, and 50% of the ongoing annual maintenance fee for the system. The attached agreement provides further details on specific issues relating to future improvements and problems and the possible associated costs.

The software, equipment, and services purchased with these funds are necessary to fulfill the recommendations of the consultant for providing state-of-the-art information technology at the College Hill Library. Staff will also be purchasing approximately 38 personal computers for staff and patron use at the new library at a later date.

Respectfully submitted

William M. Christopher  
City Manager

**Date:** September 8, 1997

**Subject:** Patrol Car Purchases

**Prepared by:** Dan Montgomery, Chief of Police  
Lee Birk, Police Captain

### **Introduction**

City Council action is requested to authorize the purchase of two replacement patrol cars from Burt Chevrolet. Funds for this purchase are available within the 1997 Police Department budget.

### **Summary**

City Council previously approved funds in the 1997 budget for the purchase of police patrol cars and on January 13, 1997, City Council authorized the purchase of twelve 1997 Ford Crown Victoria police vehicles from the low bidder, Burt Chevrolet.

The full-size Ford Crown Victorias were purchased in lieu of the mid-side Chevrolet Lumina that are currently in the Police Department fleet but have proven deficient in meeting Police Department expectations and needs.

Due to budget savings within the Police Department, previously authorized funds were available and Burt Chevrolet was able to locate two additional full-size Crown Victoria police vehicles. Purchase of these two full-size police vehicles will not increase the patrol fleet size and will allow utilization of two mid-size Lumina as staff vehicles.

The cost of the patrol cars is within the amount previously approved for this purchase. Additionally, in order to maximize the return and avoid increasing the fleet size, used staff and patrol cars will be traded-in to the dealer.

### **Staff Recommendation**

Authorize the purchase of two 1997 Ford Crown Victorias at a cost of \$40,786 to Burt Chevrolet and charge the expense to the appropriate 1997 Police Department budget and authorize the trade-in of the used police cars to Burt Chevrolet and charge this expense to the appropriate 1997 Police Department budget account.

### **Background Information**

City Council previously approved funds in the 1997 Budget for the purchase of police patrol cars. For many years, the Police Department has used Chevrolet Caprice police cars. In 1995, Chevrolet discontinued building the full-size Caprice in a police car package. With this action, the only available police package vehicles offered are a full-size Ford Crown Victoria or a downsized Chevrolet Lumina. The Chevrolet Lumina was purchased and placed into service in 1996. Several problems have been found, including the follow:

The vehicle lacks in space and many of the officers are uncomfortable in the car.

Costly modifications are required to transport prisoners as well as carry necessary equipment.

The Lumina is very underpowered.

As part of the process of the 1997 patrol car selection, a committee of officers was established to look at the options. The committee concluded that the Ford Crown Victoria was the best option at this time.

Formal bids were obtained for the purchase of the original twelve Ford Crown Victorias and Burt Chevrolet was the low bidder. Ford has stopped the annual ordering and production process for police vehicles in 1997, but Burt Chevrolet searched the national inventory and was able to locate two unclaimed vehicles at a price of \$20,393 a unit. The cost of the vehicles is within the amount previously approved by City Council for this expense and funds are available in the police department 1997 Budget for this expense. Two used staff cars and a used Caprice patrol car will be traded in to the dealer to off set the purchase price. Two existing Lumina patrol cars will be reassigned to replace the trade-in staff cars.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 8, 1997  
**Subject:** Resolution No. re Special Permit & License Board Appointment  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to accept the resignation of Walt Williams from the Special Permit & License Board and make an appointment to fill this vacancy.

**Summary**

On September 3rd, the City Clerk received written notification from Walt Williams that he is resigning from the Special Permit and License Board and moving to Grand Junction.

The current "pool" has 20 citizens and a copy of the matrix of each individual's preference on appointments is attached.

**Staff Recommendation**

Adopt Resolution No. accepting the resignation of Walt Williams from the Special Permit and License Board and making a new appointment to the Board with the term of office to expire on December 31, 1997.

**Background Information**

Walt Williams was originally appointed to the Special Permit and License Board on August 23, 1993 and his current term of office will expire on December 31, 1997.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

CITY OF WESTMINSTER BOARD APPOINTMENT

WHEREAS, The City has received the resignation of Walter Williams from the Special Permit and License Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Walter Williams from the Special Permit and License Board and appoint the following individual to the Special Permit and License Board as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Phillip Auth	Special Permit & License Board	12-31-97

(Regular member)

Passed and adopted this 8th day of September, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Date:** September 8, 1997  
**Subject:** Second Public Hearing on 1998 City Budget  
**Prepared by:** Alan Miller, Assistant City Manager

### **Introduction**

City Council is scheduled to hold a public hearing to receive public input on the 1998 City Budget at Monday night's City Council meeting.

### **Summary**

Development and review of the 1998 City Budget will continue through the summer and will culminate in the distribution of the 1998 Proposed Budget to City Council on September 5. This is the final public hearing prior to the City Council Budget Retreat, so that citizens will have one more opportunity to comment and provide feedback on the 1998 City Budget. In accordance with the City Charter, City Council must adopt the budget no later than the October 27 City Council meeting.

### **Staff Recommendation**

Hold a public hearing on the 1998 City Budget and receive citizen comments.

### **Background Information**

In April, City Council identified key focus areas to be pursued in 1998. The following is a prioritized list of these focus areas:

- > transportation improvements
- > diversity enhancements
- > review priorities, narrow the focus, and reallocate resources
- > further implementation of original Westminster enhancements
- > maintain a quality service level
- > comprehensive study on youth and young adult needs

The direction provided by City Council assists City Staff as they prepare and review the 1998 Proposed City Budget. Other considerations that go into developing a well-balanced budget are department priorities that strive to maintain existing service levels, and citizen/neighborhood input.

The development of the 1998 City Budget has occurred throughout the summer, and a Proposed Budget per City Charter requirements will be submitted by the City Manager to City Council on September 5 for their review. After reviewing the Proposed Budget for several weeks, City Council will hold their annual Budget Retreat on September 29 to more thoroughly review staffing levels, programs, services, and capital projects. Adoption of the 1998 Budget is scheduled for October 27 per City Charter requirements.

Respectfully submitted,

William M. Christopher, City Manager

**Date:** September 8, 1997  
**Subject:** Bull Canal Annexation Agreement with FRICO  
**Prepared by:** David Falconieri, Planner III

**Introduction**

City Council action is requested to authorize the City Manager to sign a proposed Annexation Agreement with the Farmer's Reservoir and Irrigation Company (FRICO) regarding the annexation of a portion of the Bull Canal which is located north of 120th Avenue and Huron Street (see parcel no. 1 on attached map).

**Summary**

The enclave that includes the subject FRICO property is an enclave of unincorporated Adams County that also includes two City owned open space parcels, and three residential properties south of 120th Avenue (see attached map). FRICO wishes to assure the continued use of the property for the storage of their maintenance equipment which is used regularly to maintain the Bull Canal. In order to address the concerns of FRICO the attached Annexation Agreement was requested. The Agreement will affect only that portion of the enclave which is owned by FRICO, and identified as parcel no. 1 on the attached map.

