

September 28, 1998
7:00 PM

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance** - Webelos Pack #410
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Presentation to Norma Weiner - Recognition to retiring employee for 22 years of Service
 - B. Excellence in Design and Development Awards Presentations for 1997 developers and architects of award winning projects through out the City
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Witt Elementary School Trail Connection from Countryside Open Space Trail with total project budget of \$44,000
 - B. Jackson's All American Grill Lease at the Ice Centre and Hyland Hills Park and Recreation District for the lease of 6,000 square feet of space in the Ice Centre at the Promenade
 - C. Banking Contract Extension of current Banking Services Contract with Norwest Bank through June 30, 1999
 - D. CB No 39 on Second Reading re Big Dry creek Trail Grant Appropriations of \$50,000 (Allen-Merkel)
 - E. CB No. 40 on Second Reading re Ranch Barn Relocation - Appropriating \$25,000 for the relocation and restoration of the Ranch Barn located at 120th Avenue & Pecos Street (Merkel-Scott)
 - F. CB No. 41 on Second Reading re Cabaret Dancing Amendment - Repeals Section 5-16-9 (A) 2 which does not allow amusement machines and dancing in the same room (Atchison-Allen)
 - G. CB No. 42 on Second Reading re DePalma Annexation located at 73rd Avenue and east side of Sheridan Boulevard (Atchison-Dixion)
 - H. CB No. 43 on Second Reading re Comprehensive Land Use Plan Amendment to include DePalma property as Business Park (Atchison-Dixion)
 - I. CB No. 44 on Second Reading re DePalma Zoning, located at 73rd Avenue and east side of Sheridan Boulevard (Atchison-Dixion)
 - J. CB No. 45 on Second Reading re Marriott Hotel Business Assistance Agreement for development of 250 room Marriott hotel and conference facility to be located at the northeast corner of 103rd Avenue and Church Ranch Boulevard. (Dixion-Smith)
9. **Appointments and Resignations**
 - A. Resolution No. 51 re Resignation of Suzi Walker from Environmental Advisory Board and Jack Rhoads and B. David Smith from Personnel Board and appointing new members from the City's 1998 Pool of Board and Commission Applicants

10. Public Hearings and Other New Business

- A. TABLED - CB No 27 re Definitions for Hotels/Motels
- B. Revised Employment Contract with John Stipech, Municipal Court Judge for 1999 and 2000
- C. Councillor's Bill No. 46 re Salary Increase for Presiding Judge
- D. Public Hearing re Snow Property Annexation and Zoning 80 acres located north of 100th Avenue and west of Alkire Street for open space
- E. Councillor's Bill No. 47 re Snow Annexation
- F. Councillor's Bill No. 48 re Comprehensive Land Use Plan Amendment to include Snow annexation as Open Space
- G. Councillor's Bill No. 49 re Snow Zoning,
- H. Public Hearing re Standley Lake Annexation and Zoning 2126 acres 88th Avenue to 100th Avenue, Alkire Street to Kipling for public park
- I. Resolution No. 52 re State Annexation Criteria re Standley Lake property
- J. Councillor's Bill No. 50 re Standley Lake property Annexation
- K. Councillor's Bill No. 51 re Comprehensive Land Use Plan Amendment to include Standley Lake property as Public Park
- L. Councillor's Bill No. 52 re Zoning of Standley Lake property

- M. Resolution No. 53 re designate Kohl's Department Store as an Economic Development Project
- N. Resolution No. 54 re Awarding Category E Service Commitment to Sunrise Assisted Living Facility
- O. Councillor's Bill No. 53 appropriating \$23,445 from Department of Justice Restorative Justice in Schools Grant to the Police Department Budget
- P. Councillor's Bill No. 54 re Amend Municipal Code for Criminal Mischief and Theft-Related offenses with economic loss of less than \$500.00
- Q. Ice Centre Management Agreement with Hyland Hills Park and Recreation District detailing operation and accounting issues
- R. Ice Centre Lease Agreement with Hyland Hills Park and Recreation District detailing leasing and insurance issues
- S. Councillor's Bill No. 55 re appropriating \$160,000 for construction of the Heritage Golf Course Club House
- T. Heritage at Westmoor Clubhouse Bid to Fischer Construction in the amount of \$2668,250 for construction of the Heritage Golf Course Clubhouse
- U. Recreation Facilities Fee Changes and Staffing/Naming the Companion Facility - Fee and Policy changes for Recreation Facilities and Name and set Staffing for City Park Fitness Center
- V. Special Legal Counsel re Hawn Trail and Open Space Condemnations - approving contract with Holme Roberts & Owen .

11. Old Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business

- A. Financial Report for August, 1998
- B. City Council
- C. Request for Executive Session
 - 1. Lucent Technology Business Assistance Package
 - 2. I-25 Interchange Negotiations

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 28, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Webelos Pack 410 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Dixon to accept the minutes of the meeting of September 8, 1998 with the correction to line 20, page 3 to show the dissenting vote by Scott instead of Dixon. The motion carried unanimously.

A motion was made by Atchison and seconded by Scott to accept the minutes of the meeting of September 21, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Presiding Judge Stipech presented a gift and recognized former employee Norma Weiner who retired from the City after 22 years of service.

Mayor Heil and Councillors presented the 1997 Awards for Excellence in Design and Development to the developers and architects of the selected award-winning projects.

CITIZEN COMMUNICATION:

Jean Congdon, 6755 W. 97th Place and Ken Holtz, 9719 Otis Drive addressed Council with concerns about their U.S. Homes and the construction traffic in the area of 97th Avenue and Pierce Street.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reported that TARCO Construction will begin paving Pecos Street between 132nd Avenue and 134th Avenue on October 7. The City Manager also suggested Council consider adopting a resolution which states the proposed increased admissions tax revenue be earmarked for police and fire expenditures if it passes on November 3.

RESOLUTION NO. 55 - DESIGNATION OF INCREASED ADMISSION TAX REVENUE:

A motion was made by Atchison and seconded by Scott to adopt Resolution No. 55 which earmarks the increased revenues from implementation of Ballot Issue A on the November 3 ballot for public safety expenditures in the Police and Fire Departments. Upon roll call vote, the motion carried unanimously.

COUNCIL COMMENTS:

A motion was made by Scott and seconded by Smith for the City to send a letter supporting the creation of a Jefferson County School District Charter High School. The motion carried with a dissenting vote by Dixon.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Witt Elementary School Trail Connection - Authorize the City Manager to sign a contract with MBA Denver Inc. in the amount of \$39,860 for the construction of the

Witt Elementary School trail connection because it is in the best interests of the City, approve a 10% project contingency, approve a total construction budget of \$44,000, and charge

the expense to the 1998 Trail Development account in the General Capital Improvement Fund; Jackson's All American Grill Lease at the Ice Centre - Authorize the City Manager to sign a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and Jackson's-Westminster, Inc. d/b/a Jackson's All-American Sports Grill for the lease of approximately 6,000 square feet of space in the Ice Centre at the Promenade; Extension of City's Banking Contract - Authorize the Finance Director to sign an extension of the current Banking Services Contract with Norwest Bank through June 30, 1999; Councillor's Bill No. 39 re Big Dry Creek Trail Appropriation; Councillor's Bill No. 40 re Ranch Barn Relocation; Councillor's Bill No. 41 re Cabaret Dancing Amendment; Councillor's Bill No. 42 re DePalma Annexation; Councillor's Bill No. 43 re Comprehensive Land Use Plan Amendment; Councillor's Bill No. 44 re DePalma Zoning and Councillor's Bill No. 45 re Marriott Hotel Business Assistance Agreement.

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. Councillor Atchison requested Item 8B, Jackson's All American Grill Lease be removed from the Consent Agenda.

A motion was made by Scott and seconded by Atchison to adopt the remaining consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 56 - JACKSON'S ALL AMERICAN GRILL LEASE AGREEMENT:

A motion was made by Atchison and seconded by Scott to pass Councillor's Bill No. 56 on first reading authorizing the City Manager to sign a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and Jackson's-Westminster, Inc. d/b/a Jackson's All-American Sports Grill for the lease of approximately 6,000 square feet of space in the Ice Centre at the Promenade. Upon roll call vote, the motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Atchison and seconded by Smith to adopt Resolution No. 51 accepting the resignation of Suzi Walker from the Environmental Advisory Board and appointing alternate member Tom Acre as the regular member with term of office to expire December 31, 1998 and appointing Charles Lortie as an alternate member with term to expire December 31, 1999; accept the resignation of B. David Smith and Jack Rhoads from the Personnel Board and appointing Stacy Worthington as a regular member and Brian Lunning as an alternate member with terms of office to expire December 31, 1999 to fill the vacancies. Upon roll call vote, the motion carried unanimously.

REVISED EMPLOYMENT CONTRACT WITH MUNICIPAL COURT JUDGE:

A motion was made by Dixon and seconded by Scott to authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge with an annual salary of \$83,274 effective January 1, 1999. The motion carried unanimously.

COUNCILLOR'S BILL NO. 46 - SALARY ADJUSTMENT FOR PRESIDING JUDGE:

A motion was made by Dixon and seconded by Scott to pass Councillor's Bill No. 46 on first reading regarding a change to the salary for the Presiding Judge. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON SNOW PROPERTY ANNEXATION AND ZONING:

At 8:15 P.M. the meeting was opened to a public hearing on the Snow Property annexation and zoning, generally located north of 100th Avenue and west of Alkire Street. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. No one spoke in favor or in opposition to the request. At 8:17 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 47 - SNOW PROPERTY ANNEXATION:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 47 on first reading annexing the Snow Property to the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 48 - COMPREHENSIVE LAND USE PLAN AMENDMENT:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 48 on first reading adding the Snow Property to the Westminster Comprehensive Land Use Plan and designating the property as "Open Space". Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 49 - SNOW PROPERTY ZONING:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 49 on first reading zoning the Snow Property O-1 (Open). Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING FOR STANDLEY LAKE ANNEXATION AND ZONING:

At 8:18 P.M. the meeting was opened to a public hearing on the proposed Standley Lake annexation and zoning, generally located between Alkire and Kipling Streets and between 88th and 100th Avenues. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items as Exhibits. No one spoke in favor of or in opposition to the proposal. At 8:20 P.M. the public hearing was declared closed.

STANDLEY LAKE ANNEXATION/COMP PLAN AMENDMENT/ZONING:

A motion was made by Smith and seconded by Scott to adopt Resolution No. 52 making certain findings of fact as required by State Statutes; pass Councillor's Bill No. 50 on first reading annexing the Standley Lake property and other lands shown on the annexation map to the City; pass Councillor's Bill No. 51 on first reading adding Standley Lake and the surrounding properties to the Comprehensive Land Use Plan and designate the entire area as "Public Park"; and, pass Councillor's Bill No. 52 on first reading zoning Standley Lake and the surrounding lands O-1 (Open). Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 53 - KOHL'S DEPARTMENT STORE DEVELOPMENT PROJECT:

A motion was made by Dixon and seconded by Smith to adopt Resolution No. 53 designating Kohl's Department Store to be located at 120th Avenue and Sheridan Boulevard as an Economic Development Project for the City of Westminster. John Lyda, 9101 Harlan Street, was present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 54 - SUNRISE ASSISTED LIVING PROJECT SERVICE COMMITMENTS:

A motion was made by Atchison and seconded by Scott to adopt Resolution No. 54 awarding Category E Service Commitments to the Sunrise Assisted Living project submitted for the 1998 new senior housing competition. Dale VerDoorn, the property owner and Nancy Card, representing the developer, were present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 53 - RESTORATIVE JUSTICE GRANT APPROPRIATION:

A motion was made by Smith and seconded by Dixon to pass Councillor's Bill No. 53 on first reading appropriating \$23,445 to the Police Department Community Services Division budget. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 54 - CRIMINAL MISCHIEF/THEFT RELATED OFFENSES:

A motion was made by Atchison and seconded by Dixon to pass Councillor's Bill No. 54 on first reading amending the Westminster Municipal Code concerning criminal mischief and certain theft-related offenses. Upon roll call vote, the motion carried unanimously.

ICE CENTRE MANAGEMENT AGREEMENT WITH HYLAND HILLS:

A motion was made by Atchison and seconded by Dixon to authorize the City Manager to sign the Ice Centre Management Agreement between the City of Westminster and Hyland Hills Park and Recreation District acting by and through its Recreation Facilities Enterprise.

The motion carried unanimously.

COUNCILLOR'S BILL NO. 57 - ICE CENTRE LEASE AGREEMENT:

A motion was made by Atchison and seconded by Dixon to pass Councillor's Bill No. 57 on first reading authorizing the City Manager to sign the Ice Centre Lease Agreement between the City of Westminster and Hyland Hills Park and Recreation District acting by and through its Recreation Facilities Enterprise. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 55 - GOLF COURSE CLUB HOUSE APPROPRIATION:

A motion was made by Smith and seconded by Atchison to pass Councillor's Bill No. 55 on first reading appropriating \$160,000 into the Golf Course Enterprise Fund and authorize these funds for construction of the Heritage Golf Course Club House. Upon roll call vote, the motion carried unanimously.

HERITAGE GOLF COURSE CLUB HOUSE/MAINTENANCE BLDG CONSTRUCTION CONTRACT:

A motion was made by Smith and seconded by Scott to authorize the City Manager to sign a contract with Fischer Construction in the amount of \$2,568,250 plus a contingency of \$100,000 for the construction of the Heritage Golf Course clubhouse and maintenance building. The contract will stipulate that the contractor will cease construction if approved funds are exhausted and anticipated funding is for some reason cancelled. The expense for this contract will be charged to the golf course construction fund project account.

A friendly amendment was made by Atchison to change the wording of the motion to read: "authorize the City Manager to sign a contract with Fischer Construction in the amount of \$2,568,250 plus a contingency of \$100,000 for the construction of the Heritage Golf Course clubhouse and maintenance building, and that Staff shall notify the contractor that funding for this project has not been formerly approved and the City reserves the right to terminate this contract in the event the City is for any reason unable to obtain all of the necessary funds for this project". The expense for this contract will be charged to the golf course construction fund project account. The friendly amendment was accepted by the maker and second of the motion. The motion carried unanimously.

RECREATION FACILITIES FEES/POLICY CHANGES/STAFFING NEW FACILITY:

A motion was made by Atchison and seconded by Dixon to approve the staffing plan for the "Fitness Center" which authorizes 11.3 FTEs as outlined utilizing funds from the 1998 Parks, Recreation and Libraries account to allow recruiting and hiring in 1998; Select the name for the facility as "City Park Fitness Center"; and Approve the fee/policy changes to become effective January 1999 per the attached charts and authorize Staff to begin selling pre-opening passes for the City Park "companion facility" in 1998. The motion carried unanimously.

SPECIAL LEGAL COUNSEL FOR HAWN TRAIL/OPEN SPACE CONDEMNATIONS:

A motion was made by Dixon and seconded by Atchison to approve the contract with the law firm of Holme Roberts & Owen and authorize the City Manager and City Clerk to execute the contract on behalf of the City. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for August, 1998.

The Mayor stated there would be an Executive Session concerning the Lucent Technology Business Assistance Package and I-25 Interchange negotiations.

Councillor Dixon reported on the Energy Community Alliance conference that will be held on Wednesday thru Friday of this week.

ADJOURNMENT:

The meeting was adjourned at 8:45 P.M.