The FRICO property includes a residence used for the ditch rider and storage of equipment for the maintenance of the canal. The Agreement states that upon annexation those uses will be permitted uses on the ODP for as long as FRICO owns the property.

**Staff Recommendation**

Authorize the City Manager to sign the proposed Annexation Agreement with the Farmer's Reservoir and Irrigation Company.

**Background Information**

As part of the effort to annex some of the enclaves within the City, Staff has prepared an annexation map for the Bull Canal enclave which will be brought to City Council for separate action. Because the property has been completely surrounded for more than three years, the City is permitted by the State Statutes to unilaterally annex the entire area. However, in order to maintain a friendly relationship with FRICO, Staff has negotiated the attached Annexation Agreement which addresses all of FRICO's concerns.

As part of the Agreement, Staff will create an Official Development Plan (ODP) for the entire enclave which will establish all of the uses which will be permitted on each of the different properties. The ODP will be brought to City Council with the annexation for the entire area prepared for separate action. The proposed ODP will allow the uses described in the Agreement for as long as FRICO owns the land. If they should sell their interest the use would terminate and only a single residence would be permitted.

Respectfully submitted,

William M. Christopher, City Manager

## ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this        day of August, 1997, by and between the City of Westminster (City) and Farmers Reservoir and Irrigation Company (FRICO).

WHEREAS, FRICO is the owner of the property described in Exhibit "A" attached hereto (the Property); and

WHEREAS, the City intends to annex the property; and

WHEREAS, the City and FRICO agree that there would be mutual benefits to be realized from the annexation of the Property to the City; and

WHEREAS, the City and FRICO wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, in consideration of the above premises, the covenants, promises and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Annexation At the time of recordation of this Annexation Agreement, the City shall prepare an annexation map prepared in accordance with the requirements of such as set forth in Section 31, C.R.S. Said annexation map shall include all of the property described in Exhibit "A". Upon completion of the annexation process, the City shall record the Annexation Map with the Adams County Clerk and Recorder's office.

2. Zoning Subject to City Council approval, the property shall be zoned Planned Unit Development and the following land uses shall be permitted:

a. Single family residence

b. Storage of construction equipment and materials needed for the maintenance of the Bull Canal by FRICO. This use shall discontinue if FRICO sells the property to any other entity.

The Preliminary and Official Development Plans for the property shall be prepared by the City at its expense for submittal to City Council.

3. Recording of Annexation Agreement This Annexation Agreement shall be recorded with the Adams County Clerk and Recorder. The terms and conditions of this Annexation Agreement shall inure to the benefit of and be binding upon the successors in interest or the legal representatives of the parties, including all heirs, transferees, successors, assigns, purchasers, lessors and subsequent owners of any lot or parcel within the Property, and all such provisions and conditions shall be deemed as covenants running with the Property.

4. No Waiver Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances as creating any vested development rights, or as a waiver or negation of the City's legislative, governmental, or police powers to promote and protect the health, safety or general welfare of the City and its citizens. Nor shall this Agreement prohibit the enactment by the City of any fee which is uniform or of general application.

5. Remedies In addition to all other remedies it may have, the City shall not be obligated to issue any building permits, certificates of occupancy, or to approve any development plans or grant any other requisite approvals for any portion of the Property if the owner or its successor shall be in default of any terms of this Agreement.

The City shall have the right to specific performance and damages and its attorneys fees and court costs, in the event of a breach or default hereof by FRICO or its successors. This Agreement may be enforced in any court or competent jurisdiction within Adams or Jefferson Counties.

6. Severability The fact that any portion of this Agreement may be held unenforceable shall not affect the enforceability of the remaining portions hereof, it being the intent of the parties that any such unenforceable provisions shall be deemed severable from the remaining provisions of this Agreement. No waiver of any provision hereof in any circumstance shall constitute a waiver of such provision in other instances.

7. Disconnection Except as provided in section 31-12-119, C.R.S., and except that disconnection shall be allowed in the event the City Council fails to approve the initial zoning for the property as set forth in Paragraph 2 above, no right or remedy of disconnection of the Property from the City shall accrue from this Agreement. In the event the Property or any portion thereof is disconnected at FRICO'S request, or if the annexation is voided by an initiative or referendum election, this Agreement shall be void and of no further force or effect as to such Property; provided, however, that in the event of such disconnection, water and sewer service shall continue to be provided by the City at 1.25 times the City's standard in-City rate for comparable service.

8. Agreement Supplemental It is the intent of the City and FRICO that FRICO's obligations hereunder shall be construed as being supplemental to and in addition to all other land use, development, and public improvement requirements of the City. Except as specifically modified by this Agreement, the use and development of the property shall be subject to all standard City approvals, requirements, conditions, dedications, fees, and charges applicable to development in general within the City as set forth in the City's Code, resolutions, policies, and all other rules and regulations of the City. Without in any way limiting the generality of the foregoing. FRICO shall be responsible for all other applicable development fees and charges of the City.

9. Entire Agreement This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. Except as specifically modified herein, this Agreement shall be construed in a manner which makes it consistent with the City Code and City Charter. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement may not be modified except in writing and executed with the same formalities as this Agreement.

CITY OF WESTMINSTER FARMER'S RESERVOIR AND IRRIGATION COMPANY

BY \_\_\_\_\_  
William M. Christopher  
City Manager

BY \_\_\_\_\_  
TITLE

ATTEST:

ATTEST:

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

\_\_\_\_\_  
Title \_\_\_\_\_

Approved as to form by Martin M. McCullough, City Attorney

**Date:** September 8, 1997

**Subject:** Resolution No. re Landscape Regulations

**Prepared by:** Margo Schultz, Planner II

**Introduction:**

City Council is requested to adopt Resolution No. adopting the Landscape Regulations for the City of Westminster.

**Summary:**

In the past, although the general requirements for landscaping were identified in the Municipal Code, specific details of the landscape plan such as the required overall landscape area (percentage of the site), or the specific plant quantities required, were not identified until the preparation of the Official Development Plan.

In an effort to achieve more consistency on the Official Development Plans, and in an effort to identify detailed requirements early, prior to the design stage for developers, the Department of Community Development Staff, in conjunction with the Terrasan Landscape Architecture firm, developed specific landscape guidelines.

The guidelines have already been used successfully by Staff for new development as well as re-development projects over the last 2 years. A substantial portion of the proposed Landscape Regulations has already been adopted by Council as a part of the Single-Family Detached, Single-Family Attached, and Multi-Family residential regulations which were developed and approved in conjunction with the Growth Management Program in 1994 and 1995. The proposed Landscape Regulations include those portions already adopted as well as landscape regulations for commercial and industrial development, lists of recommended plant materials, design guidelines, and xeriscaping recommendations, as well as miscellaneous requirements such as maintaining existing large trees in conjunction with development, etc.

The newly revised Land Use and Development Sections of the Westminster Municipal Code reference the City of Westminster Landscape Regulations (formerly referred to as guidelines), and provide for enforcement capability regarding installation and maintenance of the required landscaping outlined in the regulations. This will aid Staff in insuring that the landscaping installed is maintained in a healthy, living condition as defined by the City, and that dead or dying plant material is replaced within six months. City Staff would therefore recommend the adoption of the Landscape Regulations in conjunction with the revised Municipal Code.

**Northwest Metro and Metro North Chamber of Commerce Comments:**

Comments were solicited from the Northwest Metro and Metro North Chambers of Commerce. Many of the suggestions made which are agreed to by Staff have been integrated into the proposed Landscape Regulations. The comments received, and the Staff responses are outlined below.

### **Metro North Chamber of Commerce**

Suggestion: New standards should not override or supersede any plans as ratified in existing ODPs, PDPs, or PUDs. Suggest agreements made previously be honored. Response: The proposed Landscape Regulations indicate that the new regulations will apply to existing facilities only when a change of use occurs which involves a new ODP, ODP Amendment, or Waiver to the ODP, in which case the site should be brought up to current development standards whenever possible and within reason. This gives Staff the chance to encourage upgrading the landscaping along with the other changes, but does not obligate applicant to fully conform to current standards when that is impossible.

Suggestion: Suggest that only 25% of the total site for single-family attached (SFA) and multi-family (MF) residential projects be required to be landscaped, rather than the 40% which is required by the proposed regulation. This would allow further affordable housing. Response: This ratio was not objected to by the Home Builder's Association at meetings during development of the regulations, and was adopted three years ago in conjunction with the Growth Management Program. The standard has been successfully used on all SFA projects constructed within the City over the last three years, and Staff believes that it should not be changed.

Suggestion: City should stay with the requirement that 20% of the overall area of a commercial/industrial site be landscaped, rather than change to 25% as proposed in the new regulations. Response: The landscape guidelines which were used previously required a 20% landscape area on private property, plus the addition of the landscaping of the right-of-way area. Staff was proposing that the requirement be changed to 25% and include the required right-of-way landscaping in an attempt to simplify the requirements. If the original approach is preferred by the Chambers, Staff will revise the Landscape Regulations to return to the original requirement.

Suggestion: Suggest that for commercial sites, 50% of the landscape area be allowed to be rock or mulch with drip irrigation and trees or shrubs, and 50% be living plant material (i.e. turf area). This is as opposed to the 25% rock or mulch/75% living plant material required in the proposed regulations. Suggest this will help insure water conservation, and will be applicable in areas which are difficult to maintain. Response: Staff agrees with this comment, and will clarify proposed regulations to make this more clear. Staff will revise document to indicate a 50%/50% (i.e. 50% rock or mulch with shrubs/50% turf area) ratio as long as the mulch area is 75% covered with shrubs within a three year period.

Suggestion: Suggest that the 10' of landscaping at all interior property lines be relaxed for adjacent commercial/industrial sites when parking lots abut. The 20' total between parking lots should be relaxed to 6' to 10'. Response: Staff would be in agreement in most circumstances, and will add a note in the regulations indicating such conditions will be reviewed on a case-by-case basis and setback requirements may be reduced.

Suggestion: Landscape setbacks adjacent to open space are not addressed and should be set at zero(0) to five (5) feet. Response: A 10' landscape area is required at all interior property lines (i.e. other than adjacent to streets).

A 10' landscape area is the minimum that should be required adjacent to open space to insure that grading, pedestrian circulation and other activities do not take place on open space property. All private development activity on open space property should be discouraged. Staff suggests maintaining the 10' landscape buffer as the minimum requirement to protect the open space from encroachment.

### **Northwest Metro Chamber of Commerce**

Suggestion: In the past the City allowed the developer to reduce the percentage of the overall site area required to be landscaped, in exchange for increasing the quantity of trees and shrubs required. Suggest the City continue this practice.

Response: Staff has no objection, and will include this in the regulations. Proposals for reduction in overall landscape area will be reviewed on a case-by-case basis assuming a high quality landscape design is provided.

Suggestion: Some of the criteria and maps are repeated more than once in the regulations and can be eliminated or reduced. Response: Portions of the Landscape Regulations are often xeroxed apart from the whole. Each area (i.e. residential, commercial/industrial, etc) must be understandable as a stand-alone document and at times must contain information that is also found elsewhere in the regulations.

Suggestion #5 & 6: Response: These items were also suggested by the Metro North Chamber, and have been addressed above.

Suggestion: This document does not encourage flexibility to preserve mountain and other scenic vistas from roadways and other high traffic areas. Response: These types of issues are routinely explored during design concept review of the ODP, however, language will be added to the Landscape Regulations to this effect.

Suggestion: This document does not encourage sculpture as an alternative. Response: The Commercial Guidelines discuss hard-surface plaza areas in detail, however sculpture is encouraged in addition to landscaping, rather than in place of landscaping.

### **Staff Recommendation:**

Adopt Resolution No. adopting the Landscape Regulations for the City of Westminster. The final printed copy of the Regulations includes the changes suggested by the Chambers of Commerce, and agreed to by Staff.

### **Background:**

During the development of the landscape guidelines, Staff held several meetings with the Home Builders Association (HBA) in order to solicit input. A number of useful suggestions were integrated into the guidelines as a result of these meetings. Draft copies of the guidelines were then mailed to the HBA as well as a number of local business owners and development consultants for review and comment. After several revisions, the guidelines were finalized.

As proposed the Landscape Regulations include general design principles such as plant locations and layout, buffering between uses, as well as specific details on landscaping and maintaining detention pond areas, medians and landscape islands, trash and loading area screening, etc.

The regulations also set specific requirements for landscaping and walkways in right-of-way areas as well as specific minimum requirements for the required percentage of the site to be landscaped, and the size and number of trees and shrubs required for residential, commercial and industrial developments in the City. As is indicated in the newly revised Land Use and Development sections of the Westminster Municipal Code, enforcement of the landscaping required by the City of Westminster Landscape Regulations shall be as provided for by section 1-8-1 of the Westminster Municipal Code regarding civil offenses.