ATTEST:

Mayor

City Clerk

Date: September 28, 1998
Subject: Presentation to Norma Weiner
Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

The Mayor is being asked to present Norma Weiner, former employee of the City Municipal Court with a gift which recognizes Norma's 22 years as a Westminster City employee.

Summary

On September 11, 1998, Norma Weiner resigned from her position as Deputy Court Clerk II at Westminster Municipal Court. Norma's career with the City spanned 22 years since her initial appointment on September 27, 1976 as a Probationary Clerk Typist I. Given her long tenure as a dedicated and hard working employee, it is appropriate that she be recognized at a City Council meeting.

Presiding Judge John A. Stipech will be present at Monday evening's Council meeting and will be available to say a few words about Norma during the Mayor's presentation.

Staff Recommendation

Mayor recognize Norma J. Weiner for 22 years of service to the City of Westminster with the presentation of a gift from the City.

Background Information

Norma Weiner completed 22 years of service at the City at Westminster Municipal Court with her departure from the organization on September 11. She began employment with the Court as a Clerk Typist I on September 27, 1976. In recent years, Norma's duties included processing prisoner files, processing all non-domestic violence cases held in the Court, responding to phone inquiries, issuing bench warrants, and processing bond forfeitures.

Norma's experience and skill in working with citizens were of tremendous value to the City. Norma's supervisors have commented on her friendly rapport, her calm and courteous demeanor which frequently helped to put customers at ease, and her problem-solving orientation. She was professional, approachable, and always displayed a positive attitude with those with whom she worked. Since her departure from the City, Norma has been working in a part-time capacity at Flynn Elementary School in School District No. 50.

Given the dedicated service which Norma provided to the City of Westminster over the past 22 years, it is appropriate that she be recognized at a Council meeting. As part of this recognition, the Mayor is asked to present Norma with a gift from the City. Presiding Judge John Stipech will also be on hand to provide some remarks about his work with Norma.

Respectfully submitted,

William M. Christopher

City Manager

Date: September 28, 1998
Subject: "Excellence in Design and Development" Award Presentations
Prepared by: Shannon Sweeney, Planner II

Introduction

City Council action is requested to present the 1997 "Award for Excellence in Design and Development" to the developers and architects of the selected award-winning projects.

Summary

The twelfth annual "Award for Excellence in Design and Development" is a program to formally recognize outstanding architectural design and development taking place in Westminster. Over 200 projects were completed in 1997 and eligible for award consideration, and the judging committee chose the following five projects:

Project: Tri-State Generation & Transmission Association, Inc. Office Building
Address: 1100 W. 116th Avenue
Category: Office
Developer: Tri-State Generation & Transmission Association, Inc.; Hugh Frazier
Architect: Michael Barber Architecture; Dennis Armstrong
Judges'
Comments: *Building is well-sited on the lot (large setback from the street and angled on the lot)
*Glass atrium area adds interest to the design of the building
*Wrought iron perimeter fencing along the street frontages is nicely designed, and the bronze color coordinates well with the building
*Entry paving design, materials, and colors provide variety to the entry area of the building
*Massing of the building is well designed with reduced massing adjacent to pedestrian courtyard area
*Landscaped median at the access adds to the formal entry area to the site

Project: Comfort Suites Hotel
Address: 12085 Delaware Street
Category: Commercial
Developer: Stonebridge Companies; Navin Dimond
Architect: J G Johnson Architects; Jim Johnson
Judges'
Comments: *Good mix of building materials with use of brick below with the lighter material (stucco) above
*Roof breaks are well-designed
*Roofing material and color coordinate well with the building design and color scheme
*Parking areas are minimized in front of the building from street view
*Parking areas are dispersed well around the site (not a large area of asphalt)
*Treatment of the rear and sides of the building are identical to the front elevation

- *Exterior air conditioning units below each window are tied into the overall window design to minimize visibility of the exterior units
- *Landscaping adjacent to the building helps break up the exterior wall areas
- *Landscaped drainage area on the north side provides an excellent buffer between the parking lot for this use and the adjacent residential use to the north

Project: Amherst - Melody Homes "Breckenridge" Model
Address: 13539 Wyandot Street
Category: Single-Family Detached (Category 2)
Developer: Melody Homes; Dave Oyler
Architect: Pearson Design Group; Brian Pearson
Judges' Comments:
*Well-designed model for a modestly-priced, smaller home (1,382 S.F.)
*Model has good proportions
*Masonry and color scheme coordinate well
*Landscaping adds to the appeal of the model
*Nice usable front porch

Project: Home Farm - Genesee Company "Hawthorne" Model
Address: 865 W. 127th Ct.
Category: Single-Family Detached (Category 2)
Developer: The Genesee Company; Ron Skarka
Architect: JVL Associates; Layne Bennett
Judges' Comments:
*Good treatment of the oversized garage area - area is setback from the main garage with a different roof treatment to help minimize the dominance of the garage
*Nice front porch area with detailed porch railing
*Curved masonry outline above garage adds unique detail to the front elevation

Project: Hyland Greens East - Celebrity Homes Semi-Custom Model
Address: 4330 W. 100th Avenue
Category: Single-Family Detached (Custom)
Developer: Celebrity Development Corporation; Dale Verdoorn
Architect: Celebrity Development Corporation
Judges' Comments:
*Good massing of the building (even though a large home, doesn't overpower the lot)
*Good use of masonry elements
*Nice variety of roof breaks
*Third car garage not dominant on the streetscape since designed with different roof design and is recessed
*Sidewalk connection from street leading to entry adds interest to the home
*Well-designed and defined entry area
*Nice larger front porch
*Porch columns in proportion to the house
*Consistent design on windows
*Larger eaves add interest

City Staff is prepared to present slides of the Excellence in Design and Development award-winning projects. Attached for further information is a list of projects which received design awards in previous years, as well as a list identifying the names of the architects and developers to receive 1997 "Excellence in Design and Development" awards.

Staff Recommendation

View slides of the projects selected to receive the 1997 "Award for Excellence in Design and Development" and present the awards to the developer and architect of each winning project.

Background Information

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

Due to the high rate of 1997 building activity, Staff photographed over 200 slides of new non-residential projects, housing models, and custom homes. Because of the large number of slides this year, a Department of Community Development subcommittee was established to view all of the slides and nominate projects for the judging committee to consider. This process helped narrow the scope for the judges.

This year two architects, Thomas Kopf (The Design Alliance) and Rick New (Downing, Thorpe & James), and residential developer, Bob Gerlofs, aided City Staff in choosing a total of five award recipients in various non-residential and residential categories. Please note that the judges are not required to choose a project in each and every category and may select more than one project in any of the categories. The judges viewed slides and made site visits of projects they wished to see in the field. After discussion of the merits and weaknesses, they selected the projects which represent outstanding design in development in Westminster during 1997.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

PREVIOUS RECIPIENTS OF EXCELLENCE IN DESIGN & DEVELOPMENT AWARDS

CATEGORIES

| | | | |
|----|-----------------------|-----|------------------------|
| O | OFFICE | MF | MULTI-FAMILY |
| C | COMMERCIAL | SFA | SINGLE-FAMILY ATTACHED |
| RE | REMODEL/REDEVELOPMENT | SFD | SINGLE-FAMILY DETACHED |
| M | MISCELLANEOUS | | |

Projects completed in 1986

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

Projects completed in 1987

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

Projects completed in 1988

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

Projects completed in 1989

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

Projects completed in 1990

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

Projects completed in 1991

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

Projects completed in 1992

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

Projects completed in 1993

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

Projects completed in 1994

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

Projects completed in 1995

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

Projects completed in 1996

O 1st Bank
C Westminster City Center
Marketplace
SFD Green Acres, Models 1327,
1440, and 1618
SFD Legacy Ridge, Aspen Model
SFD Legacy Ridge, Custom
SFD Observatory Heights, Custom

1997 AWARDS FOR EXCELLENCE IN DESIGN AND DEVELOPMENT

Developers and Architects

NON-RESIDENTIAL CATEGORIES:

Office

I. Tri-State Generation & Transmission Association, Inc.:

Developer - Tri-State Generation & Transmission Assoc.; Hugh Frazier

Architect - Michael Barber Architecture; Dennis Armstrong

Commercial

I. Comfort Suites:

Developer - Stonebridge Companies; Navin Dimond

Architect - J G Johnson Architects; Jim Johnson

RESIDENTIAL CATEGORIES:

Single-Family Detached

I. Amherst, Melody Homes "Breckenridge" Model:

Developer - Melody Homes; Dave Oyler

Architect - Pearson Design Group; Brian Pearson

II. Home Farm, Genesee "Hawthorne" Model:

Developer - The Genesee Company; Ron Skarka

Architect - JVL Associates; Layne Bennett

III. Hyland Greens East, Celebrity Homes Semi-Custom Model

Developer and Architect - Celebrity Development Corporation; Dale Verdoorn

Date: September 28, 1998
Subject: Witt Elementary School Trail Connection
Prepared By: Becky Eades, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to approve a contract with MBA Denver, Inc. in the amount of \$39,860.00 to construct a trail connection from the Countryside Open Space Trail to Witt Elementary School. Total project budget for the trail connection, including construction and contingency is \$44,000.00. Funds for this expense are available in the General Capital Improvement Fund Trail Development Account.

Summary

Witt Elementary school is located just west of Countryside Drive along 104th Drive. Directly north of the school is the Countryside #13 Open Space, which includes a wetland and a steep hillside. This past fall, neighborhood volunteers and students from the Colorado School of Mines worked with the City Staff to construct a 130' boardwalk and trail crossing the wetland area. This volunteer effort completed the first phase of a trail connection to Witt Elementary School.

The second phase of the Witt Elementary School Trail Connection project requires a trail up a thirty foot nearly vertical hillside.

A local engineer, Brian McLaren with MK Centennial, volunteered his services to design a buildable trail connection. Given the complexity of the required design this work cannot be done by volunteers.

Mr. McLaren's design was then used as the basis for requesting formal bids from four reputable contractors, in accordance with the City's purchasing ordinance. Due to the small scale of this project and the regional construction boom, only one bid was received, from MBA Denver, Inc. Staff feels confident that Mr. Hannon, President of MBA Denver, Inc., understands the scope of the work and is a reliable contractor, since MBA Denver, Inc. is presently completing the relocation of the Ranch Barn.

Projected project budget for construction of the trail is as follows:

| | |
|-----------------------------------|----------|
| MBA Denver, Inc. | \$39,860 |
| 10% Contingency (of construction) | \$4,140 |
| TOTAL | \$44,000 |

Staff reviewed unit costs and believes that they are acceptable based on the engineer's cost estimate of \$37,500.

Alternatives

City Council could decline to authorize the expenditure of funds, and no trail connection would be constructed. However, the first phase of the trail has been completed by neighborhood volunteers.

Staff Recommendation

Authorize the City Manager to sign a contract with MBA Denver, Inc. in the amount of \$39,860 for the construction of the Witt Elementary School trail connection because it is in the best interests of the City, approve a 10% project contingency, approve a total construction budget of \$44,000, and charge the expense to the 1998 Trail Development account in the General Capital Improvement Fund.

Background Information

Residents in the Countryside subdivision, north of the Countryside #13 Open Space, have been actively searching for a safe way for their children to walk to Witt Elementary School for several years.

Prior to this spring, children walking to the school had no choice but to walk through the open space area, which also meant crossing a significant wetland area and then scrambling up a hillside with a 43% slope. Last year one Countryside resident, Marsha Lees, enlisted the help of senior engineering students at the Colorado School of Mines to design a trail system that would make these obstacles passable. The students, working with City Staff and neighborhood volunteers, were able to complete a boardwalk through the wetland area in September, of 1997.

Brian McLaren with MK Centennial, volunteered his services to work with City Staff to design a buildable trail to traverse the steep hillside and make the final connection to Witt Elementary School. Due to the complexity of the project this project could not be built by volunteers. City Staff then contacted four reputable contractors who have recently done work for the City to bid the construction of the trail. Marc Hannon with MBA Denver, Inc., the contractor completing the relocation of the Ranch Barn at 120th Avenue and Pecos Street, was the only contractor to submit a bid proposal. The other three contractors invited to bid the project declined due to a busy workload and the small size and complexity of this project.

Representatives from Jefferson County Public Schools, including Principal Stark from Witt Elementary, have been involved with the project as well. Facilities crews from the School District will be completing a connection to the trail through school property, as well as providing fencing to secure the construction site. It is anticipated that the trail connection should be completed by mid-November.

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Project area map

Date: September 28, 1998
Subject: Jackson's All American Grill Lease at the Ice Centre
Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to authorize the City Manager to sign a lease agreement with Jackson's All American Grill for space owned by the City of Westminster in the new Ice Centre at the Promenade. The Hyland Hills Board of Directors reviewed the lease at their meeting of September 15 and approved it contingent upon City Council approval.

Summary

Greg Mastriona, Executive Director of the Hyland Hills Park and Recreation District; Bill Walenczak, Director of Parks, Recreation and Libraries; and legal staffs from both entities have been negotiating with Mr. Larry Griewisch and John Ziegler, principals of the Jackson's All American Grill, Inc. to lease space for a restaurant (approximately 6,000 square feet) at the new Ice Centre. The restaurant (see attached plan) will be located in the southeast corner of the building directly on the Promenade.

Highlights of the lease agreement are as follows:

- > The term of the lease will be for 15 years subject to the concessionaire's satisfactory compliance to the conditions of the lease.
- > The lease may be renewed by mutual agreement of both parties subject to satisfactory performance of the concessionaire.
- > The lease allows the concessionaire the exclusive right to provide for the sale of food, beverages, and catering services on the premises.
- > Food requirements will include lunch and dinner at appropriate hours and light snacks at all open hours.
- > The concessionaire shall provide repair and maintenance services for lessor owned equipment.
- > The concessionaire shall obtain all licenses, permits, and certificates required to operate the concession, including a liquor license.
- > The concessionaire shall provide all equipment and capital improvements to the interior space being leased.
- > The lessor shall have the sole and exclusive right to determine the soft drink and communications providers to be utilized by the concessionaire.
- > The concessionaire shall pay for all utility costs related to the space being leased.
- > The owner shall provide basic HVAC, electrical, gas, water, and sewer to the restaurant space.

> The concessionaire shall pay the enterprise \$10 per square foot the first year of the lease, and gradually increase the lease rate to \$18 per square foot starting the 11th year until the lease expires in year 15. This will equate to \$60,000 the first year and increase to \$108,000 the 11th year. The total revenue from the lease will be \$1,452,000 over the 15 years (see attached exhibit).

Alternatives

> City Council could reject the terms of this lease agreement and instruct Staff to re-advertise the space to another interested party.

> City Council could reject parts of the lease agreement and instruct Staff to renegotiate according to changes proposed by Councillors.

Staff Recommendation

Pass Councillor's Bill No. on first reading authorizing the City Manager to sign a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and Jackson's-Westminster, Inc. d/b/a Jackson's All-American Sports Grill for the lease of approximately 6,000 square feet of space in the Ice Centre at the Promenade.

Background Information

The City and Hyland Hills Staff advertised for "Request for Proposals" (RFPs) last year to evaluate the potential of placing a restaurant/sports bar in the new ice arena. Jackson's All-American Grill was the only group to submit a formal proposal in response to the RFP. Negotiations have taken place over the course of several months between the City and Hyland Hills, and the owners of Jackson's All-American Sports Grill.