The proposed landscape regulations also include specific requirements for landscape maintenance, a list of recommended trees and shrubs for use in the Westminster area, as well as an outline of the fundamental principles of xeriscaping.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

RESOLUTION ADOPTING THE CITY OF WESTMINSTER LANDSCAPE  
REGULATIONS 1997 EDITION

WHEREAS, The City recognizes that landscaping is an important component of quality development and redevelopment and that the desirability of living and working in the City is increased by enhancing the appearance of the landscaping in the City;

WHEREAS, The City recognizes that landscaping can be used to improve air quality, reduce dust, act as a noise buffer, visually facilitate traffic flow and access and mitigate the impacts of otherwise incompatible uses which abut each other;

WHEREAS, The City recognizes that planning for new development needs to have a consistent, quality approach to landscaping design;

WHEREAS, The City recognizes that it is beneficial to identify specific, detailed landscape requirements for owners and developers prior to the design stage of a project;

WHEREAS, Landscape Regulations can provide detailed examples of the expectations of the City regarding total landscape area required, landscape quantities and size and maintenance obligations;

WHEREAS, Landscape plans in conformance with Landscape Regulations approved by City Council are required as a part of any Official Development Plan for new development or redevelopment projects;

WHEREAS, the City of Westminster Landscape Regulations 1997 Edition attached as Exhibit "A" to this resolution, shall upon their approval by City Council, be the Landscape Regulations which will govern the approval of landscape plans as contemplated by the Westminster Municipal Code section 11-7-5.

NOW, THEREFORE, the City Council of the City of Westminster resolves that the Landscape Regulations attached as exhibit "A" are hereby approved and adopted.

Passed and adopted this 8th day of September, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 8, 1997

**Subject:** Urban Drainage and Flood Control District Agreement re Broomfield and Vicinity Outfall System Plan Update

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

### **Introduction**

City Council action is requested to authorize the Mayor to execute the attached Agreement with the Urban Drainage and Flood Control District (UDFCD) regarding funding for updates to the Broomfield and Vicinity Drainage Master Plan. Funds for the City's \$20,000 share of the expense of preparing these updates are available in the 1997 Storm Drainage Improvements Capital Improvement Project.

### **Summary**

In 1985, the cities of Westminster and Broomfield participated with the UDFCD in the preparation of a drainage master plan for several tributaries to Big Dry Creek and Rock Creek within an area generally bounded by I-25 to the east, 120th Avenue to the south, 96th Street (in Broomfield) to the west and 148th Avenue to the north (see map attached to the Agreement). The vast majority of this study area is located within the boundaries of the City of Broomfield, so the District named the report the Broomfield and Vicinity Outfall Systems Plan. Westminster participated in this study because portions of certain drainage outfalls from the study area flow through the City's corporate limits.

Two drainageways that were included in the original drainage master plan -- Quail Creek (which flows out of Broomfield across Zuni Street at the approximately 138th Avenue alignment) and City Park Drainageway (which flows out of Broomfield across 120th Avenue immediately west of Sheridan Boulevard) -- have been the sources of some debate between the two cities over the past decade. Both Broomfield and Westminster Staffs have identified certain problems with the original master plan for these tributaries, and the cities are in agreement that it would be beneficial to re-study the outfall systems for these drainageways. The UDFCD, which has previously been called upon to "referee" some of the debates between the two cities, also recommends that the Broomfield and Vicinity Outfall Systems Plan be updated.

Under the terms of the attached Agreement, the District will pay 50% (\$70,000) of the estimated \$140,000 cost of the updates, while the two cities will pay proportionate shares based upon jurisdictional areas within the study limits. Based upon this formula, Westminster's share is \$20,000 and Broomfield's share is \$50,000. Funds for the City's portion of this expense were budgeted in the 1997 Storm Drainage Improvements Capital Improvement Project.

### **Staff Recommendation**

Authorize the Mayor to sign the attached Agreement with the Urban Drainage and Flood Control District regarding funding for updates to the Broomfield and Vicinity Outfall Systems Plan; and charge the expense to the appropriate Capital Improvement Project.

## **Background Information**

When the Broomfield and Vicinity Outfall Systems Plan was originally prepared in 1985, much of the land within the City Park Drainageway Basin (in the vicinity of the intersection of 120th Avenue and Sheridan Boulevard) was undeveloped. As a result, the sponsors of the plan anticipated that, upon the build-out of the basin, future, 100-year storm flows would be conveyed via large, open channels. Since that time, the 120th Avenue/Sheridan Boulevard area has developed into retail centers, and, accordingly, the land near the intersection has become very valuable. It is possible that the cities of Broomfield and Westminster may wish to investigate the possibility of revising the Outfall Systems Plan to downsize these previously proposed channels by constructing an upstream regional detention pond on less valuable ground. Such a revision could reduce the size of drainage structures needed under 120th Avenue and Sheridan Boulevard as well as the size of the open channel along 120th Avenue.

The 1985 version of the Outfall Systems Plan also called for the installation of a large, regional detention pond upstream of the Quail Crossing Subdivision to reduce storm flows through this developed area. The subject detention pond is proposed to be constructed within a portion of the City of Broomfield that will soon be developed under the name of The Broadlands Subdivision, a large, residential community. While Broomfield has stated that they intend to require their developer to reserve the land needed for the construction of this pond, they will not insist that the developer actually construct this regional facility. Staff believes that the proposed project to update the plan will provide a convenient forum for discussions regarding the eventual construction of the pond. It is quite possible that the District will agree to participate in up to one-half of the cost of this facility.

Council could elect to not participate in the updates to the Broomfield and Vicinity Outfall Systems Plan, but Staff recommends against such a decision. The UDFCD has indicated that they intend to initiate this work, with or without the participation of Westminster. The City needs to be a participant in this study in order to assure that the interests of Westminster residents are protected.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** September 8, 1997

**Subject:** Councillor's Bill No. re: Westminster Boulevard Supplemental Appropriation

**Prepared by:** David W. Loseman, Senior Projects Engineer

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading which appropriates \$337,100 to the Westminster Boulevard project; authorize the expenditure of an amount not to exceed \$65,000 for the purchase of water meters and tap fees for the irrigation of the medians on this project; and authorize the expenditure of an amount not to exceed \$45,000 for the installation of street lights along Westminster Boulevard. Funds for these expenses are available in the appropriate project account in the General Capital Improvement Fund.

### **Summary**

The supplemental appropriation of \$337,100 represents the developer's payment to the City of his share of the cost of the Westminster Boulevard project, as contractually agreed to at the beginning of this project. This includes the construction of 104th Avenue widening between US36 and Westminster Boulevard as well as a portion of Westminster Boulevard along the frontage of the "AMC" parcel. After appropriation of funds, the following payments will be made:

- The payment of \$65,000 for tap fees representing fees for three water taps in the various medians in 104th Avenue and Westminster Boulevard which are necessary to complete the landscaping in these medians which will occur later in 1997 and early 1998.
- The payment of \$45,000 for street lights is to Public Service Company for the installation of street lights in Westminster Boulevard from 104th Avenue to 112th Avenue.

### **Staff Recommendation**

1. Pass Councillor's Bill No. on first reading appropriating \$337,100 to the Westminster Boulevard project.
2. Authorize the expenditure of an amount not to exceed \$65,000 for the purchase of water meters and tap fees; authorize the expenditure of an amount not to exceed \$45,000 for the installation of street lights; and charge the expenses to the appropriate project account in the General Capital Improvement fund.

### **Background Information**

Since the opening of the 104th Avenue/U.S. 36 Interchange, the City has considered the feasibility of a roadway connection that would provide quick access to U.S. 36 for residents of Sheridan Green Subdivision and other subdivisions to the north of 112th Avenue.

Currently, motorists from these areas must travel east to Sheridan Boulevard, south to 104th Avenue, then west to U.S. 36, thus adding considerable distance to their trips and contributing to the air pollution problems of the Denver metro area.

A logical, more direct route to U.S. 36 would be provided by an extension of Westminster Boulevard (Pierce Street) from 104th Avenue (on the west side of the Butterfly Pavilion) through Northpoint Subdivision and along the west side of Sheridan Green Subdivision to 112th Avenue. On August 28, 1995, Council authorized the final design of this road. The construction of this road is currently underway with completion anticipated by mid-December 1997. The landscaping of the medians is currently being bid with construction starting in late 1997 and early 1998.

The Westminster Boulevard project includes the construction of a four-lane minor arterial with raised landscaped medians, similar to Sheridan Boulevard between 104th Avenue and 112th Avenue. As part of this project, signals will be installed at 104th Avenue, the two Promenade entrances and 112th Avenue. In addition, the main feature of this project will be the pedestrian "Promenade" bridge which will allow pedestrians to cross Westminster Boulevard without traffic conflicts.

These authorizations are necessary to keep the project on schedule. No other alternatives to these requested actions are viable.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$337,100 which, when added to the fund balance as of the City Council action on September 8, 1997, will equal \$43,534,725. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of funds received for the Westminster Boulevard Project.

Section 2. The \$337,100 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>Final Budget</u>		
<u>REVENUES</u>		
Cash-in-lieu 75-0955-751	\$0	<u>\$337,100</u>
\$337,100		
<u>EXPENSES</u>		
Project #34875-30-88-555-348	\$2,539,111	<u>\$337,100</u>
\$2,876,211		

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of September, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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City Clerk

**Date:** September 8, 1997

**Subject:** Resolution No. re Pump Station and Future Water Treatment Facility Land Acquisition

**Prepared by:** Tom Settle, Water Quality Coordinator

## **Introduction**

City Council is requested to adopt the attached Resolution authorizing the City Manager to proceed with acquiring land for a future water treatment facility and distribution system pump station to be located at 104th Avenue and Wadsworth Parkway. The Resolution further authorizes the City Attorney and Staff to pursue condemnation of the land if just compensation is rejected and normal negotiations fail. Expenses necessary for the purchase of the land and reasonable costs associated with acquiring the property are available in the Utilities Fund.

## **Summary**

In 1996, an evaluation was made of the impacts of the development of the Countrydale Business Park on the treated water delivery system. The evaluation identified the need for a new, higher capacity pump to replace the existing Countryside Pump Station in order to meet the water demands and protective fire flow requirements in Zone 5. The evaluation also recommended re-location from the current pumping site at 100th and Simms Street to a site nearer to the commercial/industrial areas along 108th Avenue.

In addition, the Treated Water Master Plan evaluations of future water supply requirements has identified the need for an additional 16 million gallons per day of water treatment capacity before the City reaches buildout as defined in the Comprehensive Land Use Plan. This is a significant reduction from past Master Plan evaluations, but will be needed in the near future. The Semper Plant site cannot accommodate any additional expansions.

Staff has worked with the consulting engineers in identifying the best location and approach to locating these new facilities. It was determined that the best option was to locate all the facilities on one site. All available sites within the area were reviewed for engineering considerations and best fit. Contacts were then made with the owners of parcels that were considered most feasible.

The final recommendation for location is a 7.3 acre parcel within the Mandalay Gardens platted area, located at the northeast corner of the intersection of 104th Avenue and Wadsworth Parkway (see attached map). The total land needed is a minimum of six acres. This site provides ready-access for all necessary utility connections, road access and water delivery mechanisms. It is also well suited for Public Works projects, as it is nicely isolated from residential development with the Walnut Creek Open Space bounding the property on the north and east and Wadsworth Parkway on the west.



### **Staff Recommendation**

Adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to proceed with the acquisition of 7.3 acres of land known as Mandalay Gardens Lot TR15C, as reflected on the attached map, for a pump station and future water treatment facility and charge the appropriate expenses necessary for the land acquisition and associated costs to the appropriate project account in the Utilities Capital Improvement Fund.

### **Background Information**

Development activities in the vicinity of Wadsworth Parkway and acceleration of the development of the Westmoor (Countrydale) Business Park have necessitated the acquisition of land for current and future Public Works and Utilities water distribution projects. Potential sites are quickly being sold and developed in the area.

The Westmoor Business Park lies within Zone 5 of the City's distribution system. An evaluation of Zone 5 was initiated as part of the consideration of constructing the new golf course in that area. The evaluation recommended reconfiguring the delivery of water into that zone by locating a new pump station on the eastern boundary, closer to the commercial/industrial uses in order to provide better fire flow capacities with minimal distribution system piping additions. The existing pump station is located at 100th Avenue and Simms Street as part of the Countryside Storage Tank Site. This facility is currently underground and would have to be razed and re-built above ground to meet current Occupational Safety and Health Act requirements.

The Treated Water Master Plan has identified the need for 16 million gallons per day (MGD) additional water treatment capacity to be located somewhere in the northwest quadrant of the City. The Plan recommends that the additional capacity be added as a new facility in the Wadsworth Parkway corridor. Options that were evaluated included re-design of England Water Treatment Facility and additional expansion of the Semper Water Treatment Facility. These options were not recommended based on cost, future space requirements, and engineering/construction difficulties or combinations of these factors.

Recent adoption of the Comprehensive Land Use Plan has allowed several of the proposed 1997 Utilities Capital Improvement Projects (CIP) to be postponed or re-configured such that this land use acquisition may be funded as a priority. Future Utilities Capital Improvement Project needs will be re-evaluated early in 1998. Final recommendations for re-allocation of CIP funds will be brought to City Council at that time if it is found that certain utility CIP projects already budgeted in 1997 are no longer needed. In the meantime, it is a high priority to proceed with acquiring land for the pump station and treatment plant due to development pressures in the area. The intent of Staff is to reallocate funds budgeted in 1997 for utility capital improvements that now are not a priority as a result of land use plan reduced densities and use the funds in 1997 if needed to acquire the proposed site. Funds budgeted in 1998 for this land acquisition may either be used on the original proposed projects if they are concluded to be necessary or reallocated to other utility capital improvement needs.

The proposed site fits well with the existing distribution system from an engineering standpoint and will not pose an impact to any residential areas. Alternative sites within the corridor were reviewed in detail for use in these projects. Other sites required substantial engineering/construction cost add-ons or the need to acquire land already developed as single-family residences in all cases.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety, and welfare to obtain the land described in Exhibit A to accommodate the construction of a water pumping station and future treatment facility in the vicinity of 104th Avenue and Wadsworth Parkway; and

WHEREAS, an appraisal has been made by a professional company experienced in performing appraisals to determine the fair market value for this parcel; and

WHEREAS, the City will make an earnest good faith offer of purchase for the subject parcel; and

WHEREAS, a municipal public purpose exists to acquire the property; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare due to bidding and construction deadlines for pump station construction,

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property.