The purpose of leasing out space in the Ice Centre is to produce additional revenue for the arena enterprise, as well as providing customers who frequent the Promenade with a high quality restaurant. The lease rates that have been negotiated will provide significant revenues to the Ice Centre enterprise, which will go toward the capital construction debt. Staff believes these rates are very competitive to market rates in the area.

Jackson's All-American Grill is known as one of the premier sports bars in the Denver metro area. The corporate philosophy has shifted toward making it more of a family dining establishment. Their emphasis on customer service and quality food is very much in line with both the City and District's own goals and objectives. If approved, Staff believes this arrangement will be a "win-win" for everyone involved.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Floor Plan
 Rent Schedule

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY, HYLAND HILLS PARK AND RECREATION DISTRICT AND JACKSON'S-WESTMINSTER, INC. FOR THE LEASE OF A PORTION OF THE ICE CENTRE AT THE WESTMINSTER PROMENADE FOR A RESTAURANT AND SPORTS BAR CONCESSION

WHEREAS, City Council previously authorized an intergovernmental agreement between the City and the Hyland Hills Park and Recreation District for the purpose of constructing and operating an Ice Centre at the Westminster Promenade; and

WHEREAS, the City and Hyland Hills desire to provide the public and Ice Arena patrons an excellent restaurant and sports bar concession at the Ice Centre; and

WHEREAS, the City and Hyland Hills have selected Jackson's All-American Sports Grill based on prudent business practices to provide the concession at the Ice Centre; and

WHEREAS, the final form of the concession lease agreement has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Concession Agreement between the City, Hyland Hills Park and Recreation District, acting by and through its Recreational Facilities Enterprise, and Jackson's-Westminster, Inc., d/b/a Jackson's All-American Sports Grill for the lease of a portion of the Ice Centre at the Westminster Promenade for a restaurant and sports bar concession is approved in substantially the same form as attached as Exhibit "A."

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of October, 1998.

Mayor

ATTEST:

City Clerk

Date: September 28, 1998

Subject: Extension of the City's Banking Contract

Prepared by: Brent Worthington, Treasury Manager

Introduction

City Council action is requested to approve an extension of the City's current Banking Services Contract with Norwest Bank for nine months through June 30, 1999. The current contract will expire on September 30, 1998.

Summary

In July, RFPs were sent to five banks that had expressed an interest in bidding on the City's General Banking Services Contract. Proposals were due on August 28. Four of the five banks responded with proposals and bid packages. Additional time will be required to evaluate the proposals, ask Council to award the contract, and make the transition. This is due to the complexity and variations among the banks' proposals as well as the Finance Department Staff being in the middle of bringing on additional staff in the fourth quarter.

Staff Recommendation

Authorize the Finance Director to sign an extension of the current Banking Services Contract with Norwest Bank through June 30, 1999.

Background Information

The previous General Banking Services contract, executed between the City and Norwest Bank on August 1, 1998, expired on June, 1997.

At that time, due to the recent hire of the new Finance Director, the resignation of the Accounting Manager, and the need to select a new accounting firm to conduct the City's annual financial audit, Finance Department Staff decided to defer the RFP for a new Banking Services Contract until 1998. This decision necessitated an extension of the contract with Norwest Bank. This extension was executed on July 1, 1997, and will expire on September 30, 1998.

In the Spring of 1998, Staff began the process of writing and distributing an RFP. The RFP went out in July to Norwest Bank, Key Bank, U.S. Bank, Bank One, and 1st Bank. 1st Bank declined to bid; the remaining bid packages were quite lengthy and complex. In order to properly evaluate the bids, it is necessary to restate cost information to allow for direct comparisons between the four banks. The process for accomplishing this is time consuming, and will be completed after the expiration of the current contract on September 30.

A second consideration in Staff's recommendation is Staff time availability. The recruitment process for the new Treasury Manager is proceeding; the current timeline indicates that this position will be filled early in the fourth quarter. It will take time for the new Treasury Manager to review the banking contract situation. In addition, the Accounting Staff will be focused on the audit from December through April. A reasonable time frame for making the transition to a new bank (if such a transition is necessary) is second quarter of 1999. Therefore, Staff recommends the extension of the existing contract until June 30.

An alternative to this recommendation would be to immediately award the new contract to Norwest Bank. However, this decision would not be based on a thorough evaluation of the proposals. Similarly, an alternate course of action whereby the contract would be immediately awarded to one of the other banks would sacrifice the necessary thorough evaluation process, and the transition period would begin prior to the hiring of the new Treasury Manager and the completion of the audit.

Respectfully submitted,

William M. Christopher
City Manager

Date: September 28, 1998
Subject: Resolution No. re Board and Commission Appointments
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Suzi Walker from the Environmental Advisory Board and Jack Rhoads and B. David Smith from the Personnel Board and make appointments of new members.

Summary

Suzi Walker has recently resigned from the Environmental Advisory Board due to other volunteer work commitments (see attached letter).

Jack Rhoads has recently resigned from the Personnel Board due to his moving out of state (see attached letter).

B. David Smith has resigned from the Personnel Board due to moving out of the City of Westminster.

Suzi Walker was appointed to the Environmental Advisory Board on March 5, 1995 when the Board was initially created.

B. David Smith was appointed to the Personnel Board on February 9, 1998 as an alternate member.

Jack Rhoads was originally appointed to the Personnel Board on January 1, 1988 and resigned on October 28, 1991 due to a move out of state. He then moved back into the City and was reappointed to the Personnel Board on February 14, 1994 and has served on the Board continually since that time.

Currently there are 18 individuals within the "pool". A copy of the matrix indicating each individual's preference for Boards and Commissions is attached.

Staff Recommendation

Adopt Resolution No. accepting the resignation of Suzi Walker from the Environmental Advisory Board and B. David Smith and Jack Rhoads from the Personnel Board and appointing a new member to fill each Board vacancy.

Background Information

A Resolution has been prepared for Council to formally accept the resignation of Suzi Walker from the Environmental Advisory Board and B. David Smith and Jack Rhoads from the Personnel Board. City Council will need to decide who to appoint from the current "pool" of 18 applicants.

Respectfully submitted,

William M. Christopher, City Manager

Attachments

RESOLUTION

RESOLUTION NO.
SERIES OF 1998

INTRODUCED BY COUNCILLORS

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, A resignation has been received from Suzi Walker from the Environmental Advisory Board; and

WHEREAS, A resignation has been received from B. David Smith from the Personnel Board; and

WHEREAS, A resignation has been received from Jack Rhoads from the Personnel Board; and

WHEREAS, Currently there is a vacancy on the Environmental Advisory Board and two vacancies on the Personnel 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 hereby accept the resignation of Suzi Walker from the Environmental Advisory Board and B. David Smith and Jack Rhoads from the Personnel Board and appoint the following individuals to the City of Westminster Environmental Advisory Board and Personnel Board as listed below with the term of office to expire as stated.

| <u>NAME</u> | <u>BOARD/COMMISSION</u> | <u>TERM EXPIRE</u> |
|---|------------------------------|--------------------|
| Tom Acre moved from Alternate member to Regular Member | Environmental Advisory Board | 12-31-98 |
| Charles Lortie Alternate member | Environmental Advisory Board | 12-31-99 |
| Stacy Worthington Regular Member | Personnel Board | 12-31-99 |

Passed and adopted this 28th day of September, 1998.

ATTEST:

Mayor

City Clerk

Date: September 28, 1998

Subject: Revised Employment Agreement with John Stipech

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council is requested to approve a revised employment agreement with John A. Stipech for services as Presiding Judge and to pass the attached Councillor's Bill on first reading to authorize the change in his salary.

Summary

Since January 1, 1996, City Council has had an employment agreement with John A. Stipech for his services as full-time Presiding Judge.

As a followup to Council's recent performance review meeting with the Judge, the Council has indicated they wish to increase his annual compensation by \$2,934 to \$83,274. The attached proposed agreement with John Stipech is identical to the current employment agreement with the exception of the revised salary and the change in the effective dates for the contract.

In accordance with City Charter provisions, Council is also asked to pass a Councillor's Bill changing the Judge's compensation.

Staff Recommendation

1. Authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge with an annual salary of \$83,274 effective January 1, 1999.
2. Pass Councillor's Bill No. on first reading regarding a change to the salary for the Presiding Judge.

Background Information

Since July 1991, City Council has used an employment contract for Presiding Judge services. This approach is consistent with the practice of having employment contracts with the City Manager and the City Attorney who also serve at the pleasure of City Council. The contract with the Presiding Judge addresses the overall duties of the position, the term of the agreement, compensation and benefits, professional development, and termination and separation provisions. The Council's consideration of this amended agreement follows the Council's recent annual performance review meeting with Judge Stipech and their review of a survey of salaries of Municipal Judge positions in the Denver metropolitan area.

The proposed employment agreement with John A. Stipech mirrors the agreement with Judge Stipech which Council approved in October 1997, with the exception of the change in salary. The revised agreement calls for the Judge's salary to increase by \$2,934 or approximately 3.65 percent from the current level of \$80,340 to \$83,274 effective January 1, 1999.

Similar to the Council's employment agreements with the City Manager and the City Attorney, this agreement would again cover a two year period, 1999 and 2000, with the provision that the salary be reviewed annually.

Section 16.2 of the Westminster City Charter requires that the Council set the Presiding Judge's salary by ordinance. The attached Councillor's Bill addresses this requirement by updating the salary to reflect the amount listed in the proposed employment agreement.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1998

COUNCILLOR'S BILL NO. ____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 7 of the Westminster Municipal Code is hereby amended as follows:

1-7-2: MUNICIPAL JUDGE: The salary of the Municipal Judge shall be as follows:

~~\$80,340~~ \$83,274 per annum payable bi-weekly

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

Section 3. This ordinance shall take effect on January 1, 1999.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this th day of October, 1998.

ATTEST:

Mayor

City Clerk

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 1999, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY," and JOHN A. STIPECH, hereinafter called "EMPLOYEE," both of whom understand as follows:

WHEREAS, the CITY desires to employ the services of John A. Stipech, as Presiding Municipal Judge of the City of Westminster as provided by City Charter, Chapter XVI, Section 16.2; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE; and (4) provide a just means for terminating EMPLOYEE's services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

A. CITY hereby agrees to commence the employment of EMPLOYEE as Presiding Municipal Judge of CITY to perform the duties and functions specified in Section 16.2 of the City Charter, Chapter 22 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall administer the judicial component of the Municipal Court and shall be responsible for providing judicial coverage to insure efficient and expeditious hearing of all matters scheduled for hearing in the Court.

C. EMPLOYEE and the Court Administrator shall prepare and submit jointly a proposed budget for the Municipal Court following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

D. EMPLOYEE shall supervise the judicial staff of the Municipal Court as may be authorized by the City Council. EMPLOYEE shall provide advice and direction to the Court Administrator in connection with the governance of the Court staff.

SECTION 2. TERMS:

A. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of CITY. Subject to the provisions of Section 2.D. and Section 3 of this Agreement, EMPLOYEE will serve as Presiding Municipal Judge for calendar years 1999 and 2000. EMPLOYEE is employed as a full-time employee and shall be compensated based upon his devoting normal business hours to his duties as Presiding Municipal Judge.

The term "employed" shall not be construed to include other judicial service, private law practice, teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3, paragraph C of this Agreement.

D. This Agreement shall be considered for renewal annually, no later than October 31 of each year to address extending the Agreement, salary, and other changes negotiated between the parties, unless written notice is given to the EMPLOYEE that such Agreement will not be renewed, and such written notice is forwarded to EMPLOYEE at least ninety (90) days prior to the scheduled expiration of this Agreement. Each renewal of the Agreement shall be for a specified time. If for any reason this Agreement expires prior to its renewal, EMPLOYEE shall continue to work under the terms of the last executed Agreement until a new agreement is executed or the Agreement is terminated in accordance with section 3 below.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of Presiding Municipal Judge, then and in that event, the CITY agrees to give EMPLOYEE four (4) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing thirty (30) days. In the event the City elects to terminate this Agreement without giving EMPLOYEE four (4) months' advance written notice thereof, the EMPLOYEE shall have as his sole and Exclusive remedy the severance payment equal to thirty (30) days of EMPLOYEE'S base salary as provided in this paragraph and EMPLOYEE shall have no other rights or claims against the CITY and hereby expressly waives and releases the same, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the thirty (30) days' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four (4) months notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs A and C of this Section 3, and paragraph D in Section 2.

SECTION 4. SALARY:

A. The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of eighty three thousand, two hundred and seventy four dollars (\$83,274) effective January 1, 1999, payable in installments at the same time as other employees of the CITY are paid.

B. CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY. Such evaluation shall consider the salary of judges of similar municipalities.

SECTION 5. HOURS OF WORK:

It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

SECTION 6. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 7. PROFESSIONAL DEVELOPMENT:

CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the City, including, but not limited to, the American Bar Association, the Colorado Bar Association, the Colorado Municipal Judges Association, and continuing legal education courses and seminars related to topics of the judiciary. In addition to reasonably funding educational/training programs for EMPLOYEE's professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each year.

SECTION 8. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 9. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to Department Head level employees, including the monthly car allowance, except that when such benefits are in conflict with this contract, said contract shall control. The EMPLOYEE's years of service with the City in an unbenefited capacity will be treated as years of continuous municipal service when the level of employee benefits is computed.

SECTION 10. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, longevity pay, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

C. EMPLOYEE is ultimately responsible for providing judicial coverage of all docketed matters in the Westminster Municipal Court.

SECTION 11. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This Agreement becomes effective on January 1, 1999, and shall be in effect through calendar years 1999 and 2000.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

F. Effective January 1, 1999, this Agreement replaces and supercedes prior employment agreements between CITY and EMPLOYEE.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE.

Approved by the Westminster City Council on September 28, 1998, contingent upon approval of the Councillor's Bill amending Municipal Judge salary.

ATTEST:

Mayor

City Clerk

John A. Stipech

Date: September 28, 1998
Subject: Snow Property Annexation and Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached Councillor's Bills annexing the Snow Property to the City, assigning a zone category (PUD) and amending the Comprehensive Land Use Plan to include the new property.

Summary

The Snow property is a 80.7 acre City owned parcel of land which has been purchased for addition to the open space inventory. Staff is proposing that the property be annexed and zoned O-1.

Applicant/Property Owner

The City of Westminster.

Location

North of 100th Avenue and west of Alkire Street.

Size of site

80.7 acres

Description of Proposed Use

Open Space

Planning Commission Recommendation

This proposed annexation was heard before the Planning Commission on September 8th. There was no one in attendance to speak either for or against the proposal. The Commission voted unanimously to recommend to the City Council that the annexation be approved, that the property be zoned O-1, and to designate the property Open Space on the Comprehensive Land Use Plan.

Staff Recommendation

1. Hold a public hearing
2. Pass Councillor's Bill No. on first reading annexing the Snow Property to the City.
3. Pass Councillor's Bill No. on first reading adding the Snow Property to the Westminster Comprehensive Land Use Plan and designating the property as "Open Space."

4. Pass Councillor's Bill No. on first reading Zoning the Snow Property O-1 (Open).

Background Information

Discussion of Major Issues

In February 1998, the Conservation Fund (a Boulder based land conservancy) purchased 80 acres from the Snow family. The Fund then immediately conveyed the land to the City in fee simple. This 80 acre parcel has been added to the open space inventory of the City and will be managed along with the surrounding City owned land as buffer land for eagles and other wildlife associated with Standley Lake. The land will not be developed for any other use.