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcel and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete the purchase.

3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the properties if possession is determined by the City Manager to be necessary to accommodate public use of the properties.

4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be charged to the Countryside Pump Station Replacement Account in the Utilities Capital Improvement Project Fund; and

5. The City Manager is hereby authorized to amend the legal descriptions of the parcels to be acquired and the nature of the interests to be acquired, if necessary.

PASSED AND ADOPTED this 8th day of September, 1997.

ATTEST:

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Mayor

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City Clerk

**Date:** September 8, 1997

**Subject:** Jefferson County Airport Lease Agreement

**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries

### **Introduction**

City Council action is requested to authorize the City Manager to sign the attached land lease agreement with the Jefferson County Airport Authority Board to lease approximately 121 acres of land for the City's new golf course.

### **Summary**

On April 28, City Council gave authorization to the City Manger to sign an "Agreement in Principle" with the Jefferson County Airport Authority (see attached "Agreement in Principle") to lay out the terms for a permanent land lease between the City of Westminster and the Jefferson County Airport Authority.

City Staff and Airport Authority Staff have been working on this agreement the last several months and have reached consensus on the content of the lease document. The Airport Authority Board reviewed the proposed lease agreement at their meeting on August 21, and gave authorization to the Authority Executive Director/Assistant Secretary to sign the agreement. Staff is therefore recommending that City Council review the attached document and approve it as submitted.

### **Staff Recommendation**

Authorize the City Manager to sign the attached land lease with the Jefferson County Airport Authority Board for the purpose of constructing a new City golf course, a portion of which will be on Jefferson County Airport land.

### **Background Information**

On August 5, the Jefferson County Commissioners unanimously approved a \$3.3 million loan to the City of Westminster to construct a new 18-hole golf course at and around the Jefferson County Airport. The loan was to be distributed to the City in increments over three years, and to be paid back at no interest over 22 years, starting in year four of golf course operations.

The City's private developer partner, Westfield Development, Inc., has also agreed to donate 84 acres of land in order to construct nine holes of the new golf course. The remaining nine holes of the golf course, along with the practice range, will be built on the proposed leased land from the Airport Authority. This approval of the land lease with the Airport Authority is one of the last pieces of the puzzle in order to move the golf course and the Westmoor office park project forward.

The next major action on this project will be to issue either revenue bonds or certificates of participation to complete the required financing package for the golf course. If everything goes according to plan, Staff anticipates opening the new golf course by September 1999.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** September 8, 1997  
**Subject:** Playground Renovation at Squires Park  
**Prepared By:** Kathy Piper, Landscape Architect

**Introduction**

City Council action is requested to authorize the City Manager to expend \$50,000 for new playground equipment at Squires Park.

**Summary**

Over the last several years, the Parks, Recreation and Libraries Department has been systematically renovating older parks and playgrounds which do not meet safety standards and are not handicap accessible. These playgrounds must conform with the Americans with Disabilities Act (ADA) as approved by Congress.

The Squires Park playground is identified in the 1997 CIP Budget as one of the playgrounds scheduled for renovation. Staff has determined it does not meet current safety guidelines and the structure is extremely undersized for the play area and use that this park receives. Staff has designed two separate play structures (see attached plan), one for tots (ages 2-5 years) and another for youths (ages 5-12 years), thereby reducing potential conflicts between the age groups. A set of swings will also be installed to accommodate both age groups.

A Community Oriented Governance (COG) meeting to gather input from the community was held. The attached plan reflects that input. The project has been bid according to the City's purchasing ordinances. Invitations to bid this project were sent to three qualified vendors and a mandatory pre-bid meeting was held on July 21.

The following is a tabulation from the August 4 bid opening:

Landscape Structures	\$50,000
Recreation Plus	\$49,997
Columbia Cascade	Did not bid

Because the difference between bidders is only three dollars, Staff is recommending that the bid be decided on design and adaptability for the age groups targeted for this project. After reviewing both bids, Staff has determined that Landscape Structures' design is better suited for each age group and the variety of play events and the use of newly designed pieces throughout the structure make it a better value for the money. Landscape Structures is a national company that is known for its creative design, safety record, durability, and customer service.

The City has used this equipment in other playgrounds and has found it to hold up exceptionally well under rigorous conditions.

**Staff Recommendation**

Award the bid for playground equipment for Squires Park to Landscape structures at a cost of \$50,000 based on their favorable design and adaptability for the targeted age groups and charge the expense to the appropriate General Capital Improvement Fund project account.

### **Background Information**

Squires Park is located at 3450 99th Avenue, just west of Rocky Mountain Elementary. Originally built in 1985, Squires Park had a second phase added in 1991 consisting of a regulation soccer field. Currently, this park has the largest reservable pavilion in the City and can accommodate over 200 people at any one event.

This year there have been 157 reservations with a total of 14,310 people being served by the Squires Park picnic pavilion. Other amenities include restroom facilities, grills, picnic tables, drinking fountain, and multi-purpose fields. With the addition of new play equipment, the park will continue to be one of the most popular reservable parks in the city.

In order to be cost-conscious and provide a playground as soon as possible, the installation of the playground equipment will be done by the Park Services Construction crew.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**Date:** September 8, 1997  
**Subject:** City Park Ballfields Phase I Construction Contracts  
**Prepared by:** Philo Shelton, Park Project Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to sign the following contracts to begin Phase I of the City Park ballfields project: Tarco Construction, Inc. in the amount of \$2,018,196 for general construction and grading; with Goodson & Associates, Inc. in the amount of \$11,500 for geotechnical services; and with DHM Design, Inc. in the amount of \$20,082 for construction observation services. The total project budget, including construction, geotechnical services, and construction observation services and a 6% project contingency, is \$2,169,000, which is the amount available in the General Capital Improvement Project (CIP) Fund. Funds for this expense are available in both the City Park Phase III CIP fund of \$2,079,000 and Trail Development CIP fund of \$90,000.

### **Summary**

The City Park softball complex will be divided into two phases of construction given the amount of earthwork and grading required for this project. Since almost 300,000 cubic yards of earth is required to be moved, completing the earthwork in a separate phase is necessary given the potential for settlement of the ground over the 45 acre site. The final phase of construction work will be completed 2 years later to allow time for the ground to settle. In addition to the earthwork, Phase I includes a much needed entrance to City Park off 104th Avenue, continuation of the park's perimeter road, and 125 car parking lot to the west of the City Park Recreation Center.

This first phase of the project was advertised and bid according to the City's purchasing ordinances. Twenty contractors attended the mandatory pre-bid meeting and 34 copies of construction documents were sold to various contractors and suppliers. The following is a tabulation from the June 25th bid opening that includes the base bid and desired bid alternates:

<b>Tarco</b>	<b>\$2,018,196</b>
L&M Ent., Inc.	2,078,923
Randall & Blake	2,112,063
Asphalt Specialties	2,153,459
JHL Constructors	2,189,836
Concrete Express	2,651,206

The low bid of \$2,018,196 by Tarco is considered a good bid as compared to the engineer's cost estimate of \$2,367,578 for the project. Tarco has worked for Westminster in the past on Meadowlark Storm Drainage Project in 1995. Current references for similar projects have also verified Tarco is a qualified contractor.

In addition to the construction contract, four proposals for geotechnical services were received. Goodson & Associates, Inc. was the low proposer for geotechnical services.

Goodson has worked for Westminster in the past on Westbrook Park and Big Dry Creek Trail projects. Based on Tarco's schedule of 40 working days to complete the grading work and having soil tests performed twice a day, the following is a summary of proposed fees based on using the submitted hourly rates and fee per test.

	Fee
<b>Goodson &amp; Associates, Inc.</b>	<b>\$11,500</b>
Aguirre Engineers	13,250
Hepworth-Pawlak Geotech, Inc.	13,300
CTC GEOTEK, Inc.	13,450

Finally, construction observation services were not included in the original design contract with DHM Design. The proposed services are to attend weekly construction meetings, review project submittals and shop drawings, issue clarifications and review pay estimates. The fee of \$20,082 is considered reasonable given the scope of services required.

Since the City Park ballfields (Phase I) included a bid alternate for constructing the trail along 104th Avenue from City Park Recreation Center to Big Dry Creek Trail and connecting to Hyland Creek Trail, funds from the Trail Development are being used for this expense. This portion of trail was identified in the 1996 CIP Trail Development Project Fund.

The project budget recommended by staff is as follows:

Tarco	\$2,018,196
Goodson & Associates, Inc.	\$ 11,500
DHM Design	\$ 20,082
6% Project Contingency	<u>\$ 119,222</u>
<b>Total Project Budget</b>	<b>\$2,169,000</b>

### Alternative

At the Post-Council meeting of August 25, City Council reviewed three alternatives for the City Park ballfield project. City Council selected Alternative #2 (\$5.1 million) plan (see attached) and directed City Staff to proceed with Phase I of the project. This action will be consistent with City Council direction on the issue.

### Staff Recommendation

Authorize the City Manager to sign contracts with Tarco in the amount of \$2,018,196, Goodson & Associates, Inc. in the amount of \$11,500, DHM Design in the amount of \$20,082, and authorize a 6% contingency; and approve a total project budget of \$2,169,000 for the construction of the first phase of the City Park ballfield project.

### Background Information

In 1994, the Jefferson County Board of County Commissioners agreed to enter into a partnership with the City of Westminster to master plan Standley Lake Regional Park and design City Park ballfield complex. The County allocated \$500,000 in 1995 to hire a landscape architect firm for both projects. DHM, Inc was selected as the most qualified firm for these projects and the County began negotiating a contract for their services. The total cost of the contract approved by the County Commissioners with DHM was \$687,500: \$280,000 for the City Park ballfields and \$407,500 for Standley Lake Regional Park.

The \$280,000 design fee for the City Park ballfields was based on 7% of a projected \$4 million project. Throughout the design/development phase, DHM and staff from JCOS and the City worked together in developing an exciting site plan for City Park ballfields which is both unique to the Denver Metropolitan Area and compatible with the goals established for the City Park Master Plan. Staff and consultants visited four softball complexes throughout the metropolitan area and evaluated the best features of each complex to develop a design that has the capability to be the envy of all park and recreation agencies. The design and site plan, which was approved by Council and the County Commissioners in 1996, is fully operational, maintainable and works extremely well with the existing site conditions to take advantage of the uniqueness of City Park.

The adopted plan for the ballfield project required additional design elements than was originally negotiated with Jefferson County Open Space and DHM Design. These elements included an underground maintenance facility, Hyland Creek realignment for 104th Ave. access, shade structures, and batting cages. Additional landscape architect, engineering and flood control services were required with DHM Design. Staff closely evaluated the additional fee request and renegotiated a fee of \$142,255. This represents approximately 6.5% of total estimated project costs and includes added engineering services.

Given the earthwork that includes large cuts and fills, the goal is to develop a Phase I construction document package which includes all earthwork, grading, ingress/egress from 104th Avenue, all flatwork including concrete walks, driveways and parking lots, and installation of preliminary utilities. The projected cost of this work is between \$2-\$2.5 million. A second construction document package will need to be developed to continue with the remainder of the City Park ballfield project, which is anticipated to begin two years after completion of the earthwork/grading project.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** September 8, 1997

**Subject:** Selection of Auditors for Fiscal Years 1997-2001

**Prepared by:** Mary Ann Parrot, Finance Director

### **Introduction**

City Council action is requested to award the bid for the independent audit of the City's financial records for the years 1997-2001 with an option to renew on an annual basis for up to an additional five years. Funds for the 1997 audit are contained in the proposed 1998 Finance Department budget.

### **Summary**

On May 28, 1997, a Request for Proposal (RFP) was sent to fourteen audit firms. Seven firms attended a mandatory pre-bid meeting; five firms submitted a proposal. The proposals were reviewed by the RFP Committee consisting of: Finance Director, Interim Accounting Manager, Accountant, and Purchasing Agent. The RFP Committee reviewed the proposals and scored each firm based on the scoring sheet presented in the RFP. The firm receiving the most points and was the consensus choice of the committee was Bondi & Co.

### **Staff Recommendation**

Authorize the City Manager to sign a contract for the independent audit of the City's financial records for the years 1997-2001 with an option to renew on an annual basis for up to an additional five years with Bondi & Co., with the first year cost of \$41,000 and charge this expense to the appropriate 1998 Finance Department budget account.

### **Background Information**

On May 28, 1997, a Request for Proposal (RFP) was sent to fourteen audit firms. The RFP followed guidelines established in 1988 by the U.S. General Accounting Office (GAO) and the Office of Management and Budget (OMB) as a result of a federal investigation into the quality of audits being performed. The investigation showed that many audits were substandard. The GAO determined that substandard audits were taking place largely because governments were emphasizing fees over qualifications in the selection of independent auditors.

In 1989 the Government Finance Officers Association (GFOA) established criteria for scoring such proposals to ensure that the federal guidelines were met. Scoring is based on a complex formula involving mandatory training and experience, technical qualifications, audit approach and price. City Staff took these standards and formatted them into the evaluation process. Federal guidelines mandate that price be less than 50% of the overall score. The GFOA recommends that it comprise 20-40% of the overall score. Staff assigned a weight of 30% to price.

Each firm was asked to submit two separate proposals, a technical and a price proposal.