Staff has followed the annexation procedures enumerated in Section 31-12-106 (3) C.R.S. which allows municipalities to annex City owned land without notice to the general public or adjacent jurisdictions. Jefferson County has been notified of the pending annexation as a courtesy.

Respectfully submitted,

William Christopher
City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF THE EAST ONE-HALF OF THE NORTHEAST ONE QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., AND THE WEST 30.00 FEET OF THE NORTH 1246.34 FEET OF THE NORTHWEST ONE QUARTER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, the property known as the Snow Property, legally described herein is located in unincorporated Jefferson County.

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

The East one-half of the Northeast one quarter of Section 18, Township 2 South, Range 69 West, 6th P.M., and the West 30.00 feet of the North 1246.34 feet of the Northwest one quarter of Section 17, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of October, 1998.

ATTEST:

Mayor

City Clerk

Snow Property Annexation and Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN THE EAST ONE-HALF OF THE NORTHEAST ONE QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., AND THE WEST 30.00 FEET OF THE NORTH 1246.34 FEET OF THE NORTHWEST ONE QUARTER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.

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

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

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

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

The East one-half of the Northeast one quarter of Section 18, Township 2 South, Range 69 West, 6th P.M., and the West 30.00 feet of the North 1246.34 feet of the Northwest one quarter of Section 17, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of October, 1998.

ATTEST:

Mayor

City Clerk
Snow Property Annexation and Zoning

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. _____

SERIES OF 1998 INTRODUCED BY COUNCILLORS

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

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the Snow Property, legally described in "Exhibit A" attached hereto. The Snow Property shall be designated "Open Space".

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

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28st day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 1998.

ATTEST:

Mayor

City Clerk

EXHIBIT A

The East one-half of the Northeast one quarter of Section 18, Township 2 South, Range 69 West, 6th P.M., and the West 30.00 feet of the North 1246.34 feet of the Northwest one quarter of Section 17, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado.

Date: September 28, 1998
Subject: Standley Lake Annexation and Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested for the purpose of taking action on the attached Councillor's Bills regarding the annexation, Comprehensive Land Use Plan designation and zoning of the Standley Lake Reservoir and adjacent lands.

Summary

This is a City Staff initiated annexation, Comprehensive Land Use Plan amendment and zoning of Standley Lake and adjacent land. The following items summarize the property and the issues:

Applicant/Property Owner

City of Westminster, Farmers Reservoir and Irrigation Co. (FRICO), Mandalay Ditch Co.

Location

Generally between Alkire and Kipling Streets, and between 100th and 88th Avenues.

Size of site

2126.8 Acres

Description of Proposed Use

Regional Park

Major Issues

In May of this year, the City was deeded all of the lands around Standley Lake that were owned by Jefferson County Open Space. This was done with the understanding that the City would develop the area as a regional park facility. The lake property itself is still owned by FRICO which has agreed to annex that portion along with the dam to the City as well.

Two petitions have been submitted to the City, one by the City Manager representing the City owned portion, and one by FRICO for their portion. One privately owned parcel has been added to the annexation map by Staff in order to avoid the creation of an enclave. Portions of the Alkire Street and 96th Avenue rights-of-way have also been included to enhance emergency response activities in the future.

Planning Commission Recommendation

This proposal was heard by the Planning Commission on September 8th. Three nearby residents spoke at the hearing for informational purposes but no one spoke either for or against the annexation. The Commission voted unanimously to

recommend that the annexation be approved and that the property be designated as Public Parks on the Comprehensive Land Use Plan, and the property be zoned O-1.

The City of Arvada submitted a letter in response to Westminster's referral on this matter. Their Senior Planner stated that "City of Arvada reserves its right to object to and to challenge the annexation as permitted under applicable law." (See attached letter).

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. making certain findings of fact as required by State Statutes.
3. Pass Councillor's Bill No. on first reading annexing the Standley Lake property and other lands shown on the annexation map to the City.
4. Pass Councillor's Bill No. on first reading adding Standley Lake and the surrounding properties to the Comprehensive Land Use Plan and designating the entire area as "Public Park".
5. Pass Councillor's Bill No. on first reading zoning Standley Lake and the surrounding lands O-1 (Open).

Background Information

Discussion of Major Issues

Standley Lake will be developed in several phases as a regional park facility by the City. The annexation of the lake will permit the City to enforce City ordinances over the entire area including some adjacent rights-of-way. The City is planning on utility extensions into the park area to serve the needs of the recreation community.

Borrow Pit Reservoir, owned by the Mandalay Ditch Co., has also been added to the annexation in order to avoid the creation of an enclave in that area.

The annexation will also facilitate the protection of the watershed lands that surround the lake from development that could affect water quality within the lake.

This annexation is strategic from the standpoint of City enforcement of City ordinances and water quality protection measures; the opportunity to develop a quality regional park for the enjoyment of the public and be a potential "springboard" for future annexations to the west.

Respectfully submitted,

William Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY OF A PARCEL OF LAND LOCATED IN SECTIONS 16, 17, 19, 20, 21, 22, 27, 28, AND 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 44 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 28th day of September, 1998.

ATTEST:

Mayor

City Clerk

Standley Lake Annexation and Zoning

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. _____

SERIES OF 1998 INTRODUCED BY COUNCILLORS

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

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

WHEREAS, the City Council has annexed new properties to the City specifically described in the legal description; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the Standley Lake annexation prooerty, legally described in "Exhibit A" attached hereto. The Standley Lake property shall be designated "Public Park", and the property located at 9797 West 88th Place shall be designated "Single Family Detached; Very Low Density."

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

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28rd day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of October, 1998.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 15, 16, 17, 19, 20, 21, 22, 27, 28, AND 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 44 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, and 29, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 16, and using a basis of bearings of the north line of the southeast 1/4 of said Section 16 as bearing N 89°44'55" E; thence S 00°28'47" W, a distance of 30 feet to the true point of beginning, said point also being on the boundary of an annexation recorded in Book 33 at page 59; thence along said annexation boundary N 90°00'00" E, a distance of 223.79 feet, to a point on the boundary of an annexation recorded in Book 78 at page 19; thence along said boundary the following three (3) courses:

1. S 00°46'44" W, a distance of 425.93 feet;
2. N 62°25'44" E, a distance of 477.90 feet;
3. N 66°59'07" E, a distance of 141.83 feet;

Thence along the boundaries of annexation recorded in Book 33 at page 59, Book 37 at page 21, and Book 40 at page 39, the following thirteen (13) courses:

1. N 68°27'00" E, a distance of 72.00 feet;
2. S 70°56'00" E, a distance of 99.00 feet;
3. S 13°55'00" E, a distance of 74.22 feet;
4. S 24°09'00" W, a distance of 262.11 feet;

5. S 33°18'00" W, a distance of 210.86 feet;

6. S 37°15'00" W, a distance of 124.88 feet;
7. S 69°36'00" W, a distance of 495.07 feet;
8. S 78°40'00" W, a distance of 201.96 feet;
9. S 00°22'50" W, a distance of 2554.69 feet;
10. S 24°36'31" E, a distance of 1912.94 feet;
11. East, a distance of 520.00 feet;
12. South, a distance of 1332.00 feet;
13. S 00°12'59" W, a distance of 403.92 feet;

Thence along the northerly and westerly right-of-way of the Farmers Highline Canal as described in Book 126 at page 27, the following twelve (12) courses:

1. S 56°57'25" W, a distance of 35.40 feet;
2. S 43°27'45" W, a distance of 52.00 feet;
3. S 34°27'25" W, a distance of 51.80 feet;
4. S 25°57'25" W, a distance of 183.50 feet;
5. S 45°12'25" W, a distance of 35.00 feet;
6. S 69°12'25" W, a distance of 32.40 feet;
7. S 73°57'25" W, a distance of 154.60 feet;
8. S 71°17'25" W, a distance of 65.40 feet;
9. S 51°17'25" W, a distance of 83.50 feet;
10. S 35°57'25" W, a distance of 215.90 feet;
11. S 11°57'25" W, a distance of 74.80 feet;
12. S 06°32'41" W, a distance of 232.53 feet to a point on the northerly limits of the City of Arvada;

Thence along said City of Arvada limits the following thirteen (13) courses:

1. Along a non tangent curve to the left whose radius is 539.33', Delta is 75°46'19", and whose long chord bears S 43°47'34" W - 662.40', and arc length of 713.25 feet;
2. S 05°54'22" W, a distance of 150.00 feet to a point of curve;
3. Along a curve to the right whose radius is 700.00', Delta is 61°05'27" and whose long chord bears S 36°27'05" W-711.51', an arc length of 746.37 feet;
4. S 66°59'48" W, a distance of 1266.52 feet to a point of curve;
5. Along a curve to the right whose radius is 1767.22', Delta is 23°17'57", and whose long chord bears S 78°38'46" W-713.69', an arc length of 718.63 feet;
6. N 89°42'15" W, a distance of 50.00 feet to a point of curve;
7. Along a curve to the left whose radius is 2815.00', Delta is 19°54'18", and whose long chord bears N 79°45'06" W-973.04', an arc distance of 977.95 feet;
8. N 69°47'57" W, a distance of 756.84 feet to a point of curve;
9. Along a curve to the left whose radius is 1336.58', Delta is 19°46'13", and whose long chord bears N 79°41'04" W-458.91', an arc distance of 461.19 feet;
10. N 89°34'09" W, a distance of 203.71 feet;
11. N 89°34'09" W, a distance of 1160.00 feet;
12. S 26°17'57" E, a distance of 159.19 feet;
13. S 07°19'23" E, a distance of 105.20 feet to a point on the northerly right-of-way line of West 86th Parkway;

Thence along said right-of-way line the following two (2) courses:

1. Along a non tangent curve to the right whose radius is 1380.00', Delta is 04°13'49", and whose long chord bears S 76°32'41" W-101.86', an arc distance of 101.89 feet;
2. S 11°36'28" E, a distance of 5.44 feet to said City of Arvada limits;

Thence along said City of Arvada limits, the following four (4) courses:

1. N 87°54'34" W, a distance of 570.41 feet;
2. N 77°51'34" W, a distance of 1430.00 feet;
3. S 88°08'56" W, a distance of 320.00 feet;
4. N 89°21'27" W, a distance of 21.81 feet;

Thence N 00°39'48" W, a distance of 685.65 feet; thence N 89°59'52" W, a distance of 721.24 feet; thence N 00°39'47" W, a distance of 604.04 feet; thence S 89°52'33" W, a distance of 589.44 feet; thence S 89°52'33" W, a distance of 589.44 feet; thence S 89°52'33" W, a distance of 599.58 feet; thence N 00°37'55" W, a distance of 916.20 feet; thence N 52°53'39" E, a distance of 1514.19 feet; Thence S 82°47'51" W, a distance of 477.50 feet, thence S 64°21'51" W,

a distance of 526.30 feet; thence N 19°01'09" W, a distance of 230.20 feet; thence N 37°49'51" E, a distance of 692.20 feet; thence N 34°54'09" W, a distance of 281.30 feet; thence N 77°48'56" W, a distance of 502.39 feet; thence N 89°47'08" W, a distance of 640.95 feet to the east R.O.W. line of North Alkire Street; thence S 00°08'47" E and along the east R.O.W. line of North Alkire Street, a distance of 300.17 feet; thence S 89°44'05" W, a distance of 430.64 feet; thence N 00°14'37" W, a distance of 200.03 feet; thence S 85°49'45" W, a distance of 1119.72 feet; thence N 00°25'33" W, a distance of 106.06 feet; thence N 87°04'13" E, a distance of 22.13 feet; thence N 00°14'03" W, a distance of 334.71 feet; thence N 87°04'13" E, a distance of 99.89 feet; thence N 00°14'03" W, a distance of 350.00 feet; thence N 89°45'57" E, a distance of 100.00 feet; thence in 00°14'03" W, a distance of 643.98 feet; thence in N 87°07'22" E, a distance of 1278.29 feet to a point on the west R.O.W. line of North Alkire Street; thence along said west R.O.W. line, N 00°12'37" E, a distance of 814.50 feet; thence N 39°26'39" W, a distance of 595.17 feet to a point on the south R.O.W. line of West 96th Avenue; thence S 87°04'24" W, a distance of 2199.59 feet; thence S 86°53'36" W, a distance of 2365.63 feet to a point on the east R.O.W. line of North Indiana Street; thence N 00°49'39" W, a distance of 60.05 feet to the north R.O.W line of W. 96th Avenue; thence along said north R.O.W. line N 86°54'17" E, a distance of 2359.81 feet; thence N 87°01'45" E, a distance of 2405.89 feet, thence N 27° 51'09" E, a distance of 387.05 feet to a point on the west R.O.W. line of North Alkire Street; thence N 00°07'54" E, and along said west R.O.W. line a distance of 318.90 feet; thence along the boundaries of annexations recorded in Book 37 at page 56 and Book 94 at page 51, the following eleven (11) courses;

1. S 71°26'32" E, a distance of 845.20 feet;
2. N 15°35'12" E, a distance of 595.02 feet;
3. S 62°41'51" E, a distance of 1362.81 feet;
4. N 52°19'04" E, a distance of 1060.33 feet;
5. N 06°23'01" W, a distance of 392.36 feet;
6. N 64°25'55" E, a distance of 817.21 feet;
7. S 70°45'00" E, a distance of 1045.00 feet;
8. N 00°22'14" E, a distance of 1151.13 feet to a point on the southerly R.O.W. line of W. 100th Avenue;
9. Along said southerly R.O.W. line, S 89°22'09" E, a distance of 615.57 feet to a point on the west line, SW 1/4, said Section 16;
10. Thence continuing along said southerly R.O.W. line, N 89°45'02" E, a distance of 2690.46 feet;
11. Continuing on said southerly right-of-way line, N 89°44'55" E, a distance of 2668.08 feet to the point of beginning.

Said described parcel of land containing 2,131.418 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of October, 1998.

ATTEST:

Mayor

City Clerk
Standley Lake Annexation and Zoning

BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO.
SERIES OF 1998 INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 16, 17, 19, 20, 21, 22, 27, 28, AND 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code sections 11-5-1.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

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

A parcel of land located in Sections 16, 17, 19, 20, 21, 22, 27, 28, and 29, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 16, and using a basis of bearings of the north line of the southeast 1/4 of said Section 16 as bearing N 89°44'55" E; thence S 00°28'47" W, a distance of 30.00 feet to the true point of beginning, said point also being on the boundary of an annexation recorded in Book 33 at page 59; thence along the boundaries of annexations recorded in Book 37 at page 59, Book 37 at page 21, and Book 40 at page 49, the following 15 courses:

1. S 90°00'00" E, a distance of 773.95 feet;
2. S 00°46'44" W, a distance of 149.26 feet;
3. N 68°27'00" E, a distance of 72.00 feet;
4. S 70°56'00" E, a distance of 99.00 feet;
5. S 13°55'00" E, a distance of 74.22 feet;
6. S 24°09'00" W, a distance of 262.11 feet;
7. S 33°18'00" W, a distance of 210.86 feet;
8. S 37°15'00" W, a distance of 124.88 feet;
9. S 69°36'00" W, a distance of 495.07 feet;

10. S 78°40'00" W, a distance of 201.96 feet;
11. S 00°22'50" W, a distance of 2554.69 feet;
12. S 24°36'31" E, a distance of 1912.94 feet;
13. East, a distance of 520.00 feet;
14. South, a distance of 1332.00 feet;

15. S 00°12'59" W, a distance of 403.92 feet;

Thence along the northerly and westerly right-of-way of the Farmers Highline Canal as described in Book 126 at page 27, the following twelve (12) courses:

1. S 56°57'25" W, a distance of 35.40 feet;
2. S 43°27'25" W, a distance of 52.00 feet;
3. S 34°27'25" W, a distance of 51.80 feet;
4. S 25°57'25" W, a distance of 183.50 feet;
5. S 45°12'25" W, a distance of 35.00 feet;
6. S 69°12'25" W, a distance of 32.40 feet;
7. S 73°57'25" W, a distance of 154.60 feet;
8. S 71°17'25" W, a distance of 65.40 feet;
9. S 51°17'25" W, a distance of 83.50 feet;
10. S 35°57'25" W, a distance of 215.90 feet;
11. S 11°57'25" W, a distance of 74.80 feet;
12. S 06°12'25" W, a distance of 232.53 feet to a point on the northerly limits of the City of Arvada;

Thence along said City of Arvada limits the following thirteen (13) courses:

1. Along a curve to the left whose radius is 539.33', Delta is 76°46'19", and whose long chord bears S 43°47'34" W-662.40', an arc length of 713.25 feet;
2. S 05°54'22" W, a distance of 150.00 feet to a point of curve;
3. Along a curve to the right whose radius is 700.00', Delta is 61°05'27" and whose long chord bears S 36°27'05" W-711.51', an arc length of 746.37 feet;
4. S 66°59'48" W, a distance of 1266.52 feet to a point of curve;
5. Along a curve to the right whose radius is 1767.22', Delta is 23°17'57", and whose long chord bears S 78°38'46" W-713.69', an arc length of 718.63 feet;
6. N 89°42'15" W, a distance of 50.00 feet to a point of curve;
7. Along a curve to the left whose radius is 2815.00', Delta is 19°54'18", long chord bears N 79°45'06" W-973.04', an arc distance of 977.95 feet;
8. N 69°47'57" W, a distance of 756.84 feet to a point of curve;
9. Along a curve to the left, whose radius is 1336.58', Delta is 19°46'13" and whose long chord bears N 79°41'04" W-458.91', an arc distance of 461.19 feet;
10. N 89°34'09" W, a distance of 203.71 feet;
11. N 89°34'09" W, a distance of 1160.00 feet;
12. S 26°17'57" E, a distance of 159.19 feet;
13. S 07°19'23" E, a distance of 105.20 feet to a point on the; northerly right-of-way line of West 86th Parkway;

Thence along said right-of-way line the following two (2) courses:

1. Along a curve to the right whose radius is 1380.00', Delta is 04°31'49", and whose long chord bears S 76°32'41" W-101.86', an arc distance of 101.89 feet;
2. S 11°36'28" E, a distance of 5.44 feet to said City of Arvada limits;

Thence along said City of Arvada limits, the following four (4) courses:

1. N 87°54'34" W, a distance of 570.41 feet;
2. N 77°51'34" W, a distance of 1430.00 feet;
3. S 88°08'56" W, a distance of 320.00 feet;
4. N 89°21'27" W, a distance of 21.81 feet;

Thence N 00°39'48" W, a distance of 685.65 feet; thence N 89°59'52" W, a distance of 721.24 feet; thence N 00°39'47" W, a distance of 604.04 feet; thence S 89°52'33" W, a distance of 589.44 feet; thence S 89°52'33" W, a distance of 599.58 feet; thence N 00°37'55" W, a distance of 916.20 feet; thence N 52°53'39" E, a distance of 1514.19 feet; thence S 82°47'51" W, a distance of 477.50 feet; Thence S 64°21'51" W, a distance of 526.30 feet, thence N 19°01'09" W, a distance of 230.20 feet; thence N 37°49'51" E, a distance of 692.20 feet; thence N 34°54'09" W, a distance of 281.30 feet; thence N 77°48'56" W, a distance of 502.39 feet; thence N 89°47'08" W, a distance of 640.95 feet to the east R.O.W. line of North Alkire Street; thence S 00°08'47" E and along the east R.O.W. line of North Alkire Street, a distance of 300.17 feet; thence S 89°44'05" W, a distance of 430.64 feet;

thence N 00°14'37" W, a distance of 200.03 feet; thence S 85°49'45" W, a distance of 1119.72 feet; thence N 00°25'33" W, a distance of 106.06 feet; thence N 87°04'13" E, a distance of 22.13 feet; thence N 00°14'03" W, a distance of 334.71 feet; thence N 87°04'13" E, a distance of 99.89 feet; thence N 00°14'03" W, a distance of 350.00 feet; thence N 89°45'57" E, a distance of 100.00 feet; thence in 00°14'03" W, a distance of 643.98 feet; thence in N 87°07'22" E, a distance of 1278.29 feet to a point on the west R.O.W. line of North Alkire Street; thence along said west R.O.W. line, N 00°12'37" E, a distance of 814.50 feet; thence N 39°26'39" W, a distance of 595.17 feet to a point on the south R.O.W. line of West 96th Ave.; thence S 87°04'24" W, a distance of 2199.59 feet; thence S 86°53'36" W, a distance of 2365.63 feet to a point on the east R.O.W. line of North Indiana Street, thence N 00°49'39" W, a distance of 60.05 feet to the north R.O.W line of W. 96th Ave.; thence along said north R.O.W. line N 86°54'17" E, a distance of 2359.81 feet; thence N 87°01'45" E, a distance of 2405.89 feet, thence N 27° 51'09" E, a distance of 387.05 feet to a point on the west R.O.W. line of North Alkire Street; thence N 00°07'54" E, and along said west R.O.W. line a distance of 318.90 feet; thence along the boundaries of annexations recorded in Book 37 at page 56 and Book 94 at page 51, the following eleven (11) courses;

1. S 71°26'32" E, a distance of 845.20 feet;
2. N 15°35'12" E, a distance of 595.02 feet;
3. S 62°41'51" E, a distance of 1362.81 feet;
4. N 52°19'04" E, a distance of 1060.33 feet;
5. N 06°23'01" W, a distance of 392.36 feet;
6. N 64°25'55" E, a distance of 817.21 feet;
7. S 70°45'00" E, a distance of 1045.00 feet;
8. N 00°22'14" E, a distance of 1151.13 feet to a point on the southerly R.O.W. line of W. 100th Avenue;
9. Along said southerly R.O.W. line, S 89°22'09" W, a distance of 615.57 feet to a point on the west line. SW 1/4, said Section 16;
10. Thence continuing along said southerly R.O.W. line, N 89°45'02" E, a distance of 2690.46 feet;
11. Continuing on said southerly right-of-way line, N 89°44'55" E, a distance of 2668.08 feet to the point of beginning.

Said described parcel of land containing 2134.990 acres, more or less.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of October, 1998.

ATTEST:

Mayor

City Clerk

Standley Lake Annexation and Zoning

Date: September 28, 1998

Subject: Resolution No. re Kohl's Department Store Development Project

Prepared by: Becky Johnson, Economic Development Specialist
John Quinn, Planner II

Introduction

City Council action is requested to designate Kohl's Department Store as an Economic Development Project, for the purpose of allowing the development to receive Administrative Review per City Code subsection 11-5-8(B). The project meets the City's economic development goals and qualifies for economic assistance.

Summary

The Kohl's Department Store site comprises 9.31 acres, located at the southwest corner of 120th Avenue and Sheridan Boulevard. It is an important economic development project for the City of Westminster based on the project being both a generator of sales tax revenue and job creation.

The City Code permits administrative approval for an Official Development Plan (ODP), for a non-residential project under 20 acres in size, by the City Manager, if City Council determines that the project furthers the economic development goals of the City, or if it qualifies for economic development assistance. This development meets the criteria required by the Code; and is zoned for the use intended and conforms to the adopted Comprehensive Land Use Plan. Staff believes that Kohl's meets the criteria under the Westminster City Code to be considered an economic development project given its potential for significant sales tax revenues for the City. Allowing administrative approval is important to the financing of the project and to keep it on a time sensitive construction schedule, in order for 5 regional stores to open on the same day.

Staff Recommendation

Adopt Resolution No. designating Kohl's Department Store to be located at 120th Avenue and Sheridan Boulevard as an Economic Development Project for the City of Westminster.

Background Information

Kohl's Department Store is a family focused, value-oriented specialty department store offering national brand apparel, shoes, home accessories and home products. Corporate headquarters are based in Menomonee Falls, Wisconsin.

Several attempts have been made to develop this site in recent years. All previous attempts have failed due to the difficulties of attaining access and drainage approval needed through the City of Broomfield. Kohl's Department Store has worked toward resolution of these issues and is willing to open the facility regardless of obtaining direct access to 120th Avenue from the City of Broomfield. The store is being constructed as a 86,000 square foot facility, at an estimated cost of \$4.1 million. The building is designed to expand to 102,900 square feet, as the market allows.

The estimated annual Sales Tax to be generated by this store is projected to be \$580,000.

Staff believes the long-term benefits to the City from Kohl's revenues are significant and will serve as a shopping focal point for area residents.

Kohl's representatives are presently processing an official development plan and discussing with Staff a desired business assistance package.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

DECLARING THE KOHL'S DEPARTMENT STORE DEVELOPMENT AS AN ECONOMIC DEVELOPMENT PROJECT FOR THE CITY OF WESTMINSTER

WHEREAS, the City is engaged in the development of the Kohl's Department Store, a retail clothing department store, and

WHEREAS, the project will result in providing opportunities for additional shopping and employment to area residents, and additional sales tax revenues to the City of Westminster, and

WHEREAS, Kohl's Department Store will be composed of a 9.31 acres site and a second lot of 1.78 acres, designated for commercial development, and

WHEREAS, Section 11-5-8(B) of the Westminster Municipal Code allows that an Official Development Plan (ODP) for a non-residential project under 20 acres in size may be administratively approved by the City Manager if it is determined that the project furthers the City's economic development goals, or if it qualifies for economic development assistance.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that Kohl's Department Store be designated as an economic development project, enabling the City Manager to administratively approve the Official Development Plan for the project.

Passed and adopted this 28th day of September, 1998.

ATTEST:

Mayor

City Clerk

Date: September 28, 1998

Subject: Resolution No. re New Senior Housing Service Commitment Award

Prepared by: Shannon Sweeney, Planner II

Introduction

City Council action is requested to adopt the attached Resolution awarding Category E Service Commitments to one new senior housing project in 1998. This Resolution relates to the City's Growth Management Program.

Summary

City Staff recently conducted the 1998 New Senior Housing Competition and received one application for a new assisted living facility proposed for a 6.5 acre site at the southeast corner of 104th Avenue and Sheridan Boulevard. The Comprehensive Land Use Plan designation for the site is office/residential, and a senior housing project is a permitted use in this designation. The developer, Sunrise Development Inc., is proposing a total of 109 beds for this project. As specified in the City's Senior Housing Design Guidelines, to calculate the density of the project, a conversion ratio of 2.5 beds equal one dwelling unit is applied to facilities such as this with beds rather than dwelling units. When applied to this project, the density is below the ten dwelling unit per acre maximum density established in the Comprehensive Land Use Plan.

The developer for the Sunrise Assisted Living project requests a total of 38.15 Service Commitments to complete the project. (Service Commitments for senior housing units are calculated at .35 service commitments per unit or bed). The attached Resolution would award the entire 21 Service Commitments City Council allocated for new senior housing in 1998 to this project and includes an additional 17.15 Service Commitments in 1999 to finish the project. The developer estimates that all of the Commitments would likely be requested in 1999. Because the 1998 award would carry over into 1999, all Service Commitments necessary to complete the project would be available to the developer early in 1999 when the developer estimates the project would be built.

The developer for this project has prepared a brief slide presentation to present to the City Council at the City Council meeting on September 28, 1998. During the presentation, the applicant may distribute additional materials to the City Council for information purposes.

Staff Recommendation

Adopt Resolution No. awarding Category E Service Commitments to the Sunrise Assisted Living project submitted for the 1998 new senior housing competition.

Background Information

City Council approved a change in 1997 to the City's Growth Management Program that required new senior housing projects to compete for available Category E Service Commitments. At that time, Council allocated a total of 21 Service Commitments (60 new units) for new senior housing and authorized a new senior housing competition to be held in 1998. Because no design guidelines or competition criteria had been established prior to this, City Staff developed the Senior Housing Design Guidelines (and point system) which Council approved in June 1998.

These guidelines were used as a basis for the City's first new senior housing competition that Planning Division Staff initiated following Council approval of the new guidelines. Staff sent notices to builders and developers regarding the Service Commitment competitions and mailed or distributed application packets to those interested in entering the competitions. Each application packet includes a General Information Sheet, Application Form, Competition Score Sheets, and a copy of the City's Senior Housing Design Guidelines. Interested applicants were required to complete and submit an application, competition score sheets, and submit a sketch plan, vicinity map, and legal description of the property. A general information meeting was held for developers and builders interested in developing a new senior housing project in 1998. Five people attended the meeting to get additional information about the process. Three of those people represented the only project which was submitted for the competition by the deadline.

Since the City's Growth Management Program specifies that no development plan review for any new residential project may begin before Service Commitments are awarded to the project, City Staff has not begun a thorough review of the site plan submitted for the competition. Please keep in mind that the site plan and any other additional materials distributed to the City Council may change during the development review process. By adopting the attached Resolution, City Council would not be approving the projects specified in the Resolution but would be awarding Service Commitments to the project to allow the developer to proceed to the City's development review process. Staff review, and possibly Planning Commission and City Council review, of any and all required Preliminary and Official Development Plans are required following the Service Commitment award.

Sunrise Development Inc. has included a total of 1,585 incentive points for items which would be provided with this project if awarded Service Commitments through this competition. Incentives chosen by the developer and listed on the score sheets include six-foot sidewalks detached five feet from the curb with street trees planted in this area, an outdoor water feature such as a small pond or fountain, building heights not to exceed one-story, roof breaks on all buildings, and upgraded landscaping in the right-of-way and project entry areas.

The developer for this project has already met with residents of the adjacent existing residential neighborhood, Hyland Greens. Within the application packet, Sunrise Development Inc. has included a letter from the First Hyland Greens Homeowners Association supporting the proposed project (attached). Also attached is a petition submitted to the City with 18 signatures of Hyland Greens residents who favor the potential senior housing development.

Because this is the City's first new senior housing competition based on new guidelines recently adopted by the City Council, City Staff expects that refinements to the guidelines and/or point system will be necessary in the future. In fact, City Staff has received input from the developer of this proposed project for improvements to the guidelines. Staff has found this feedback very beneficial, and agrees with most of the suggestions made by the applicant for this competition. Based on this input, Staff will recommend a few changes to the guidelines and competition criteria for Council consideration prior to a future senior housing competition.

On the score sheets for this competition, applicants are instructed to place a check mark next to each minimum requirement verifying that each would be met as part of the proposed project. For this competition, the applicant has checked all of the minimums that apply with the exception of the parking ratio minimum and the covered parking minimum requirement. The applicant contends, that with assisted living facilities, the existing parking ratio is excessive and the covered parking percentage requirement should not apply since with facilities of this type, most of the residents do not drive or even own vehicles. The applicant has asked the City to reconsider these requirements, and after review of these requests, Staff agrees the requirements should be altered.

City Planning Staff is currently conducting research to determine more appropriate and reasonable parking ratios for different types of senior housing. Because the current standards are established in the Westminster Municipal Code, this type of change would require a Code amendment. City Staff plans to present a proposed amendment to the parking ratios for City Council consideration at an upcoming City Council meeting. The revised parking ratios, if approved by City Council, would apply to this project in place of the current parking ratios listed in the guidelines. Staff recommends waiving the current covered parking percentage requirement as part of this project since most residents would not own or operate vehicles at this assisted living facility.

The possibility always exists that, during the detailed planning process, the applicant may decide not to proceed and may withdraw from the review process. While that has not occurred in the most recent new residential competitions, some of the project designs changed significantly from the conceptual plan submitted for the competition. The intent of this Service Commitment competition is only to allow this new senior housing project to proceed to the City's development review process, not to begin the review process prior to Service Commitment award.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

1998 CATEGORY E (NEW SENIOR HOUSING)
COMPETITION AND SERVICE COMMITMENT AWARD

WHEREAS, the City of Westminster has adopted by Ordinance No. 2571 a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2571 there is a provision that Service Commitments for residential projects shall be awarded for new senior housing in Category E on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City of Westminster has adopted Resolution No. 39, Series of 1998, specifying the various standards based upon their impact on the health, safety and welfare of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has allocated 21 Service Commitments for the year 1998 for use in servicing new senior housing projects; and

WHEREAS, the Service Commitment awards to the various categories of the Growth Management Program are made each year in order to allow various types of development to occur during the ensuing year; and

WHEREAS, one application was received for the new senior housing competition with a total of 27.3 Service Commitments requested over the next two years for the total build-out of the 109-bed assisted living project proposed; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

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

- 1. Category E Service Commitment awards for new senior housing in 1998 are hereby made as follows:

| <u>Project</u> | | <u>YEAR</u> | | <u>Total</u> |
|------------------------|------|-------------|-------------|--------------|
| | | <u>1998</u> | <u>1999</u> | |
| Sunrise at Westminster | 21.0 | 17.15 | 38.15 | |

- 2. This Service Commitment award to the project listed above is conditional and subject to the following:

- a. The applicant must complete and submit proposed development plans to the City for the required development review processes.

- b. The Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of the project or proposed density.

- c. The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category E award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category E award.

d. Any and all projects which do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.

e. The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.

f. This Service Commitment award shall be subject to all of the provisions specified in Chapter 3 of Title XI of the Westminster Municipal Code.

g. The Category E Service Commitment award for new senior housing shall be valid for a period of two (2) years from the date of award specified on this Resolution (September 28, 1998) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that two-year period unless specifically extended by the City Council.

h. If Service Commitments are allowed to expire and are not extended by the City Council or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

i. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.

3. The Category E Service Commitment award for new senior housing shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over into the following year provided the Service Commitments have not expired as specified above. Requests for additional Service Commitments from future award years must be submitted in writing to the City for review and consideration.

Passed and adopted this 28th day of September, 1998

ATTEST:

Mayor

City Clerk

Date: September 28, 1998
Subject: Councillor's Bill No. re Restorative Justice Grant
Prepared by: Dan Montgomery, Chief of Police

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$23,445 from the Department of Justice Restorative Justice in Schools Grant to the Police Department Community Services Division Budget.

Summary

In December 1997, the Police Department and Mandalay Middle School applied for a Department of Justice Grant for funding of a Restorative Justice Program at Mandalay Middle School. The Department of Justice approved the grant on July 15, 1998, and will provide total funding of \$23,445.

The Restorative Justice Program is an intensive intervention which involves the at-risk student, teachers, counselors, administrators, and other staff members, as well as the School Resource Officer. The focus is on teaching and encouraging responsible behavior rather than controlling irresponsible behavior. The Department of Justice grant will fund the program coordinator's salary and other miscellaneous expenses involved with running the program. The Restorative Justice Program will focus on the most high risk students in the school which is approximately 15% of the school's population. Another approximate 15% will be involved in the program as victims.

The community, parents, police and schools are always looking for ways to break the cycle of suspension and expulsion and help students bond to their school and care about their education. Alternative measures need to be evaluated to help students learn from their mistakes and reconcile and resolve problems with others, and in Staff's opinion, this program is a worthwhile endeavor.

Staff Recommendation

Pass Councillors Bill No. on first reading appropriating \$23,445 to the Police Department Community Services Division Budget.

Background Information

The suspension and expulsion rates in schools are increasing. Frequently, students who are suspended continue to display anti-social behavior after returning to school and are often suspended again within the school year. Expulsion rates have increased dramatically since the state law mandating expulsion for certain behaviors was passed. One mandated reason for expulsion is for being "habitually disruptive." Though this action was taken by the state to make schools safer for most children, there is concern that the students who get caught in the cycle of suspension become less committed and bonded to their school thus making them even more at risk for criminal behaviors.

Mandalay Middle School has a full time Westminster Police Department SRO) who works closely with the school administration on discipline issues. The SRO Officer has developed a good working relationship with the school staff, students, and has worked closely with the school's comprehensive discipline plan.

In December 1997, Mandalay Junior High School approached the Police Department with their concerns relating to school suspensions and expulsions and submitted a proposal for a restorative justice in schools program. Mandalay administrators requested assistance from the Police Department in obtaining funding from the Department of Justice through a Restorative Justice in Schools Grant. The police department applied for the Restorative Justice in Schools Grant and the grant was approved on July 15, 1998. The grant period is July 1, 1998 to June 30, 1999 and the funding will pay for personnel for training, supervision, and evaluation, substitute teachers, mileage, and copying and postage expenses. The match of \$23,048 will be provided by Mandalay Middle School in the amount of \$17,430 and the Police Department's match is soft dollar costs in the amount of \$5,618. Mandalay's match is in the form of staff salaries, and the police department's match is the School Resource Officer's (SRO) salary and the department's facility rental for training for four days.

One of the prime objectives of the program is to assist students in the development of behavior that is socially acceptable, respectful, and mindful of the dignity of others. The program has a number of interventions that include teachers, counselors, administrators, and other staff members, as well as the SRO Officer, who focus on teaching and encouraging responsible behavior rather than controlling irresponsible behavior.

Mandalay believes the majority of their students are responsible citizens. However, approximately 15% of the population do not contribute positively to the learning community. These students are responsible for multiple suspensions which result in time away from the school and which is often unsupervised time in the community. The school administration, along with the SRO Officer want to better address this problem in such a way as to productively reintegrate these students into the school setting, and reduce the youth's low commitment to school and increase their commitment to their education. It is thought that this plan directly supports the goals and objectives for placing the SRO in the school, and it would help the school and the SRO to better serve the student population and the community.

The program will consist of: facilitator training on the restorative justice model of family group conferencing; training for the school staff; presentations to members of community organizations who provide services to youth, families and schools; monthly supervision meetings of trained facilitators; and evaluation of the program and planning sessions with the school and facilitators for the next school year.

It is Staff's observation that law enforcement and the community wish to see students learn from their mistakes, learn more self-control, and re-enter the school setting with a responsible attitude and a feeling that they are part of their school and not feeling alienated and rebellious. This program is intended to help accomplish this goal.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1998 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the General Fund, initially appropriated by Ordinance No. 2566 in the amount of \$ 49,228,260 is hereby increased by \$ 23,445 which, when added to the fund balance as of the City Council action on September 28, 1998, will equal \$ 51,483,213. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a U.S. Department of Justice grant to fund the Restorative Justice in Schools Program.

Section 2. The \$23,445 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

| <u>Description</u> <u>Final Budget</u> | <u>Current Budget</u> | <u>\$ Increase</u> | |
|---|-----------------------|--------------------|----------|
| <u>REVENUES</u> | | | |
| Federal Intergovernmental | | | |
| 10-0426-096 | \$-0- | <u>\$23,445</u> | |
| \$=23,445= | | | |
| <u>EXPENSES</u> | | | |
| Contractual Services: | | | |
| Restorative Justice Grant | | | |
| 10-20-27-299-096 | \$-0- | \$23,445 | \$23,445 |

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 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this th day of October, 1998.

ATTEST:

Mayor

City Clerk

Date: September 28, 1998

Subject: Councillor's Bill No. re Criminal Mischief and Theft-Related Offenses

Prepared by: Mark Cohen, Assistant Prosecuting Attorney

Introduction

City Council is requested to pass the attached Councillor's Bill on first reading amending the Westminster Municipal Code concerning criminal mischief and certain theft-related offenses.

Summary

The City has adopted ordinances authorizing municipal prosecution for criminal mischief, fraud by check, theft of rental property, and theft by receiving when the economic loss is less than \$400.00.

The Colorado statutes governing these offenses were recently amended so that offenses involving an economic loss of less than \$500.00 are now misdemeanors. To bring the City's ordinances into line with the counterpart state statutes, Staff recommends that the Westminster Municipal Code be amended to authorize municipal prosecution of these offenses when the economic loss is less than \$500.00.

Staff Recommendation

Pass Councillor's Bill No. on first reading amending the Westminster Municipal Code concerning criminal mischief and certain theft-related offenses.

Background Information

The City has adopted ordinances authorizing municipal prosecution for certain offenses when the economic loss is less than \$400.00. Those ordinances include W.M.C. section 6-3-4 (criminal mischief), section 6-3-8 (fraud by check), section 6-3-9 (theft of rental property), and section 6-3-10 (theft by receiving). The \$400.00 limit was selected because, until recently, the parallel state statutes classified such offenses as felonies when the economic loss was \$400.00 or more.

In May, the Legislature amended the counterpart state statutes so that these four offenses are now misdemeanors if the economic loss is less than \$500.00.

Given the Legislature's action, it is appropriate to amend the City's ordinances governing these offenses to authorize municipal prosecution when the economic loss is less than \$500.00. This will bring the Westminster Municipal Code into line with the current statutory scheme. From a practical standpoint, it will benefit the City by enabling Police Officers to cite all misdemeanor offenders into Municipal Court, thereby avoiding the more cumbersome procedures used in the county and district courts and reducing the number of court appearances required in those courts.

The proposed ordinance is in the nature of a housekeeping measure to maintain consistency between the Westminster Municipal Code and the counterpart state statutes. As an alternative, Council could decide not to implement the higher limit on municipal court jurisdiction, but the effect would be that offenses involving an economic loss of \$400.00 to \$499.99 would have to be filed in the appropriate district court. The District Attorneys with jurisdiction over Adams and Jefferson Counties have indicated a reluctance to prosecute such cases.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING JURISDICTIONAL LIMITS FOR THE OFFENSES OF CRIMINAL MISCHIEF, FRAUD BY CHECK, THEFT OF RENTAL PROPERTY AND THEFT BY RECEIVING

THE CITY OF WESTMINSTER ORDAINS:

Section 1. W.M.C. section 6-3-4 is hereby AMENDED to read as follows:

6-3-4: CRIMINAL MISCHIEF: (A) Criminal Mischief/Public Property:

It shall be unlawful for any person to knowingly or recklessly damage the real or personal property, or improvements thereto, belonging to the City or other public entity where the aggregate damage to the real or personal property is less than ~~four~~ FIVE hundred dollars (~~\$400~~) (\$500).

(B) Criminal Mischief/Private Property: It shall be unlawful for any person to knowingly or recklessly damage the real or personal property of one or more other persons where the aggregate damage to the real or personal property is less than ~~four~~ FIVE hundred dollars (~~\$400~~) (\$500).

(C) Criminal mischief is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

Section 2. W.M.C. section 6-3-8 is hereby AMENDED to read as follows:

6-3-8: FRAUD BY CHECK: (A) It shall be unlawful to commit fraud by check. Any person who deceitfully issues a check, for less than ~~four~~ FIVE hundred dollars (~~\$400~~) (\$500), which is not paid because the drawer has insufficient funds with the drawee issues a fraudulent check and commitS fraud by check.

(B) Fraud by check is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

Section 3. W.M.C. section 6-3-9 is hereby AMENDED to read as follows:

6-3-9: THEFT OF RENTAL PROPERTY: (A) It shall be unlawful for any person to commit theft of rental property. A person commits theft of rental property if, with regard to personal property, the value of which is less than ~~four~~ FIVE hundred dollars (~~\$400~~) (\$500) he:

1. Obtains the temporary use of personal property of another, which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or

2. Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire knowingly fails to reveal the whereabouts of or to return said property to the owner thereof or his representative or to the person from whom he has received it within seventy-two (72) hours after the time at which he agreed to return it.

(B) Theft of rental property is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

Section 4. W.M.C. section 6-3-10 is hereby AMENDED to read as follows:

6-3-10: THEFT BY RECEIVING: (A) It shall be unlawful for any person to commit theft by receiving. A person commits theft by receiving when he receives, retains, loans money by pawn or pledge on, or disposes of any thing of up to ~~four~~ FIVE hundred dollars (~~\$400~~) (\$500) in value of another, knowing or believing that said thing of value has been stolen, and when he intends to deprive the lawful owner permanently of the use or benefit of the thing of value.

(B) A person may be convicted of theft by receiving whether or not the person who stole the thing of value from the lawful owner is charged or convicted.

(C) Theft by receiving is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of October, 1998.

ATTEST:

Mayor

City Clerk

Date: September 28, 1998
Subject: Ice Centre Management and Lease Agreements
Prepared by: Bill Walenczak, Director of Parks, Recreation & Libraries

Introduction

City Council action is requested to authorize the City Manager to sign the Ice Centre management agreement and the lease agreement between the City of Westminster and Hyland Hills Park and Recreation District.

Summary

On January 28, 1998 the City of Westminster and the Hyland Hills Park and Recreation District signed an intergovernmental agreement (IGA) for the purpose of constructing and operating an ice centre at the Westminster Promenade. Since the IGA did not go into the details of actual operation, accounting, leasing of the facility, and insurance issues, it was necessary to draft a management agreement and lease agreement to address those items.

Highlights of the management agreement are as follows:

- The Hyland Hills "Enterprise" shall manage the operation of the Ice Centre at the Promenade. The Enterprise shall follow the conditions set forth in the IGA dated January 28, 1998 and the management agreement attached to this document.
- The Enterprise shall hire, train, and supervise the employees of the Ice Centre. All personnel shall be employees of the Enterprise.
- The Enterprise shall be responsible for purchase or acquisition of all property necessary for the operation of the Enterprise. Title to all property shall be in the name of both the City and the Enterprise.
- The Enterprise shall be responsible for all planning, scheduling, and business operations for the Ice Centre.
- The City shall review the annual budget before it is approved by the Enterprise. The City shall have a date certain to approve or disapprove the budget.
- A capital equipment reserve fund shall be established within the Ice Centre budget.
- The Enterprise shall collect and account for all revenue collected by the Ice Centre.
- The Enterprise shall obtain and maintain policies of insurance. The City shall be responsible for maintaining certain policies of insurance described in Exhibit D.
- The Enterprise shall provide the City a monthly statement reporting the gross revenues received and operating expenses incurred during the prior month.
- The use of all sponsorship revenues shall be jointly approved by both entities.
- The Enterprise shall maintain full and accurate business and accounting records for the Ice Centre.

Highlights of the lease agreement are as follows:

- The Hyland Hills Enterprise shall pay rent for the facility as set forth in the IGA
- No part of premises shall be subleased without the consent of the City
- The City may expel the lessee and take control of the premises without due process of law
- Lessee and lessor shall maintain insurance coverage as set forth in Exhibit B.

Alternatives

- City Council could choose to revise certain parts of the management agreement.
- City Council could reject the terms of the management agreement and direct Staff to draft a new document.

Staff Recommendation

1. Authorize the City Manager to sign the Ice Center Management Agreement between the City of Westminster and Hyland Hills Park and Recreation District acting by and through its Recreation Facilities Enterprise.
2. Pass Councillor's Bill No. on first reading authorizing the City Manager to sign the Lease Agreement between the City of Westminster and Hyland Hills Park and Recreation District acting by and through its Recreation Facilities Enterprise.

Background Information

The City of Westminster and Hyland Hills Park and Recreation District have entered into an intergovernmental agreement to construct a 3 rink ice arena at the Westminster Promenade located north of 104th Avenue at Westminster Boulevard. The project will include 3 full size ice rinks measuring 200' x 80', locker and changing rooms, warming room, party rooms, ballet/aerobics, figure skating locker room, concession, pro shop, skate rental, restaurant, office/retail space, and Promenade Club. The total construction cost is \$11,988,000 and is being funded through certificates of participation (COP's) that have been issued by the City of Westminster. The project will open in phases with the first rink coming on line in early October.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Management and Lease Agreements

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A LEASE WITH HYLAND HILLS PARK AND RECREATION DISTRICT FOR THE LEASE OF THE ICE CENTRE

WHEREAS, City Council previously authorized an intergovernmental agreement between the City and the Hyland Hills Park and Recreation District for the purpose of constructing and operating an Ice Centre at the Westminster Promenade; and

WHEREAS, pursuant to said intergovernmental agreement, Hyland Hills will sublease an undivided fifty percent (50%) interest in the Ice Centre from the City; and

WHEREAS, the final form of the lease has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease between the City and Hyland Hills Park and Recreation District, acting by and through its Recreational Facilities Enterprise, for the lease of the Ice Centre is approved in substantially the same form as attached as Exhibit "A."

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of September, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of October, 1998.

Mayor

ATTEST:

City Clerk

Date: September 28, 1998
Subject: Heritage Golf Course Club House Appropriation/Construction Contract
Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill regarding a supplemental appropriation of \$160,000 (the amount of reallocated Westcliff Capital Improvement funds approved for transfer by City Council on July 27) into the Golf Course Enterprise Fund for construction of the Heritage Golf Course Club House. Since the Golf Course Funds are maintained in a separate enterprise fund, City Council needs to authorize this transfer of funds between the General Capital Improvement Project Fund and the Golf Course Enterprise Fund. This step was inadvertently excluded in the agenda memorandum referenced above. City Council action is further requested to authorize the City Manager to sign a contract with Fischer Construction in the amount of \$2,568,256 plus a contingency of \$100,000 for the construction of the golf course clubhouse and maintenance building.

Summary

The Club House and Maintenance Building construction contracts for The Heritage at Westmoor Golf Course have been renegotiated with the low bidder, Fischer Construction, Inc. Staff has worked with the consultant and contractor to "value engineer" all aspects of the two buildings to ensure the project is constructed within the budget parameters. The initial base bid came in over the project budget. City Council reviewed plans for the clubhouse earlier this year. Alternate plans, however, were developed based on an anticipated tight budget. Councillors and Staff preferred the plan that represented a full buildout of the clubhouse facility to include an event dining area for large functions, i.e. tournaments, and a full basement to accommodate cart storage. The project architect estimated that the cost of the clubhouse (full buildout) and maintenance facility would be in excess of \$2.4 million. The original budget projections prepared two years ago by Staff and the architect were approximately \$1.9 million. Staff is recommending that approximately \$250,000 of this shortfall be funded through capital improvement funds and the balance through value engineering that has already been done on the golf course construction contract. A total of \$160,000 of the \$250,000 needed from capital improvements is being proposed from the Westcliff acquisition surplus at this time. The remaining \$90,000 will be proposed in the 1999 CIP. These funds could be paid back from the golf course enterprise out of net profits that, hopefully, should be realized within a few years of full golf course operations.

The City received five bids by contractors as follows:

| <u>Contractor Name</u> | <u>Base Bid</u> |
|-----------------------------|-----------------|
| Fischer Construction, Inc. | \$2,685,928 |
| Milendor White | \$2,750,000 |
| Breiner Construction | \$2,804,979 |
| J.C. Brooks & Company, Inc. | \$3,045,501 |
| Mendle-Allison | \$3,114,000 |

All the bidders have excellent reputations in the building industry and the bidding results indicate the competitiveness of the bid process for this project, as well as high end costs in the construction industry due to the huge amount of building in the metro area. Staff and the building architect, Odell Architects P. C. have met with the low bidder, Fischer Construction, Inc., to analyze their bid and "value engineer" numerous items in the project resulting in a savings of \$117,672 thereby reducing the Fischer bid to \$2,568,250. It is Staff's opinion that the base bid submitted by Fischer Construction Inc. is a good bid and recommends awarding the contract to the low bidder, Fischer Construction, Inc.

The expense associated for the construction of this project should be charged to the Golf Course Construction Fund of which there is currently \$1,539,184 available. The balance of the project expenditures will be available in the 1999 Golf Course Construction Fund when Jefferson County transfers the final \$1,500,000 loan payment to the City, as well as the \$90,000 proposed in the 1999 CIP Budget. The contract will provide for work to cease if appropriated funds (Jefferson County loan) should be eliminated. The contractor would then recommence work depending on the availability of further funding. The current funds available (\$1,539,184), however, will be more than adequate to cover all 1998 project expenditures.

If City Council awards this contract, it is anticipated that construction of the clubhouse and maintenance building will start in October 1998 with a projected opening date of September 1999. Due to the high volume of construction activity and material shortages, the project schedule could well be impacted. If that happens, arrangements could be made for temporary facilities in order to open the golf course. Hopefully, the project will stay on schedule and will be completed on time.

Alternatives

- > City Council could reject Staff's recommendation to approve this supplemental appropriation and the award of the construction contract and direct Staff to rebid the project in hopes of getting lower bids closer to original estimates.
- > City Council could eliminate the event/dining area to reduce the project closer to the architect's original cost estimate, and approve the supplemental appropriation.

Staff Recommendation

1. Pass Councillor's Bill No. on first reading appropriating \$160,000 into the Golf Course Enterprise Fund and authorize these funds for construction of the Heritage Golf Course Club House.
2. Authorize the City Manager to sign a contract with Fischer Construction in the amount of \$2,568,250 plus a contingency of \$100,000 for the construction of the Heritage Golf Course clubhouse and maintenance building. The contract will stipulate that the contractor will cease construction if approved funds are exhausted and anticipated funding is for some reason cancelled. The expense for this contract will be charged to the golf course construction fund project account.

Background Information

On March 12, 1996, the Jefferson County Commissioners adopted a resolution to approve a no interest loan to the City of Westminster in the amount of \$3.3 million to be spread over three years for the construction of a new golf course at and adjacent to the Jefferson County Airport. The Jefferson County loan triggered action on the part of the City and Westfield Development, Inc. to move forward on the project.

The last piece of this project "puzzle" fell into place when on April 28, 1997, City Council approved a land lease with the Jefferson County Airport Authority to lease approximately 120 acres of land on which to build part of the golf course. Westfield Development, Inc. has since donated an additional 84 acres of land to complete the land transaction to construct the entire 18-hole golf course. Michael Hurdzan's design has produced the potential for a championship caliber golf course for the City of Westminster.

The golf course construction is a few weeks behind schedule, but recent weather conditions have played a critical part by allowing Neibur Golf Inc. to maximize their work effort and construction schedule. The golf course will still open September 1999. With Fischer Construction, Inc. having 300 days allotted to build the clubhouse and maintenance building, the full opening of the Heritage Golf Course at Westmoor should achieve its September 1999 opening date.

Staff has completed an analysis of the CIP funds available in 1998 and has proposed reallocating some funds in order to complete five CIP projects. The source of these CIP funds is Westcliff Park. Since Westcliff Park was purchased by paying the property owners interest over the next five years and a full payment of the principal at the end of the loan term, the remaining project funds could be used to complete other park projects requiring additional dollars. Funds will be budgeted in subsequent years to pay for the Westcliff Park acquisition. There is a total of \$840,900 available in the Westcliff acquisition CIP account. City Council on July 27, 1998 set aside \$440,900± for the first year's payment on the principal and the interest for the Westcliff purchase, and \$400,000 was reallocated for the projects described below.

| <u>General Capital Improvement Fund Projects</u> | <u>Estimated Cost</u> |
|--|-----------------------|
| Ranch Barn Relocation \$25,000 | |
| Countryside Baseball Fields | \$90,000 |
| Wolff Run Ballfield Renovation | \$50,000 |
| Ice Centre project management | \$75,000 |
| Club House and Maintenance Building at the Heritage Golf Course | \$160,000 |
| Total Reallocated to Capital Projects Fund | <u>\$400,000</u> |

Since the Heritage Golf Course is an enterprise fund a Councillor's Bill is required to transfer funds from the General Capital Improvement Project Fund into the Golf Course Enterprise Fund.

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Councillor's Bill and Project map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE TO AUTHORIZE AN INTERFUND TRANSFER FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO THE GOLF COURSE FUND, AND TO AUTHORIZE AN INCREASE IN THE 1998 BUDGET OF THE HERITAGE AT WESTMOOR PORTION OF THE GOLF COURSE FUND AND A SUPPLEMENTAL APPROPRIATION FROM THE 1998 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the Heritage at Westmoor portion of the Golf Course Fund, initially appropriated by Ordinance No. 2566 in the amount of \$9,092,250 is hereby increased by \$160,000 which, when added to the fund balance as of the City Council action on September 28, will equal \$9,252,250. The actual amount of the Heritage at Westmoor portion of the Golf Course 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 a transfer from the General Capital Improvement fund to subsidize the construction of the Heritage at Westmoor clubhouse and maintenance facility.

Section 2. The \$160,000 increase in the Golf Course Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

| <u>Description</u> <u>Final Budget</u> | <u>Current Budget</u> | <u>\$ Increase</u> | |
|---|-----------------------|--------------------|-----------|
| <u>REVENUES</u> | | | |
| Transfer from General Capital Improvement Fund 23-9999-975 | \$0 | <u>\$160,000</u> | \$160,000 |
| Total change to revenues | | <u>\$160,000</u> | |

| | | | |
|--|-----|------------------|-----------|
| <u>EXPENSES</u> | | | |
| Heritage at Westmoor Golf Course 23-50-88-555-227 | \$0 | <u>\$160,000</u> | \$160,000 |
| Total change to Expenses | | <u>\$160,000</u> | |

Section 3. The \$160,000 reallocation in the General Capital Improvement Fund shall be allocated to City Expense accounts which shall be amended as follows:

| <u>Description</u> <u>Final Budget</u> | <u>Current Budget</u> | <u>\$Increase</u> <u>(\$Decrease)</u> | |
|--|-----------------------|--|-----------|
| <u>EXPENSES</u> | | | |
| Transfer to Golf Course Fund 75-10-95-990-922 | \$0 | \$160,000 | \$160,000 |
| Westcliff Land Acquisition 75-50-88-555-227 | \$280,300 | <u>(\$160,000)</u> | \$120,300 |

Total change to Expenses

\$0

Section 4 - 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. 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 28th day of September 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of October, 1998.

ATTEST:

Mayor

City Clerk

Date: September 28, 1998

Subject: Recreation Facilities Division Fee and Policy Changes and Staffing/Naming the "Companion Facility"

Prepared by: Ken Watson, Recreation Facilities Manager
Greg McSwain, Recreation Supervisor

Introduction

City Council action is requested to approve the staffing plan for the City Park "Fitness Center" which authorizes 11.3 FTEs using funds from the 1998 Parks, Recreation and Libraries account, name the "Fitness Center", and authorize fee and policy changes in the Recreation Facilities Division.

Summary

On Monday, September 21, City Council reviewed a Staff Report that detailed the following changes to the Recreation Facilities Division operations:

- I. Staffing plan for the City Park "companion facility"
- II. Naming the City Park "Fitness Center"
- III. Changes to recreation facilities' 1999 fees and policies

City Councillors gave concurrence with the staff recommendation for all three items.

I) City Park "Fitness Center" Staffing Plan

The 1998 Budget includes funds for Staffing the City Park companion facility. It is anticipated the new center will be open similar hours as City Park Recreation Center, with some slight changes due to fitness usage at the new facility being different than swimming pool usage at the existing facility. The following hours of operation are proposed for the new facility:

| | |
|----------------------|-----------------------|
| Monday-Friday: | 5:30 a.m. - 9:00 p.m. |
| Saturday and Sunday: | 7:00 a.m. - 8:00 p.m. |

City Park Recreation Center hours currently are:

| | |
|---------------------|------------------------|
| Monday-Friday | 6:00 a.m. - 10:00 p.m. |
| Saturday and Sunday | 7:00 a.m. - 9:00 p.m. |

The proposed staffing level of 11.3 FTEs is needed to operate the facility for the anticipated average of approximately 15 hours per day, 361 days per year schedule.

The breakdown of the 11.3 FTEs is as follows:

A) 1.0 FTE City Park Supervisor Assistant
Grade 51 + 17% benefits = \$39,000 annual cost
Assists existing City Park Recreation Supervisor in the management of the existing City Park Recreation Center and the new facility, which when combined represents 100,000 square feet of multiuse recreation facility space. Assists in the overall supervision of a work force that will exceed 40 FTEs between the two facilities. Directly

supervises six facility assistants and oversees the fitness and rental services for both facilities. Provides for some building supervisory coverage during weekdays and weekends.

B) 1.0 FTE Facility Assistant

Grade 44 + 17% benefits = \$34,770 annual cost

Reports to Supervisor Assistant and will directly oversee all weight room and gymnasium activities in both facilities. Supervises all Recreation Aides located at both facilities. Coordinates weight room orientations and personal training services for guests, in addition to the climbing wall program.

C) 1.0 FTE Facility Assistants (2-.5 FTE individuals)

Grade 44 + 17% benefits = \$34,770 annual cost

Provides evening and weekend supervision of new facility. Assists in delivery of guest services, as well as responding to all situations and emergencies as they arise. These positions will provide 40 hours per week of coverage for an operation that will exceed 100 hours per week.

D) 1.0 FTE Recreation Aides (2-.5 FTE individuals)

Grade 20 + 17% benefits = \$19,300 annual cost

Provides 40 hours per week of maintenance and guest orientations on the specialized equipment in the 7,000 square foot weight and cardio area in the new facility. Proper preventive maintenance will be critical to attracting and retaining guest visits.

E) 5.3 FTEs Clerk Receptionists (2-1.0 FTE, 3-.6 FTE, 3-.5 FTE individuals)

Grade 22 + 17% benefits = \$110,000 annual cost

Front line personnel responsible for all facility admissions, sales, program registrations, ID sales, etc. at the new facility. This level of clerical staffing will allow for two staff members present at reception counter during peak times.

F) 2.0 FTE Custodian I (4-.5 FTE individuals)

Grade 27 + 17% Benefits = \$46,600 annual cost

This level of custodial staffing would allow for six hours per day of female and male custodial coverage each day of operation (note that facility will be open up to 16 hours per day during the week and 13 hours per day on weekends). A clean, attractive facility is imperative to the success of facility operations. The custodians will supplement the contractual night crew supplied by General Services.

Staff is currently exploring the possibility of a "cafeteria style" benefit package to offer to the new staff that are hired, which may result in some operating cost savings. Staff is also requesting the flexibility to review benefit options during the hiring process to determine if any of the applicants would be interested in dropping some benefits in favor of others.

Approximately two years ago, City Council established revenue recovery targets for the Recreation Facilities Division. City Park Recreation Center's recovery target is 65%. In 1997, the actual recovery for this center was 67%. The Swim and Fitness Center target is 40%, and the actual 1997 recovery rate was 46%. Countryside Recreation Center target is 25%, and the actual recovery rate was 25%. Kings Mill Pool's target was 15%,; however the actual recovery rate in 1997 was 11%.

Staff has used these recovery targets when planning budgets and reviewing fees. Staff proposes the new City Park "Companion Facility" have a revenue recovery target of 70%. It will be a challenging goal for a new facility. The 70% recovery target was used when Staff reviewed budget and staffing requirements.

Alternatives

1) City Council could direct Staff to draft an Agenda Memorandum requesting action to approve the 11.3 FTE staff positions as presented in this report for the City Park "Companion Facility" and establish a 70% revenue recovery target.

2) City Council could reject Staff's recommendations and approve a different staffing level and a different recovery target. This alternative is not deemed viable by Staff's analysis.

II. Naming the City Park "Fitness Center"

Given the history of naming the existing City Park Recreation Center, as explained in the Background Information section of this Staff Report, and the fact that the primary emphasis of the "companion facility" will be fitness activities, Staff offers the following suggestions for naming the new facility:

- > City Park Fitness Center
- > City Park Fitness and Wellness Center
- > City Park Fitness and Athletic Center

Staff believes City Park Fitness Center is the most definitive name selection. It, simply put, indicates the facility as the fitness center at City Park, just as the recreation center at City Park identifies the existing facility. Therefore, Staff recommends naming the facility "City Park Fitness Center."

Alternatives

- City Council could choose to name the facility one of the other alternatives presented by Staff.
- City Council could reject all of the naming alternatives by Staff and choose a different name.

III. Proposed Fee/Policy Changes for 1999

The Department of Parks, Recreation and Libraries Staff has completed the annual fee survey (see attached Chart A and B) and is proposing the following adjustments for City Council consideration.

(Council established that any fees proposed that are above the Consumer Price Index (CPI) must be submitted to City Council for approval.)

A. Increase admission categories by \$.25 as outlined in Chart B. These adjustments are within Ordinance No. 2431, approved by City Council June 24, 1996, that allows the City Manager to authorize the increases. These adjustments are proposed based on the fee survey (Chart A). The City's philosophy has been to keep fees at or slightly below area agency averages.

B. Increase the Non-Resident Senior Citizen admission and season pass fees to be equal to the Resident Adult Fees. These adjustments are above the CPI rate of 3.4% and will require City Council approval.

Presently, Senior Citizen fees are discounted. Staff believes Senior Citizens that reside or own property in Westminster should receive discounted rates. However, no other non-resident categories receive discounts and, therefore, Staff proposes increasing the Non-Resident Senior Citizen fees to be equal to that of the Resident Adult fees.

C. Increase Season Pass fees as outlined on Chart B. These adjustments are proposed based on the fee survey (Chart A). Some of the fees fall under the 3.4% CPI rate, while others do not. Staff is proposing an increase of \$5 for most of the categories. However, there are some categories, including Resident Senior Citizen, that exceed the 3.4% CPI rate even with the minimal \$5 increase, and, therefore, require City Council approval. Again, the justification for these fee increases are based on area averages of other communities surveyed.

Staff proposes a larger increase for a few of the categories, i.e. Adult Resident +\$10 and, as mentioned above, the Non-Resident Senior Citizen fee. The Adult Resident increase of \$10 is based on the survey showing an average of \$263 resident adult fee for the 11 agencies surveyed.

D. Establish fees (as outlined in Chart B) for the City Park "companion facility." Staff would also recommend City Council allow Staff the flexibility of reviewing and possibly changing the companion facility's fees once the facility is open and operating. For instance, once the facility usage patterns are known, Staff would like to have the option of offering additional season passes that include some aerobic classes. However, this should not be offered until Staff monitors usage at the facility. Classes may be too crowded with class registrants or drop-in punch card holders to accommodate new season pass holders.

E. Authorize Staff to adjust hours of operation based on seasonal usage patterns. With the addition of the RecTrac computerized registration system, Staff can more effectively "track" usage and determine time periods with minimal usage. Staff would like the flexibility to make adjustments to facility hours to ensure having the facility open and staffed when the guests want to use it versus keeping a facility open longer than usage dictates, and thus generating unnecessary operating expenses.

F. Change the minimum age requirement to visit a City of Westminster recreation center unsupervised from five years and older to seven years and older. This policy change would require children seven years and younger to be accompanied and properly supervised by a person 16 years or older. The existing policy allows six and seven year olds to be in the recreation centers without older chaperones in attendance. Staff believes this is a valid policy change given today's issues of child safety.

Alternatives

- > Council could make changes to any or all of the individual proposed fees and policies.
- > Council could maintain the status quo on the policies being brought to Council's attention.

Staff Recommendation

Approve the staffing plan for the "Fitness Center" which authorizes 11.3 FTEs as outlined utilizing funds from the 1998 Parks, Recreation and Libraries account to allow recruiting and hiring in 1998; Select the name for the facility as "City Park Fitness Center"; and Approve the fee/policy changes to become effective January 1999 per the attached charts and authorize Staff to begin selling pre-opening passes for the City Park "companion facility" in 1998.

Background Information

I. City Park "Companion Facility" Staffing Plan

The 1998 Budget includes funds to hire several staff positions that will be required to open the new City Park "companion facility." The facility is currently under construction with an anticipated opening in late January 1999. Staff will need to be hired and trained prior to the opening date.

The 1998 Budget allotment for the new facility was based on 11.3 FTE positions required to operate the facility an average of 15 hours per day, 361 days per year. The staffing level is required to provide a safe, professionally managed, customer service oriented facility, and yet, have a proposed revenue recovery target of 70%.

The new staff members would join the staff of the existing City Park Recreation Center to allow for "joint scheduling" and utilizing staff from both facilities to cover vacations, illness, staff shortages, etc.

II. Naming the City Park "Fitness Center"

As previously stated, the opening of the City Park "Fitness Center" is tentatively planned for January 1999. Staff has used the term "companion facility" merely as a project name. Staff is planning some early marketing and a pre-opening season pass sale. To assist with publicity of the new facility, Staff is requesting City Council to select a name.

The existing City Park Recreation Center was named to identify that it was a recreation center located at Westminster's major park, City Park. At the time City Park was named, it was the belief of that City Council and Staff that as other amenities were added to the park site, the amenities would be named similarly, i.e., the Soccer Complex at City Park, City Park Pavilion, City Park Lake, etc. Staff believes that decision was valid and would recommend continuing that line of thinking.

III. Fee/Policy Changes

In June 1996, City Council approved an ordinance granting the City Manager authority to adjust fees up to the metro area's annual Consumer Price Index (CPI) or a minimum of \$.25 for the lesser amount admission fees. The CPI rate for 1997-98 is 3.4%.

In 1996, City Council also approved a 2-year fee increase program for the years 1997 and 1998. Staff was to review fees and policies each year, with the goal of making annual adjustments vs. adjusting fees every few years and then having to increase fees by a higher percentage. These increases were received by the public with relatively few complaints. The high ratings that the recreation facilities received in the most recent Citizen's Survey indicate that citizens understand the need to raise fees to offset operating costs.

Staff has completed this year's fee survey and is proposing fees adjustments based on the survey results, usage patterns, and revenue recovery targets that have been established by City Council for each recreation center.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: September 28, 1998

Subject: Special Legal Counsel re Hawn Trail and Open Space Condemnations

Prepared by: Vicky Bunsen, Assistant City Attorney

Introduction

City Council consideration is requested pertaining to the attached contract with the law firm of Holme Roberts & Owen LLP.

Summary

City Council previously approved the hiring of the law firm of Gorsuch Kirgis LLP to represent the City in the condemnation of land from R. Dean Hawn Interests for public purposes including trails and open space. Hawn alleged that Gorsuch Kirgis has a conflict of interest that prevents its involvement in this case. Rather than cause any expense or prejudice to the City by litigating this issue, Gorsuch Kirgis has agreed to withdraw. City staff recommends that Holme Roberts & Owen be hired to serve as counsel in these cases as a replacement for Gorsuch Kirgis.

Staff Recommendation

Approve the contract with the law firm of Holme Roberts & Owen and authorize the City Manager and City Clerk to execute the contract on behalf of the City.

Background Information

City Council previously authorized the acquisition, by condemnation if necessary, of certain properties for several public purposes including open space and trail development. The properties are owned by R. Dean Hawn Interests, represented by Bill Kearney of Dallas, Texas. Negotiations were initiated by City Staff, but no agreement on any issue could be reached with Mr. Kearney.

Because of the heavy work load anticipated in litigating these cases, the decision was made to ask City Council to hire special condemnation counsel to handle them. Gorsuch Kirgis was retained, and Malcolm Murray filed the three cases in Jefferson County.

Mr. Murray pointed out to City Staff that Hawn's current lawyers were employed by Gorsuch Kirgis until 1985 and that Mr. Murray took the deposition of City employees during the City Park condemnation in the early 1980s. This did not appear to create a conflict of interest, and Hawn's lawyer also stated that she did not think it would be a problem. Mr. Kearney, however, insisted that it was a problem and directed his attorneys to prepare a motion to disqualify Gorsuch Kirgis from representing the City.

The issue was researched and discussed thoroughly with Mr. Murray. While we believe that Gorsuch Kirgis should not be disqualified based upon the relevant Rules of Professional Conduct, case law, and facts, the City could incur substantial expense fighting the issue. It is also possible that if the City won the issue in the trial court, the decision could be reversed on appeal, requiring the City to repeat the proceedings with new legal counsel. Because of the potential for additional significant expense to the City, Mr. Murray believed that it was best to offer to withdraw.

He will have no further involvement with the cases. The attached letter dated September 8, 1998, from Mr. Murray to Leslie Fields provides a synopsis of the situation.

Qualified condemnation attorneys are scarce and especially at a reasonable cost. We are fortunate to be able to recommend Patricia Tisdale, Esq., of Holme Roberts & Owen to take over these cases. Ms. Tisdale has agreed to reduce her normal hourly rate of \$230 to \$167.50 for these cases. She is the former deputy city attorney for Arvada and is the current city attorney for Lafayette. She has substantial condemnation experience involving the latter two cities and the Denver International Airport. She is able to take over the cases without causing any delay to the City due to the transition.

It should be noted that there is a fourth acquisition pending that involves a utility easement on Hawn-Hewit property in Adams County. The co-owner, William D. Hewit, is represented by both law firms (Gorsuch Kirgis and Holme Roberts & Owen) and has objected to either firm representing the City on the Adams County case. The City Attorney's Office plans to handle this case in-house. Since it is in another county, involves different facts, and is a small acquisition, it is expected that it can be handled separately and efficiently by the City Attorney's Office.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: September 28, 1998
Subject: Financial Report for August 1998
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1998 transactions through August, 1998.

Summary

There are three sections to the attached report:

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

General Fund revenues represent 70% of the total budget estimate while General Fund expenditures and encumbrances represent 65% of the 1998 appropriation.

Utility Fund revenues represent 75% of the total budget estimate. Utility Fund expenditures and encumbrances represent 60% of the 1998 appropriation.

The Sales and Use Tax Fund revenues represent 72% of the total budget estimate, while expenditures and encumbrances in that fund represent 68% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 17% from the same period last year and increased 16% year-to-date.

The Open Space Fund revenues represent 83% of the total budget estimate while expenditures and encumbrances in that fund represent 63% of the 1998 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 75% of the total budget estimate while operating expenditures and encumbrances represent 54% of the 1998 appropriation. This month's packet introduces the Heritage at Westmoor Golf Course Fund. The revenue chart reflects the consolidation of the two funds. It also reflects the 1998 Golf Course Revenue Bond issue. There is no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course. Last year's figures reflect the issuance of the \$4.8M refunding bonds.

Theoretically, 67% of revenues and expenditures should be realized after eight months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments

F A X M E M O R A N D U M

430-1809

TO: Mayor and City Councillors

FROM: Bill Christopher, City Manager

DATE: September 28, 1998

SUBJECT: Suggested Resolution for Tonight's Council Meeting re Admissions Tax Ballot Issue

I faxed to City Council on Friday afternoon a recommendation which would have Council earmark the increased revenue from the proposed admissions tax assuming it passes on November 3. The thought behind the resolution is to demonstrate to the public that the revenue would be used for specific expenditures rather than left "open ended."

Given the importance and popularity of public safety in any community, I would recommend that the increased admissions tax revenue be earmarked for police and fire department's expenditures. As Council will see in the Five Year Staffing Plan and Five Year Capital Improvement Plan, there are considerable needs that will need to be addressed with increased funding of one type or another. This funding need coupled with the projected impact from the Flatirons Crossing Mall in Broomfield starting in the year 2001, provides good arguments in favor of the tax.

I would plan to raise the idea of City Council adopting the attached resolution at tonight's meeting to demonstrate to the public that the revenue would in fact be earmarked. While it is too late to change the ballot language, I think the resolution would help in demonstrating the City Council's intent.

I look forward to discussing this with City Council at the pre-meeting.

Attachment

cc: Alan Miller
Marty McCullough
Jim Cloud
Dan Montgomery
Mary Ann Parrot
Katie Harberg

RESOLUTION

RESOLUTION NO. 55

INTRODUCED BY COUNCILLORS

SERIES OF 1998

DESIGNATION OF INCREASED ADMISSION TAX REVENUES FOR PUBLIC SAFETY USES

WHEREAS, the Westminster City Council has placed Ballot Issue A on the November 3 General Election ballot which pertains to a proposal to increase the City's existing 3% admission tax to 5%, expand the base on which the tax is imposed and seek voter approval to expend the revenue collected on priorities determined by City Council; and

WHEREAS, the City of Westminster is taking a pro-active step to address a projected reduction in sales tax revenue at the Westminster Mall when the Flatirons Crossing Mall in Broomfield opens in late 2000 or early 2001; and

WHEREAS, the City of Westminster is heavily dependent on sales and use tax to annually fund basic municipal services, finance capital improvement projects and pay debt service on sales tax revenue bonds; and

WHEREAS, bond rating agencies such as Standard and Poor, Moody's and Fitch have regularly advised Westminster City officials that the City should pursue revenue diversification measures to be less dependent on sales tax revenue; and

WHEREAS, there are public safety expenditures projected for future years that warrant funding including additional personnel, the construction of the relocation of Fire Station No. 2 and either expansion of the existing police building or construction of a new police facility,

NOW THEREFORE BE IT RESOLVED BY THE City Council of the City of Westminster, Colorado that

1. The increased revenues that would be derived from implementation of Ballot Issue A on the November 3 ballot pertaining to the admission tax shall be earmarked for public safety expenditures in the Police and Fire Departments.
2. Said funds would be used for such expenditures as the cost of additional personnel in both departments including fringe benefits, uniforms and equipment as well as funds for capital improvement projects such as the construction of the relocation of Fire Station No. 2 and the expansion of the existing police building or construction of a new police facility.

Passed and adopted this 28TH day of September, 1998.

ATTEST:

Mayor

City Clerk