The technical proposal was to demonstrate the qualifications, competence and capacity of the firm seeking to undertake an independent audit for the City and the Westminster Housing Authority (Authority). It was also to specify an audit approach, staffing plan, and proposed sampling techniques as well as analytical review procedures that would be incorporated in the engagement. The RFP Committee evaluated the technical proposals and then arranged an informal meeting with each of the firms to clarify any uncertainties in the proposals. After the meetings, one firm was eliminated from further consideration because of the Committee's concern of the firm's staffing. Evaluation included the review of the written proposals, the results of the interviews and reference checks.

Following the technical evaluation, the sealed dollar cost bids were opened. In the interest of a fair comparison, the cost of each proposal was calculated by City Staff using 810 hours as the standards. City Staff estimates that the audit will take approximately 810 hours. Also factored into the points for the cost was the price per hour for additional services to be provided by the firm at the City's request.

A breakdown of total points scored by each firm, along with their costs proposed is below. Total costs are for five years; average annual costs range from \$41,164 to \$60,520.

Firm Name	Tech <u>Pts</u>	Price <u>Pts</u>	Tot <u>Pts</u>	Proposed <u>w/Tot Hrs</u>	Adj Cost <u>(810hrs)</u>
Bondi & Co.	65	25	90	\$262,450 810 hrs	\$262,450
Clifton Gunderson	49	8	57	\$205,820 499 hrs	\$334,096
KPMG	57	10	67	\$274,000 700 hrs	\$317,057
Van Schooneveld	55	20	75	\$302,600 795 hrs	\$308,309

Based on total points awarded, the RFP Committee selected Bondi & Co. Bondi & Co. was 2nd low bid, when considering their unadjusted costs.

Clifton Gunderson estimated 499 hours for the City audit; for the 1996 audit, the staff work for one phase (field work) out of three phases took 480 hours, exclusive of the time the partner and manager spent on this phase. A reasonable estimate for the 1996 audit for a new team of auditors is 800 hours. For this reason, the bids were adjusted to compare the costs, as if all firms had quoted 810 hours, the highest estimate of the four respondents.

When all bids were adjusted to the same number of hours each year, Bondi was the lowest bid.

The advantages to selecting Bondi over other firms are as follows:

1. Bondi's staff has several years' experience with governmental audits of the same caliber as the City of Westminster.

2. Bondi's staff have the most government experience with over three years for staff and six years for managers.
3. Bondi has a data processing specialist on their staff who would assist their staff with the auditing of the City's electronic evidence, which is a large part of the overall audit.

An alternative would be to award the bid to one of the other firms. However, Bondi & Co. scored 15-33 total points higher than the other firms. Concerns with the other firms qualifications included: experience of the audit manager(s) and or staff, total hours spent on the audit, total cost, and cost per year based on 810 hours for the audit. Due to the spread in points and other concerns listed, this alternative would not be an attractive choice.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 8, 1997

**Subject:** Resolution No. re Pay Range Upgrades

**Prepared by:** David Puntteney, Data Processing Manager

### **Introduction**

City Council action is requested on the attached Resolution to change the pay range of the System Administrator and the Senior Microcomputer Analyst to be competitive with surrounding jurisdictions.

### **Summary**

In August, the City's System Administrator resigned to accept a position with the private sector, and the Senior Microcomputer Analyst has indicated that she plans to resign within the next four months.

These resignations prompted Employee Services to perform salary surveys on both positions. The survey results indicate that upgrades for both positions are necessary to be competitive with surrounding jurisdictions. Staff recommends upgrading the pay ranges in 1997 to the level recommended in the 1998 salary survey to help recruit and maintain staff in these two key Data Processing positions. No further adjustments will be recommended for the salary of these positions in the 1998 budget.

### **Staff Recommendation**

Adopt Resolution No. authorizing an increase in salary for the System Administrator from a grade 58 to a grade 65, and an increase in salary for the Senior Microcomputer Analyst from a grade 55 to a grade 62.

### **Background Information**

During the last several years, the demand for technically skilled individuals has increased significantly in the Denver/Boulder area. In order to attract and maintain qualified staff in technical positions, both the public and the private sectors have increased pay ranges for many positions. Staff expects strong demand for technical staff to continue or increase as both the private and public sector expand their use of technology, and as new companies such as Sun Microsystems move to the Denver area.

In August, the City's System Administrator resigned to accept a similar position with another organization at a significant increase in salary. The City's Senior Microcomputer Analyst has also indicated that she will be resigning within the next four months as a result of a spouse relocating out of state. The resignation of the System Administrator and notice by the Senior Microcomputer Analyst prompted staff to perform a salary survey on both positions.

Employee Services surveyed Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton, and Thornton concerning job duties and salary range for the positions of Senior Microcomputer Analyst and System Administrator. Survey results indicated that the City of Westminster's pay range for both positions were under market and need to be adjusted in order to attract and maintain qualified staff for these positions. The recommended adjustments are a pay grade change for the System Administrator position from a grade 58 to a grade 65, and a pay grade change for the Senior Microcomputer Analyst from a grade 55 to a grade 62. Salary survey data for both positions is attached.

Staff recommends the upgrades be made in 1997 in order to attract qualified candidates to fill the vacant positions.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments:       Resolution  
                          Salary Survey Data



RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

AUTHORIZING A PAY RANGE UPGRADE FOR THE POSITIONS OF SENIOR MICROCOMPUTER ANALYST AND SYSTEM ADMINISTRATOR

Whereas, the positions of System Administrator and Senior Microcomputer Analyst currently exist in the Westminster Finance Department authorized staffing plan, and

Whereas, the market for highly qualified technical staff has increased significantly in the Denver/Boulder area during the last two years, and

Whereas, it is essential to maintain high quality employees in these positions in order to reduce turnover and help continue to advance the City's use of technology, and

Whereas, a survey of similar positions in other Denver metro area cities shows that specific upgrades are necessary for the Westminster positions in order to keep them consistent and competitive with other jurisdictions,

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that the following salary upgrade be authorized for the Finance Department. The upgrades are described as follows:

1. A change of pay grade for the Senior Microcomputer Analyst from a grade 55 to a grade 62 in 1997.
2. A change of pay grade for the System Administrator from a grade 58 to a grade 65 in 1997.

Passed and adopted this 8th day of September, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 8, 1997  
**Subject:** Citizen Communication - Stephen Prokopiak  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

Stephen Prokopiak has requested an opportunity to address City Council at Monday night's meeting.

**Summary**

Mr. Prokopiak and other residents of the NorthPark Traffic Calming Work Group have requested time at Monday night's City Council meeting to address Council on how to proceed with the traffic calming pilot program.

Mr. Prokopiak has indicated that this presentation will take approximately 30 minutes in length, and therefore this item has been placed on the Agenda under Item 12.

**Staff Recommendation**

Listen to the presentation by the members of the NorthPark Traffic Calming Work Group.

**Background Information**

The NorthPark Traffic Calming Work Group has submitted the attached information for City Council's review prior to Monday night's meeting. This Citizens Communication has been scheduled for Monday night's City Council meeting at the end of the meeting to allow for more than 5 minutes for the presentation and discussion.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment