



WESTMINSTER
COLORADO

OCTOBER 9, 2000
7:00 P.M.

Cell phones and pagers must be turned OFF during meetings

AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. ICMA Award Presentation re COG Program
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Community Radiation Monitoring Program Access Agreement with US Dept of Energy
 - B. End Dump Truck Trailer purchase from Utility Trailer Sales of Colorado for \$31,022.50
 - C. Councillor's Bill No. 86 re Vacation of Sewer Easement in Church Ranch Subdivision (Dixion-Merkel)
 - D. Councillor's Bill No. 87 re Appropriating CDOT Funds for Sheridan Blvd Project (Atchison-Dixion)
9. Appointments and Resignations
 - A. Selection of New City Councillor
10. Public Hearings and Other New Business
 - A. TABLED Councillor's Bill No. 88 re Galerie Promenade LLC Lease at the Ice Centre
 - B. Councillor's Bill No. 89 re Bed Bath & Beyond Business Assistance Package Towne Center at Brookhill
 - C. Councillor's Bill No. 90 re American Skandia Business Assistance Package at CirclePoint Corporate Ctr
 - D. Resolution No. 77 re Designating ViewPoint Technology Center as an Economic Development Project
 - E. Resolution No. 78 re Adoption of 2001 City Budget
 - F. Resolution No. 79 re 2001 Pay Plan
 - G. Aggregate Industries Inc agreement for Purchase of 4,000 to 7,000 acre feet of gravel lake storage
 - H. Design and Inspection Services for Pipelines Associated with Northwest Water Treatment Plant
 - I. Engineering Services for Water Rights Investigations
 - J. US 36/92nd Avenue/Sheridan Blvd Interchange Project Engineering Design Contract Amendment with Felsburg, Holt & Ulevig for \$247,745
 - K. Revised Employment Agreement with John A. Stipech, Municipal Court Judge
 - L. Councillor's Bill No. 91 re Municipal Court Judge Salary for 2001
 - M. Revised Employment Agreement with William Christopher, City Manager
 - N. Stipulation for Exclusion of property from West Adams Fire Protection District
 - O. Resolution No. 80 re Exclusion of property from West Adams Fire Protection District
 - P. Councillor's Bill No. 92 re Door to Door Solicitation Hours of Operation
 - Q. Councillor's Bill No. 93 re 2000 Budget Supplemental Appropriation

11. Old Business and Passage of Ordinances on Second Reading

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

- A. Quarterly Insurance Report
- B. City Council
- C. Request for Executive Session
 - 1. Negotiations on Business Assistance Package

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 9, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon, and Councillors Atchison, Hicks and Merkel. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michael Allen, Deputy City Clerk. Councillor Moss was absent.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Dixon to accept the minutes of the meeting of September 25, 2000 with no additions or corrections. The motion carried unanimously.

At 7:07 P.M. a motion was made by Dixon and seconded by Atchison to adjourn the meeting until 7:30 P.M. The motion carried unanimously.

Councillor Moss arrived at 7:10 P.M.

Council reconvened at 7:35 P.M.

PRESENTATIONS:

City Manager Bill Christopher and COG Coordinator Brian Bosshardt presented the International City/Council Management Association's Program Excellence Award for Citizen Involvement to the Mayor and Council.

CITIZEN COMMUNICATION:

Deana Bennett, 9109 Winona Court, Pinnacle Homeowners Association, addressed Council with concerns about landscaping a City owned parcel of land at 90th Avenue and Winona Court and construction traffic using this parcel to access City property.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher requested Council set a Special City Council meeting for October 16 to take action on an IGA for the Adams County Collaborative Transportation Planning Agreement and an IGA creating the Adams County Growth Management Board.

CITY COUNCIL COMMENTS:

Councillor Merkel stated the Westminster Library's used book sale would be held Friday and Saturday at the 76th Avenue Library.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Community Radiation Monitoring Program Access Agreement with U.S. Department of Energy - City Council authorize the City Manager to sign the Use Agreement between the Department of Energy and the City of Westminster to allow an additional five years of access by the DOE and current/future station managers to the Community Radiation Monitoring (ComRad) station located at the Countryside Recreation Center; Purchase of End Dump Trailer for Streets Operations Division – Accept the second low bid for an end dump trailer in the amount of \$31,022.50 and award the bid to Utility Trailer Sales of Colorado, based on a finding that this action will best serve the public interest, and

charge the expense to the appropriate 2000 Public Works and Utilities budget account; Councillor's Bill No. 86 re Vacation of Sewer Easement in Church Ranch Subdivision; and Councillor's Bill No. 87 re Appropriate CDOT funds for Sheridan Boulevard Project.

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. Mayor Pro Tem Dixon asked that Item 8A, ComRad Access Agreement, be removed from the Consent Agenda.

A motion was made by Atchison and seconded by Dixon to adopt the remaining Consent Agenda items as presented. The motion carried unanimously.

COMMUNITY RADIATION MONITORING PROGRAM ACCESS AGREEMENT:

A motion was made by Dixon and seconded by Hicks to authorize the City Manager to sign the Use Agreement between the Department of Energy and the City of Westminster to allow an additional five years of access by the DOE and current/future station managers to the Community Radiation Monitoring (ComRad) station located at the Countryside Recreation Center. Rocky Flats Coordinator Mary Harlow was present to address Council. The motion carried unanimously.

APPOINTMENT OF NEW CITY COUNCILLOR:

The following names were placed into nomination to fill the vacancy on City Council: Stuart Asay, David Duran, David Eastman, Kenneth Eichel, Tim Kauffman, Greg Lockridge, Brian Lunning, Ray Tillman, David Tracy, Bruce Vezina, George Werkmeister and Norman Winterowd.

Voting was by written ballot and Tim Kauffman received a unanimous vote on the first ballot.

COUNCILLOR'S BILL NO. 89 – BED, BATH & BEYOND/TOWN CENTRE ASSISTANCE AGREEMENT:

A motion was made by Merkel and seconded by Atchison to pass Councillor's Bill No. 89 on first reading which authorizes the execution and implementation of the Assistance Agreement with Gallagher and Associates, LLC for Bed, Bath and Beyond and having the redevelopment plan for Towne Center at Brookhill Shopping Center in place by Spring, 2002. Bruce Dirking, Attorney representing Gallagher and Associates LLC, was present to answer questions from Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 90 – AMERICAN SKANDIA BUSINESS ASSISTANCE PACKAGE:

A motion was made by Atchison and seconded by Hicks to pass Councillor's Bill No.90 on first reading which authorizes the execution and implementation of the Assistance Agreement with American Skadnia for the leasing of 140,000 square feet in Building One of CirclePoint Corporate Center. Kimberly Supersano, American Skadnia representative, was present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 77 – VIEWPOINT TECHNOLOGY CENTER:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 77 to designate ViewPoint Technology Center as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 78 – ADOPTION OF 2001 CITY BUDGET:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 78 which sets the City mill levy at 3.65 mills and formally adopts the total 2001 City budget including the staffing levels and the Five Year Capital Improvement Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 79 – 2001 PAY PLAN:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 79 which establishes the 2001 pay ranges for City employees. Upon roll call vote, the motion carried unanimously.

AGREEMENT WITH AGGREGATE INDUSTRIES, INC. FOR GRAVEL LAKE STORAGE:

A motion was made by Hicks and seconded by Dixon to authorize the City Manager to sign an Agreement with Aggregate Industries, Inc. for the purchase of between 4,000 and 7,000 acre feet of gravel lake storage near Wattenberg, Colorado to be completed before the year 2012. The motion carried unanimously.

DESIGN/INSPECTION SERVICES FOR PIPELINES AT NORTHWEST WATER TREATMENT PLANT:

A motion was made by Hicks and seconded by Merkel to find that it is in the best interest of the public to award this contract to HDR Engineering Inc., and to authorize the City Manager to sign a contract with HDR Engineering, Inc. in an amount not to exceed \$472,917 for the design, construction inspection and contract management of the 24" and 36" water lines that will serve the Northwest Water Treatment Plant, and approve a 15% project contingency in the amount of \$70,900. These expenses will not be charged to any project account, but will be assessed against the settlement account with HDR. The motion carried with 5 aye votes and a dissenting vote by Atchison.

ENGINEERING SERVICES FOR WATER RIGHTS INVESTIGATIONS:

A motion was made by Hicks and seconded by Atchison to determine that a negotiated contract best serves the public interest and authorize the City Manager to execute the engineering services contract with Helton and Williamsen P.C. for an expenditure of an amount not to exceed \$100,000 as payment for engineering services, and charge the expense to the 2000 Water Resources Engineering Services Account in the Water and Wastewater Fund. The motion carried unanimously.

US 36/92ND AVENUE/SHERIDAN BOULEVARD INTERCHANGE PROJECT CONTRACT ADDENDUM:

A motion was made by Atchison and seconded by Dixon to authorize the City Manager to execute an amended Engineering Design Contract with Felsburg, Holt and Ullevig in the amount of \$247,745 for the US 36/92nd Avenue/Sheridan Boulevard Interchange Project, and charge the expense to the appropriate project account in the General Capital Improvement Fund.. The motion carried unanimously.

REVISED EMPLOYMENT AGREEMENT WITH JOHN A. STIPECH:

A motion was made by Dixon and seconded by Hicks 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 \$93,135 effective January 1, 2001. The motion carried unanimously.

COUNCILLOR'S BILL NO. 91 – MUNICIPAL COURT JUDGE SALARY FOR 2001:

A motion was made by Dixon and seconded by Atchison to pass Councillor's Bill No. 91 on first reading regarding a change to the salary for the Presiding Judge. Upon roll call vote, the motion carried unanimously.

REVISED EMPLOYMENT CONTRACT WITH WILLIAM CHRISTOPHER:

A motion was made by Atchison and seconded by Merkel to approve an employment agreement with William Christopher serving in the position of City Manager for the period commencing January 1 through March 31, 2001, and authorize the appropriate City Officials to execute said agreement. The motion carried unanimously.

EXCLUSION OF PROPERTIES FROM WEST ADAMS COUNTY FIRE PROTECTION DISTRICT:

A motion was made by Atchison and seconded by Dixon to approve the Stipulation and Plan for exclusion of properties from the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District, and authorize its execution by the Mayor and City Manager on behalf of the City. The motion carried unanimously.

RESOLUTION NO. 80 – EXCLUSION FROM WEST ADAMS COUNTY FIRE PROTECTION DISTRICT:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 80 approving the exclusion of recently annexed properties from the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 92 – DOOR TO DOOR SOLICITING:

A motion was made by Moss and seconded by Merkel to pass Councillor's Bill No. 92 on first reading amending the hours to solicit door to door in the City of Westminster.

A friendly amendment was made by Hicks to change the hours of soliciting to be between 8:00 A.M. and 8:00 P.M. The friendly amendment was agreed to by the maker and second of the motion. Upon roll call vote, the motion as amended carried unanimously.

Councillor Hicks asked Staff to evaluate setting the same or similar hours of operation for the peddlers license section of the City Code.

COUNCILLOR'S BILL NO. 93 – 2000 BUDGET SUPPLEMENTAL APPROPRIATION:

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 93 on first reading providing for supplementary appropriations to the 2000 General Fund and General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION:

Judy Enderle, 1041 Cottonwood Street, Broomfield, and Anita Hartmann, 120 S. Kendall Street, Lakewood, addressed Council requesting the relocation of prairie dogs before any groundbreaking at the ViewPoint Technology Center, to be located at 120th Avenue and Federal Boulevard.

Pam Wanek, 2251 W. 154th Place, Broomfield, addressed Council with concerns about the Federal Boulevard/128th Avenue extension and its effect on the wildlife in the area, the Big Dry Creek Trail and traffic concerns for children who will be required to cross the street extension to attend school.

MISCELLANEOUS BUSINESS:

Council reviewed the Second Quarter Insurance Report.

The Mayor stated there would be an executive session to discuss negotiations on a Business Assistance Package.

ADJOURNMENT:

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

ATTEST:

Mayor Pro Tem

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Presentation re: International City/County Management Association Citizen Involvement Award

Prepared by: Brian Bosshardt, Management Assistant/COG Coordinator

Introduction

City Council is requested to accept the International City/Council Management Association (ICMA) Citizen Involvement award received by Bill Christopher for the Community Oriented Governance program.

Summary

Each year ICMA honors communities and their administrators for their creative contributions to professional local government management. The Association recognizes the outstanding work performed by elected officials, appointed managers, local government staff, and citizens who work together to address the most pressing issues facing today's communities.

The ICMA Awards are divided into two categories: the Professional Awards, which recognize individual achievement by chief administrative officers or assistant administrators, and the Program Excellence Awards, which are presented to local governments and their chief administrators in recognition of their creative and successful programs.

At the 86th Annual ICMA Conference held in Cincinnati, Ohio, the Community Oriented Governance (COG) program was awarded the Program Excellence Award for Citizen Involvement. The COG program has provided a means for Westminster residents to learn about city government while facilitating collaboration among City departments, community organizations, and citizens. As a result of this innovative approach to service delivery, the City has been able to strengthen communication with our citizens, build trust among residents, and develop a sense of community and empowerment within Westminster neighborhoods.

Policy Issue(s)

There are no policy issues associated with the acceptance of this award.

Staff Recommendation

Accept the International City/Council Management Association's Program Excellence Award for Citizen Involvement.

Background Information

The Community Oriented Governance (COG) program began reaching out to Westminster neighborhoods in April of 1994, initially with six pilot neighborhoods. In the spring of 1995, the program was expanded to eleven teams, encompassing all neighborhoods within Westminster. The goals of the COG program have remained constant since its inception: connect and build trust with citizens; increase the sense of community within Westminster neighborhoods; create partnerships; empower neighborhoods; and facilitate a two-way flow of communication.

City Council and the City administration have a strong commitment to excellent customer service. As such, COG evolved as a means of promoting and further enhancing this commitment. Six years of experience with the COG program has reinforced the approach that the entire Citywide organization and the neighborhoods themselves must be able to work collaboratively to affect change and reach real solutions to neighborhood issues. A sense of cooperation and partnership amongst all those involved (elected officials, City staff, & citizens) must prevail in order to be effective at neighborhood outreach. The ICMA award is an indication of the hard work and dedication put forth by all those involved within the COG program.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Reauthorization of Community Radiation Monitoring Program (ComRad) Access Agreement between the City of Westminster and the United States Department of Energy

Prepared by: Mary Harlow, Rocky Flats Coordinator

Introduction

City Council action is requested to authorize the City Manager to enter into a Use Agreement between the City of Westminster and the United States Department of Energy (DOE). Agreeing to the five-year agreement will ensure the continued operation of the Community Radiation Air Monitoring station at the Countryside Recreation Center as well as City of Westminster participation in the ComRad program.

Summary

The City of Westminster has signed a Use Agreement with the Department of Energy for access to the Community Radiation Air Monitoring Station located at Countryside Recreation Center since 1991. The current Agreement expires on October 10, 2000 and Council action is required to enter into a new Use Agreement. The ComRad program stations were previously managed and operated by teachers but are now managed by MERCO, Inc. with local government communities serving as members of the oversight panel. The Countryside Station has been upgraded to provide real time monitoring data, which is available on the ComRad website. Educational out-reaches to students and the community will be the main focus of the program for the continuing year. The goal of the ComRad program is to better educate students and Westminster residents on the facts of airborne radiation.

Policy Issue

Should City Council approve an extended Use Agreement contract with the Department of Energy for access to the Countryside Recreation Site for the Community Radiation Monitoring program that has been in place since 1991 to monitor the Rocky Flats cleanup which will extend into 2006.

Staff Recommendation

City Council authorize the City Manager to sign the Use Agreement between the Department of Energy and the City of Westminster to allow an additional five years of access by the DOE and current/future station managers to the Community Radiation Monitoring (ComRad) station located at the Countryside Recreation Center.

Background Information

The City of Westminster has been a strong supporter of the community air-monitoring program since its inception in 1991. The program is a resource for area residents and students to become better educated on the facts of airborne radiation.

A five year initial Use Agreement, authorizing construction and access for the Community Radiation Monitoring (ComRad) station located at Countryside Recreation Center, was approved by Council in November 1991 and reauthorized for an additional five years on October 10, 1995. That agreement will expire on October 10, 2000. A new five-year Use Agreement is needed in order to provide access to the Countryside station for operation and maintenance by DOE and the sub-contractor.

ComRad Program Update: The ComRad program consists of five community air monitoring stations. It is funded by DOE and administered by the ComRad oversight Panel, with contract management provided by the Rocky Flats Citizens Advisory Board. The oversight panel is composed of representatives from the cities of Westminster (Mary Harlow, Rocky Flats Coordinator), Broomfield, Arvada, and Northglenn.

The major thrust of the program in the past has not been education. The main theme of the program was to have extensively trained paid teachers independently collect and analyze radiological data and report their findings to their communities. Each station was assigned two teachers, a station manager and an assistant station manager and each teacher agreed to provide at least one presentation or help in one community service each activity quarter.

In July 1999, DOE turned over the program and the selection of a ComRad program manager for operation, maintenance and public education to the community oversight panel. MERCO Inc. was selected through a formal Request for Proposal (RFP) process to provide the technical operation maintenance of the stations, develop a new educational program for community schools, as well as a community outreach program.

MERCO Inc. obtained the services of the Boulder Energy Conservation Center (BECC) to develop an innovative public education and outreach program. The BECC conducted a one day teacher training class on radiation and risk at the Colorado School of Mines. Articles on the program have been carried in local newspapers and public access television stations. The focus for BECC for the remainder of this year will be to further develop and enhance the educational outreach program.

The ComRad program is using student interest in computers to further enhance student participation and education on radiation outside the classroom. Two senior high school students are currently working with MERCO Inc. They have developed and continually upgrade a ComRad web site, which can be viewed at www.comrad.org. Results of the quarterly analysis of data are posted by the students and are available on the website (See attachment). The Stations: The ComRad stations contain a variety of instruments that collect and display both weather and radiological data. Information such as temperature, humidity, wind speed, wind chill, barometric pressure and gamma radiation are displayed.

MERCO Inc. has upgraded all the meteorological instruments at the stations to meet EPA standards. New data loggers were purchased and installed. These instruments store and provide time-averaged data and can be accessed via modem connection. Real-time meteorological data can now be viewed graphically and can be used for educational purposes.

Air samplers: Filters from the air samplers are collected quarterly by MERCO Inc. and sent to a Fort Collins Laboratory for plutonium analysis. A quarterly radiological data report on the analysis results is prepared and presented to the community at the information exchange meetings.

Alternatives

City Council may determine that the use of the Countryside Recreation Center property for the ComRad program station is no longer necessary. Failure to reauthorize the Use Agreement would end the City of Westminster participation in the program and DOE would be required to remove the monitoring equipment and restore the site to its original condition.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Purchase of an End Dump Trailer for Streets Operations Division

Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to award the bid in the amount of \$31,022.50 for a replacement end dump trailer to be used by the Streets Operations Division. Funds have been specifically allocated in the 2000 General Fund, Public Works and Utilities Department budget for this expense.

Policy Issue

Whether the justification exists to go with a bid other than the low bid for this purchase.

Summary

In August 2000, the City's Purchasing Specialist sent out formal bid proposals for an end dump trailer. This is a twenty five-foot trailer with a dump body. The second lowest bid received from Utility Trailer Sales of Colorado is determined to be the best value for the City. The end dump trailer to be purchased was previously approved by City Council in the 2000 Budget.

Alternatives

Two alternatives to the proposed purchase are as follows:

- To not purchase the end dump trailer at this time.
- To award bid to low bidder.

Staff believes the recommended approach will provide the City with the most value for the dollars available for this purchase.

Staff Recommendation

Accept the second low bid for an end dump trailer in the amount of \$31,022.50 and award the bid to Utility Trailer Sales of Colorado, based on a finding that this action will best serve the public interest, and charge the expense to the appropriate 2000 Public Works and Utilities budget account.

Background Information

As part of the 2000 budget, City Council approved the purchase of an end dump trailer. This piece of equipment is a replacement to unit #6290. Unit #6290 is a nineteen-year-old end dump trailer that has been determined by Fleet Maintenance Division Staff to no longer be economically reasonable to maintain. Because of its age and length of service, unit #6290 is showing stress fractures in the frame, and the electrical and hydraulic systems have become unreliable and difficult for Fleet Maintenance Staff to maintain.

Last year unit #6920 had to be sent to an outside vendor to receive a Department of Transportation certification, so it could be used to haul trash during the City's biannual trash pickup.

The function of the trailer is that of a long dump truck without the truck. It will be used to haul a variety of construction materials used for construction and street repair, including squeegee and road base. It will also be used for trash collection during the City's biannual trash pickup program.

Bids were solicited from these six vendors:

Utility Trailers of Colorado	\$31,022.50
Beal Trailers of Colorado	\$30,899.00
Imco Trailer	\$31,370.00
Fruehauf Trailer Sales	No Bid
Transwest Trucks of Colorado	No Bid
Wagner Equipment Co	No Bid

Street Operations and Fleet personnel reviewed the specifications of each trailer bid and have determined that it is in the best interest of the City to award the bid to the second lowest bidder, Utility Trailer Sales of Colorado, for the following reasons:

- The floor and sidewall aluminum sheeting is thicker and the frame is a single piece steel "I" beam instead of a fabricated steel beam, which together will provide longer life and lower maintenance to the unit.
- The unit comes with preferred designs on the swing gate control and hinged apron.

Chapter XV, Section 15-1-5 allows City Council to accept a bid other than the lowest bid submitted when the Council determines that this action will best serve the public interest.

The bid from Utility Trailer Sales of Colorado meets or exceeds all the City's specifications for this bid. The cost of the Trailer, \$31,022.50 is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: October 9, 2000
Subject: Appointment of New Councillor
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is necessary to select a person to fill the vacancy created by the resignation of Suzanne Smith.

Summary

On September 11, 2000, Suzanne Smith's resignation was accepted by City Council. Per City Charter requirements, a new Councillor needs to be appointed within 30 days. City Council solicited residents to apply and the deadline of Friday, September 22nd was established. A total of 13 applications were received, with one citizen withdrawing his name after the deadline.

Pursuant to the Council Rules and Regulations the following procedures are to be followed: "Vacancies on the City Council shall be appointed by Council from applicants who have completed the appropriate application form and interview process. Appointments shall be by written ballot unless this method is suspended by unanimous Council vote. A majority vote is necessary to an appointment. If no single applicant obtains a majority vote after the first ballot, all persons receiving no votes, and the person receiving the smallest number of votes will be removed from nomination. This process will be repeated after each ballot until a majority vote is received by one applicant. After seven ballots with no one person appointed, the Council will consider all candidates again and begin the process of elimination of candidate names after every seven ballots."

Policy Issue

Council could decide to suspend the procedure to appoint a person by written ballot.

Staff Recommendation

Voting by written ballot, Council will select a person to fill the vacancy on City Council created by the resignation of Suzanne Smith.

Background Information

City Council conducted interviews on Tuesday, September 26th and Wednesday, September 27th, with all applicants except Stu Asay, who will be interviewed on Monday evening. Ballots have been preprinted with all candidate names for Council to use, and will be distributed on Monday night.

The new Councillor will be sworn into office at the October 23rd City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Councillor's Bill No. 89 re Bed, Bath and Beyond/Towne Center at Brookhill Shopping Center Business Assistance Package

Prepared by: Susan Grafton, Economic Development Manager

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package for Bed, Bath and Beyond and the Towne Center at Brookhill Shopping Center, located near the northeast corner of 88th Avenue and Wadsworth Parkway.

Summary

The attraction of Bed, Bath and Beyond to the Towne Center at Brookhill is strategic to the overall reinvigoration of this key shopping center. It is expected that the new store will generate approximately \$11,251,000 annually in sales as well as having a positive influence in improving the overall tenant mix of the center. The assistance package being offered that will aid in the center's redevelopment, is approximately \$810,000. A definitive redevelopment plan for Towne Center at Brookhill will be put in place by the Spring, 2002.

There were three alternatives considered in presenting the business assistance package to Gallagher and Associates, L.L.C. The alternatives are as follows:

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to Gallagher and Associates, L.L.C. Though the City will not lose Bed, Bath and Beyond, the City will not be strategically positioned to encourage further redevelopment of the center. A positive relationship is desirable for future re-development considerations.

Provide Less: Another alternative is to provide less assistance than what is recommended. Again, it may not drive the store away, but the assistance being recommended is already very modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. It is Staff's opinion that additional assistance is not needed.

Staff Recommendation

Pass Councillor's Bill No. 89 on first reading which authorizes the execution and implementation of the Assistance Agreement with Gallagher and Associates, L.L.C. for Bed, Bath and Beyond and having the redevelopment plan for Towne Center at Brookhill Shopping Center in place by Spring, 2002.

Background Information

Staff has been in discussions with James Gallagher, owner of the Towne Center at Brookhill, since January concerning the overall redevelopment of the shopping center and the attraction of major tenants to fill vacancies. The Home Depot project has helped the center, but there are still large vacancies as a result of Gart Sports moving out and Service Merchandise closing.

Mr. Gallagher is aggressively pursuing new tenants for the center and has a long-term plan for the overall revitalization of Towne Center at Brookhill. Mr. Gallagher has discussed with Staff a marketing plan that would attract new retailers to the center. He also has explained his cash flow needs and thus the sequencing of center improvements.

Staff believes that the attraction of the Bed, Bath and Beyond store is a critical factor to the overall redevelopment of Brookhill Towne Center. It should be a “springboard” to attract other significant tenants. With major new retail centers under construction near Flat Irons Mall, centers such as the Towne Center have a difficult time attracting significant tenants without assistance. Bed, Bath and Beyond will generate approximately \$11,251,000 annually in sales. At 3% (less the City’s .25% Open Space Tax), this store will generate approximately \$337,500 in annual Sales Tax for the City.

Mr. Gallagher has been strongly encouraged to move forward on the redevelopment of the Towne Center at Brookhill. Though this assistance package is for Bed, Bath and Beyond only, Mr. Gallagher has committed to several new tenants in the center, as well as having a “redevelopment plan in place by Spring 2002.” Current redevelopment discussions include a total freshening of the entire center, ornamental signage and banners, new street furniture, upgrading the waterline, additional lighting, as well as demolition and reconfiguring parts of the center.

Based on revenue projections and a desire to continue to see existing centers prosper, Staff recommends the following assistance package:

Sales Tax Rebate

80% of the Sales Tax generated by Bed, Bath and Beyond will be rebated to Gallagher and Associates, L.L.C. for three (3) years
(\$11,251,000 sales x 3% = \$337,500 Sales Tax x 80% = \$270,000 per year)

To assure that redevelopment of the shopping center moves along at a rapid pace, Staff is also recommending that the following condition be a part of the Business Assistance package.

Redevelopment Plan

A definitive redevelopment plan for the Towne Center at Brookhill Shopping Center must be in place by Gallagher and Associates, L.L.C. no later than March 30, 2002.

The Towne Center at Brookhill was originally built in 1985. Attraction of new tenants is difficult and redevelopment is needed. This once high performing retail center has faced the casualty of losing major tenants to other centers, (e.g., Best Buy), national chain financial problems (e.g., Levitz Furniture and Service Merchandise). This assistance package will help attract new tenants while continuing to increase tax revenue to the City.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BUSINESS ASSISTANCE AGREEMENT WITH GALLAGHER AND ASSOCIATES, L.L.C. FOR BED, BATH AND BEYOND AND THE REDEVELOPMENT OF THE TOWNE CENTER AT BROOKHILL SHOPPING CENTER IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2000, between the CITY OF WESTMINSTER (the "City"), and Gallagher and Associates, L.L.C.

WHEREAS, the City wishes to provide certain assistance to Gallagher and Associates, L.L.C. to aid in the development of Bed, Bath and Beyond and the redevelopment of Towne Center at Brookhill Shopping Center within the City located at the northeast corner of 88th Avenue and Wadsworth Boulevard.

WHEREAS, the Towne Center at Brookhill Shopping Center was originally built in 1985 and is in need of revitalization to stay vibrant and competitive.

WHEREAS, the Towne Center at Brookhill Shopping Center has many major tenants, such as Home Depot, Lamps Plus and Burlington Coat Factory and others which makes the center an important tax generator.

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

In consideration of the mutual promises set forth below, the City and Gallagher and Associates, L.L.C. agree as follows:

1. Sales Tax Rebate

The City shall rebate to Gallagher and Associates, L.L.C. 80% of the sales tax collected from the Bed, Bath and Beyond store, located in the Towne Center at Brookhill for the first three years of operation. Such rebate shall be payable exclusively from sales tax revenues collected by the City from the Bed, Bath and Beyond store and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments from sales tax revenue actually collected and received by the City from Bed, Bath and Beyond. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter.

2. Redevelopment Plan

Gallagher and Associates, L.L.C. will have a definitive redevelopment plan in place for the entire Towne Center at Brookhill Shopping Center no later than March 31, 2002.

3. This instrument shall constitute the entire agreement between the City and Gallagher and Associates, L.L.C. and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

4. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

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

6. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

Gallagher and Associates, L.L.C.
By Gallagher Acquisitions Corporation
Managing Member

CITY OF WESTMINSTER

By _____
James J. Gallagher, President

Bill Christopher
City Manager

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **89**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH GALLAGHER AND ASSOCIATES, L.L.C.

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

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

WHEREAS, Gallagher and Associates, L.L.C. in attracting new tenants to the Towne Center at Brookhill Shopping Center the City of Westminster at the corner of 88th Avenue and Wadsworth Boulevard; and

WHEREAS, a proposed Assistance Agreement between the City and Gallagher and Associates, L.L.C. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Gallagher and Associates, L.L.C. in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. 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 9th day of October 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of October 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Councillor's Bill No. 90 re American Skandia Business Assistance Package

Prepared by: Becky Johnson, Economic Development Program Coordinator

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package for American Skandia for a 140,000 square foot new facility in Westminster.

Summary

American Skandia has decided to lease 140,000 square feet in Building One, at CirclePoint Corporate Center, near the southwest corner of 112th Avenue and Westminster Boulevard. This company plans occupy the space in August of 2001. A total of \$663,350 in fees and tax revenue is projected for the first three (3) years of operation. The recommended assistance package totals \$102,000 and consists of a 20% rebate of use tax projected to be remitted to the City in the first three years of operation.

There were three alternatives considered in presenting the business assistance package to American Skandia. The alternatives were as follows:

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result may be that the City will not be strategically positioned for consideration for future American Skandia expansions. A positive relationship is desirable for future development considerations.

Provide Less: Another alternative is to provide less assistance than what is recommended. Again, it may not drive the company away, but the assistance being recommended is already very modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that is 15% of the total 3-year projected revenue. There is room for additional funding, while still staying within our guideline of no more than 30% of projected revenue. However, it is staff's opinion that additional assistance is not needed.

Staff Recommendation

Pass Councillor's Bill No. 90 on first reading, which authorizes the execution and implementation of the Assistance Agreement with American Skandia for the leasing of 140,000 square feet in Building One of CirclePoint Corporate Center.

Background Information

American Skandia is opening a telecommunication, data, and training center and is planning to locate at CirclePoint Corporate Center. Currently, they are planning to lease 140,000 square feet of office space, and will invest \$7 million in tenant finish and technology upgrades. The purpose of providing assistance to this company is to build a good working relationship with the company with the intent of encouraging future development in the City. The leasing of the first building at CirclePoint will also allow the construction of the second and third building, earlier than originally projected.

American Skandia offers variable annuities, variable life, and mutual funds. The company has been in operation for 12 years in the United States, and is one of the largest variable annuity distribution firms in the United States. American Skandia's corporate headquarters is in Shelton, Connecticut.

The average wage of this company is anticipated to be \$49,500 per year for approximately 240 employees in year one. Within two full years of operation, they have projected employment of 315 employees with an annual payroll of \$18.5 million. A total of \$663,350 in fees and tax revenue is projected for the first three (3) years of operation.

Based on the 3-year total revenue projection, Staff recommends the following assistance package:

<u>20% Use Tax Rebate</u>	\$102,000
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For purchases of items for the Westminster facility prior to the issuance of the Certificate of Occupancy and for the first three years of operation for American Skandia, the City will rebate 20% of the General Use Tax remitted to the City of Westminster on the initial use tax return (Estimated \$17 million x 3% Use Tax x 20% rebate = \$102,000)

Total Assistance Package	\$102,000
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The total amount of the General Use Tax rebate shall not exceed \$102,000.

As Council will note, the assistance being offered is 15% of the total direct general use tax and fee revenue projected from the project in the first 3 years of operation (\$102,000 Total Assistance divided by \$663,350 Projected Revenue = 15%). The City will be made whole on this investment at the time of the issuance of the Certificate of Occupancy.

Staff believes this company can "make way" for future business generation at CirclePoint Corporate Center. This assistance package is an investment in potential primary jobs for the future.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

**ASSISTANCE AGREEMENT
FOR AMERICAN SKANDIA LEASING SPACE
IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2000, between the CITY OF WESTMINSTER (the "City"), and American Skandia Life Assurance Corporation (American Skandia).

WHEREAS, the City wishes to provide certain assistance to American Skandia to aid in the leasing of 140,000 square feet within the City in building one at CirclePoint Corporate Center, located south of the southeast corner of 112th Avenue and U.S. Highway 36; and

WHEREAS, the proposed the facility will initially employ approximately 240 full-time employees with an annual payroll of over \$11,880,000; and

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

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

1. For purchases of items for the Westminster facility prior to the issuance of the Certificate of Occupancy and the for the first three years of operation for American Skandia, the City will rebate 20% of the General Use Tax remitted to the City of Westminster on the initial use tax return (Estimated \$17 million x 3% Use Tax x 20% = \$102,000)

2. The City shall rebate to American Skandia an amount not to exceed \$102,000 (the "Rebate"). Such rebate shall be payable exclusively from tax revenues collected by the City of Westminster from American Skandia facility in Westminster and attributable to the imposition of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax). Quarterly installments equal to 20% of the Use Tax collected and received by the City from American Skandia shall be made within 20 days following the close of each calendar quarter. The first rebate installment shall occur the close of the quarter in which the Certificate of Occupancy is issued for the new office facility in Westminster.

3. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if American Skandia has not moved into its new building by December 31, 2001.

4. In the event American Skandia ceases business operations within the City within three (3) years after the new operations commence, then in such event American Skandia shall pay to the City the total amount of fees and taxes which were due and payable by American Skandia to the City but were rebated by the City, as well as reimburse the City for any funds provided to American Skandia pursuant to this Agreement.

5. This instrument shall constitute the entire agreement between the City and American Skandia, and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes.

For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

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

8. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

AMERICAN SKANDIA
LIFE ASSURANCE CORPORATION

CITY OF WESTMINSTER

By _____
David R. Monroe
Senior Vice-President, Treasurer
And Corporate Controller

Bill Christopher
City Manager

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **90**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT
WITH AMERICAN SKANDIA.**

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

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

WHEREAS, American Skandia has indicated interest in leasing a 140,000 square foot building in the City of Westminster on property south of the southeast corner of 112th Avenue and U.S. Highway 36 in CirclePoint Corporate Center; and

WHEREAS, American Skandia will employ approximately 240 full time people at this new facility with an annual payroll of over \$11,880,000; and

WHEREAS, a proposed Assistance Agreement between the City and American Skandia is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

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

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

Section 3. 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 9th day of October 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of October 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Resolution No. 77 re ViewPoint Technology Center

Prepared by: Becky Johnson, Economic Development Program Coordinator
Michelle McLoughlin, Planner II

Introduction

City Council action is requested to designate ViewPoint Technology Center as an Economic Development Project, for the purpose of allowing the Official Development Plan 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 development assistance.

Summary

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. The process of Administrative Review does not guarantee approval of the Official Development Plan.

Staff Recommendation

Adopt Resolution No. 77 to designate ViewPoint Technology Center as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan.

Background Information

ViewPoint Technology Center is owned by Lowe Enterprises, LLC. This site comprises approximately 20 acres at the northeast corner of 120th Avenue and Federal Boulevard and is planned for business park use. The 246,000 square feet of office space being created by this project will contribute significantly to the economic vitality of the City. ViewPoint Technology Center must meet staff requirements in order to receive Administrative Review. Staff believes that this development meets the general criteria required by the Code; is zoned for the use intended; conforms to the adopted Comprehensive Land Use Plan; and therefore, should be considered an economic development project. Allowing Administrative Review is important to the financing of the project and to keep it on a time sensitive construction schedule.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **77**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

DECLARING THE VIEWPOINT TECHNOLOGY CENTER DEVELOPMENT AS AN ECONOMIC DEVELOPMENT PROJECT FOR THE PURPOSE OF RECEIVING ADMINISTRATIVE REVIEW OF THE OFFICIAL DEVELOPMENT PLAN

WHEREAS, the City is engaged in the development of the ViewPoint Technology Center, a business park comprised of four buildings, totaling approximately 246,000 square feet; and

WHEREAS, the project will result in providing opportunities for additional space for primary job creation and additional tax revenues to the City of Westminster; and,

WHEREAS, when ViewPoint Technology Center's Official Development Plan meet staff approval, Administrative Approval will be granted; and,

WHEREAS, ViewPoint Technology Center is a business park development comprised of a 20.045 acre site, with right-of-way yet to be dedicated; 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 ViewPoint Technology Center be designated as an economic development project for the purposes of receiving Administrative Review as outlined in the Westminster City Code, Section 11-5-8 (B), enabling the City Manager to administratively approve the Official Development Plan for the project, upon staff recommendation.

Passed and adopted this 9th day of October, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000
Subject: Resolution No. 78 re Adoption of 2001 City Budget
Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council action is requested to consider adopting the 2001 City Budget in accordance with City Charter requirements. The attached Resolution to adopt the budget is based on Staff's understanding of the City Council discussions at the Budget Retreat and the various public hearings and public meetings on the Budget.

Summary

Under City Charter provisions, City Council is to hold a public hearing on the proposed City Budget for the ensuing year and adopt it no later than the fourth Monday in October. A public meeting was held on June 12 and two public hearings were held on the proposed 2001 Budget on July 10 and September 11. A copy of the proposed 2001 Budget has been on file in the City Clerk's Office for citizen review since September 1 and the appropriate legal notices have been published in the official City newspaper.

The 2001 Budget reflects all City operations and services to be provided to Westminster citizens and businesses in 2001. This is the ninth year maintaining the City's mill levy at 3.65 mills. This budget includes no tax increases or new taxes. Wastewater and water rates and meter services charges are proposed to increase in order to address ongoing Citywide utility needs and a new storm drainage fee is proposed to begin funding capital improvements and operating and maintenance costs.

The total 2001 Proposed Budget is \$128,683,267, excluding \$10,933,000 in reserves and \$2,574,984 in contingency accounts. This budget is based upon an estimated 1,200 single-family housing starts, which is an increase over the estimated 2000 housing starts of 800.

A brief summary of the proposed 2001 City Budget follows:

- General Fund operating expenditures are budgeted at \$66,345,371 (excluding contingencies) which is an increase of 1.8% over the 2000 adjusted budget for operating expenditures (\$65,183,554).
- The General Fund is predicated on receiving a transfer payment from the Sales and Use Tax Fund totaling \$45,022,000, an increase of 5.9% over the 2000 transfer payment of \$42,512,000.
- The Contingency account is recommended at \$1,500,000 in the General Fund and \$1,074,984 in the Utility Fund. The General Reserve Fund is recommended at \$6,543,000 and the Utility Reserve Fund at \$4,480,000.
- The total number of full-time equivalent (FTE) staffing in 2001 is 861.424 FTE, an increase of 15.6. Included in this total, is 1.0 FTE associated with Westminster Promenade activities and is contingent upon adoption of the Common Area Maintenance Association's (CAMA) annual budget pursuant to the agreement between the City and the CAMA.

- Continuation of an aggressive Capital Improvement Program (CIP) is recommended for 2001. The total capital improvements proposed for 2001 is \$52,677,000 (without parks and street/interchange improvements proposed via November 7 City ballot propositions). Of the recommended CIP for 2001, 43% will be funded on a "pay-as-you-go" basis (composing \$22,677,000 of the total). City streets and traffic improvements are recommended for 2001 at \$4,726,000; facilities and infrastructure improvements at \$18,175,000; park improvements at \$4,901,000; and, wastewater and water improvements at \$24,875,000.

Staff Recommendation

Adopt Resolution No. 78 which sets the City mill levy at 3.65 mills and formally adopts the total 2001 City budget including the staffing levels and the Five Year Capital Improvement Plan.

Background Information

City Council Focus Areas: In April, City Council agreed to keep the focus in 2001 the same as in 2000. The focus areas are as follows:

- Improve transportation systems in the Northwest quadrant of the Denver Metro Area;
- Continue to develop Westminster as the "City of Choice: in the Metro Area";
- Maintain high quality services;
- Broaden citizen communication and involvement;
- Enhance the City's economic and fiscal viability; and
- Strengthen regional cooperation on priority projects.

The 2001 budget includes funding for these key areas. The City will *improve transportation systems in the northwest quadrant of the Denver Metro area* by constructing the I-25/136th Avenue Interchange jointly with the City of Thornton and widening of 112th Avenue (if the November ballot issue is successful), updating the City's Comprehensive Roadway Plan, widening Sheridan Boulevard between 113th and 119th Avenues, and extending Federal Boulevard from 120th Avenue to the intersection of 128th Avenue and Zuni Street.

Westminster will *continue to be developed and promoted as the "City of Choice"* in the Denver metro area. The City's Traffic Calming Program will continue to be implemented in response to the highest neighborhood priority of traffic safety concerns and efforts to reduce speeding in Westminster neighborhoods. The West View Recreation Center will be open for its first full year of operation in 2001. Also, a Citywide ballot initiative, in November of 2000, is proposed to accelerate park development and provide the development of 13 new parks and the redevelopment/enhancement of an additional 4 parks within three years, if approved by the voters.

The City will *maintain a high quality of municipal services*. In 2001, the City will complete the implementation of a new Computer Aided Dispatch and Records Management System (CAD/RMS) for the Police and Fire Departments. This emergency communications system upgrade and replacement will ensure that Westminster residents and businesses receive quick response time and high quality public safety services. Also, additional Fire personnel and Police Officers will enhance public safety service to residents and businesses. Other additional personnel, such as the proposed Utility Technician, will help maintain the high quality of municipal services to which residents and businesses are accustomed.

The 2001 Proposed Budget continues to emphasize vehicle and equipment replacement critical to maintaining and enhancing productivity, which is a key element to providing the level and quality of services expected by Westminster citizens.

Another Council focus area is to *broaden citizen communication and involvement*. This will be pursued through continuing efforts to train police officers to better communicate with non-English speaking residents by continuing to offer Spanish Immersion Training to officers. Planning Division Staff will continue to solicit neighborhood contact and communication in the development and review process related to new development. The City will continue to reach out and enhance community partnerships via the Community Oriented Governance (COG) program. The South Westminster Revitalization Steering Committee will be involved as a “counseling board” on development/redevelopment efforts. Additionally, the City will continue to expand its video programming on the City’s Channel 8 to make available salient information to the public. Further emphasis will be placed on the City’s web site as a communication tool and convenient method for citizens and businesses to handle transactions when doing business with the City.

Another priority for City Council is to *enhance the City’s economic and fiscal viability*. This will be pursued through continued revenue diversification efforts. The proposed storm drainage fee is a good example of a revenue diversification measure. During this time of development and growth, the City has remained fiscally prudent and expanded the General Reserve Fund from \$5,438,000 in 2000 to \$6,453,000 in 2001; an increase of 18.7%.

The City will seek to *strengthen regional cooperation on priority projects*. Staff will assist in efforts with other jurisdictions to resolve Rocky Flats issues and pursue decisions regarding the Northwest Quadrant Feasibility Study, promote mass transit enhancements through commuter rail options in the U.S. 36corridor along with other highway improvements, promote drainage coordination, and generally promote the northwest part of the Denver metro area for quality development.

Staffing: The 2001 City Budget includes a net increase of 15.6 full-time equivalent (FTE) positions to support the services currently provided to the citizens of Westminster. The largest increases in staff are for the Fire Department (1.0 FTE Fire Lieutenant and 2.0 FTE Fire Fighters); the Police Department (2.0 FTE Police Officers, 0.5 FTE Records Specialist, and 0.5 FTE Criminalist); Parks, Recreation and Libraries (0.3 FTE Library Page, 0.3 FTE Parkworker, 1.0 FTE Mechanic, and 1.0 FTE Park Ranger); Public Works and Utilities (1.0 FTE Maintenanceworker, 1.0 FTE Utility Technician, and 1.0 FTE Equipment Operator); and Information Technology (1.0 FTE PC Analyst, 0.5 FTE Software Engineer, and 0.5 FTE Secretary).

Special Features of the Proposed Budget: Overall, the economic outlook for Westminster in 2001 and 2002 is a healthy, robust one, despite increased competition in the northwest Metro area, with a strong retail base and prudent fiscal planning. However, to ensure that Westminster’s healthy economic outlook and current level of “top-notch” municipal services are not taken for granted, City Staff is proposing specific measures and monitoring to protect the City’s level of prosperity and expected high quality services, which are discussed below.

Phased Spending Plan - City Council and Staff are continually working to be fiscally prudent. This prudence is especially important in 2001 in recognition of the growing economic competition in the northwest Denver metro area. The Phased Spending Plan is proposed for 2001 only as an additional safeguard in being fiscally responsible in this dynamic, evolving economy. The phased spending plan will be based on reaching established revenue levels prior to hiring designated new staff, awarding certain contracts, and purchasing identified capital outlay items in 2001.

It is important to point out that the Phased Spending Plan is in addition to other measures included in the 2001 Proposed Budget to protect the City's financial integrity. These include approximately \$1.6 million in additional "documented" sales tax revenues from Business Assistance Packages that are "paid off," increasing the General Fund contingency by 25%, and increasing the General Reserve Fund by 18.6%.

A total of \$1,476,319 in enhancements to the 2001 Proposed Budget is included in this Phased Spending Plan. The proposal includes setting quarterly revenue benchmarks. The Phased Spending Plan is based on meeting year-to-date General Fund revenue benchmarks based on more than ten years of monthly revenue collection history. The concept is based upon basic benchmarking – if the revenue collected by the established quarterly dates (February 5, April 15, July 15 and October 15) meets or exceeds anticipated revenue, then those items identified on the list that follows will be "released" or available for Staff to implement (i.e., hire staff, award contracts, etc.). Items are listed in the approximate order to be released (i.e., an item at the top of the list within a specific quarter would be the first to be implemented). The revenue benchmarks are tied to the total revenues collected in the General Fund. These estimates are based on an overall 4.7% increase over 2000 year-end estimates in the 2001 General Fund revenue projections. Details of the Phased Spending Plan, including the itemized list of enhancements, may be found in the Proposed Budget Document on file with the City Clerk.

Storm Drainage Fee - As noted in last year's Budget Message, Staff is researching and developing a proposed storm drainage maintenance and infrastructure fee to be implemented midyear of 2001. The 2001 Proposed Budget includes \$350,000, which is the estimated revenues to be generated for six months. The funds are primarily accounted for in the General Fund Capital Improvement Program (CIP) in the amount of \$300,000 (\$200,000 of which has been identified for improvements to the Farmer's Highline Canal near Hyland Greens subdivision and the balance of \$100,000 for drainage improvements citywide). The remaining \$50,000 is included in the Public Works & Utilities' Streets Division operating budget to address the day-to-day maintenance of the storm drainage system. It is anticipated that the storm drainage fee will generate approximately \$700,000 annually, with the majority of funds being utilized in the CIP budget to make improvements citywide. Staff brought the initial concept to City Council at the August 21 Study Session for review and comment. Based on the feedback received, Staff will conduct additional research to review with Council prior to proceeding. If Council directs Staff to proceed, Staff will conduct several public meetings to educate and obtain input on the proposed drainage improvement program. The final recommendation by Staff will be made separately from this proposed 2001 Annual Budget and separate action will required by City Council to implement the proposed storm drainage fee for 2001.

Express Lane Tenant Finish - At the August 28th meeting, City Council authorized the establishment of an express lane tenant finish program. The concept of offering a separate opportunity for the plan review of tenant finishes only is focused on providing enhanced customer service for this particular component of new development or redevelopment. Generally speaking, tenant finishes are much less involved in the plan review to document compliance with the Uniform Building Code (UBC). The Fire Code (UFC) provisions involving fire alarm systems are more complicated and tend to be more "customized." It has been the City's practice to have all types of plans submitted through the same "line" or "queue" regardless of the size or magnitude of the plan submittal. By separating the tenant finishes into a separate "express lane," this would provide enhanced customer service on an optional basis for those who wish to pay a surcharge to obtain a faster turn around, review and approval. This new program was authorized by City Council in 2000, including 1.0 FTE Assistant Building Plans Analyst, furniture and office equipment purchases and funds for fire personnel overtime to implement the program. Additionally, the implementation of the plan review surcharge fee was approved. The surcharge fee will be paid by those contractors and developers who desire a faster review time on their tenant finish plans. The surcharge fee goes directly to offset the costs associated with this new program. The 1.0 FTE is continued and the additional overtime funds in the Fire Department's budget are included in the 2001 budget.

An indexed 1.0 FTE Fire Inspector is also anticipated in 2002 in the Fire Department to help not only with the express lane tenant finish program, but also to help with fire safety inspections in new buildings (the additional overtime budgeted in 2000 and 2001 is eliminated in 2002 with the addition of this position). This new program implemented in late 2000 addresses the City Council goal of maintaining high quality services while continuing to develop Westminster as the “City of Choice” in the Denver Metro Area.

City Ballot Issues Impact on the Proposed Budget – On the November 7th ballot this year, the City is proposing two capital improvement initiatives: an accelerated park development/redevelopment mill levy/bond issue and a transportation improvement sales tax bond issue. These initiatives and their impact on the proposed budget are described below.

Accelerated Park Development Ballot Proposal – As the City has grown with the strong pace of residential development, City population has grown by approximately 24,000 (approximately 33%) from 1990 through 1999. However, neighborhood and community-size park development has fallen behind due to the lack of sufficient “pay-as-you-go” funding to keep pace. On the average over the past 10 years, the City has been able to fund development or redevelopment of approximately one to two neighborhood parks per year (8-15 acres), which represents an expenditure of approximately \$800,000 to \$1.5 million annually.

City Council regularly receives requests, especially during public hearings on the proposed City Budget and at Homeowner’s Association and COG meetings, to fund different neighborhoods’ undeveloped park sites. During the Budget Retreat in September 1999, there was a brief discussion about the idea of developing a concept that would address the acceleration of building neighborhood and community size parks that either have not received any initial development or only partial development. Staff researched various ways that funds could be raised to accomplish the desired objective, but concluded that there was only one possible program that would begin to generate the level of funding that is needed to meaningfully tackle the situation at hand. This option is tied to obtaining voter approval on a 1.15 mills authorization for a period of 20 years, which in turn would produce an annual revenue stream for debt service payments on the bond issue. The bond proceeds would be realized “up front” and allow 17 park sites to be developed/redeveloped concurrently, thus realizing the accelerated park development objective, as well as saving money in the long run as construction costs continue to rise rapidly in future years. The City’s current mill levy is 3.65 mills and produces \$2,350,000 annually. It is one of the lowest mill levies among Front Range Cities.

Staff has proposed establishing a parks mill levy increase to be 1.15 mills for the annual debt service payment on the 20-year bond issue and a 0.40 mill levy for ongoing maintenance and upkeep of the 17 parks to either be built or rehabilitated/expanded. These projects are not included on the attached 5-Year Capital Improvement Program as their funding is contingent upon voter approval in November.

I-25/136th Avenue Interchange & 112th Avenue Widening Ballot Proposals - Additionally, City Council has placed on the November ballot an initiative to fund Westminster’s portion of the I-25 interchange to be constructed at 136th Avenue. The proposed funding is a City Sales Tax Revenue Bond Issue in the approximate amount of \$14 million for Westminster’s portion of the 136th Avenue/I-25 Interchange project. This key project to help mitigate traffic congestion at the 120th Avenue and I-25 Interchange is proposed to be coupled with an approximate \$4.5 million street widening project involving 112th Avenue between Sheridan Boulevard and Stuart Street. This set of transportation improvements would total approximately \$18.5 million in Sales and Use Tax Revenue Bonds utilizing the existing revenue stream and therefore would not be predicated on any tax increase.

The City of Thornton intends to provide their \$13.0 million in capital funding for their half of the interchange by issuing Certificates of Participation. The two respective City Councils have previously committed via an updated Intergovernmental Agreement to go forward with the financing of this strategic interchange. It is noted that if Westminster voters do not support the Sales Tax Revenue Bond Issue, the interchange project would not be able to go forward and the 112th Avenue Improvements would be delayed until such time as they could be funded on a “pay as you go” basis, which currently is targeted for 2004-2006. 112th Avenue was selected given the traffic count (16,000 trips per day) that is realized on this key arterial link between Sheridan and Federal Boulevards, which are major north/south arterial streets through Westminster. (As noted with the accelerated park development proposal, these projects are not included on the attached 5-Year Capital Improvement Program as their funding is contingent upon voter approval in November.)

Citizen Requests: At the various hearings on the 2001 proposed budget, several residents either requested information about City projects or asked that City Council consider providing funds for specific City program and projects.

City Council had the opportunity to review these requests in more detail at the Budget Retreat and, where appropriate, funds have been included in the 2001 Budget to address these projects. A summary of the requests addressed follows:

1. *Ryan Elementary Park – Funding for Design and Construction:* At the June 12th public meeting, Janis Robinson requested that the construction of a park located at Ryan Elementary be included in the 2001 Budget. The playground committee, represented by Ms. Robinson, requesting a non-specific amount of funding, expressed their desire to see the park developed as soon as possible.

The Arrowhead/Ryan Park site is approximately 15 acres and located northeast of Ryan School. The site currently has informal trails, grated ballfields and a basketball court. Some added components to the park, dependent upon resident input and funding, could include an improved trail system, irrigation and sod improvements, backstops, playground improvements, soccer field, parking, picnic shelters, and restroom enclosures. The total estimated cost for Phase I of the development of the park is \$1.2 million.

City Council concurred with Staff’s recommendation to include, based on the current pay-as-you-go 5-year CIP, \$80,000 for the design of the Arrowhead/Ryan Park in the 2001 Capital Improvement Program (CIP). On a cash basis, \$500,000 is proposed for construction in 2002, as part of the 5-year CIP. This level of funding will allow for a smaller scale park to be developed.

Additionally, City Council has placed the Accelerated Park Development proposal on the November ballot. If the ballot proposal is successful, the Arrowhead/Ryan Park is included as one of the park sites proposed to be developed at an accelerated pace. The ballot funding would allow for the full Phase I development to occur at this site, versus the scaled-back version that the current cash funding will allow. If the ballot proposal is unsuccessful, the project would proceed at the current funding included for the design and development of the Arrowhead/Ryan Park occur as it is currently reflected in the 5-year CIP, with construction anticipated to begin in 2002.

2. *112th Avenue Widening:* Mr. Ben Brady was present at the June 12th public meeting to request that City Council expedite the 112th Avenue widening project within the Capital Improvement Plan. The widening of 112th Avenue has been an ongoing neighborhood issue, as well as a key issue raised through the City’s Community Oriented Governance (COG) program.

As part of the November City ballot issues, funds for widening 112th Avenue between Sheridan Boulevard and Stuart Street are proposed (an estimated \$4.2 million). If Westminster voters do not approve the Sales Tax Revenue Bond Issue, the 112th Avenue improvements would be delayed until such time as they could be funded on a “pay as you go” basis, which currently is targeted for 2004-2007.

City Council concurred with Staff’s recommendation that the project remain on the 5-year CIP with funding to be initiated in 2004 should the ballot initiative fail.

3. *Sidewalk widening along 72nd Avenue – Meade to Wolf Streets:* In a letter to the Mayor and City Councillors dated July 9 and at the September 11 Public Hearing, Ms. Deborah Nanney requested funding for the widening of the sidewalks both north and south of 72nd Avenue and also that the utilities be placed underground, as has been done in other parts of south Westminster. Ms. Nanney explained that the sidewalks along 72nd Avenue are either not wide enough for wheelchairs to pass or that utility poles are located in the middle of the sidewalk leaving inadequate room on either side for the safe passage of wheelchairs or strollers. Ms. Nanney is disabled and utilizes a wheelchair for mobility.

Ms. Nanney presented to City Council petitions at the Public Hearing in support of the widening of sidewalks along 72nd Avenue. Ms. Nanney also requested that a crosswalk be installed at 72nd Avenue and Tennyson.

Widening the sidewalks along 72nd Avenue is a complicated issue. Due to the extent and location of the existing facilities, in order to remove and place the overhead utilities underground on both sides of 72nd Avenue between Meade Street and one-half block west of Xavier Street, it would be necessary to remove and replace the existing curb and sidewalk. The new sidewalks would be ten feet in width on both sides of 72nd Avenue and the roadway surface would be slightly widened. The extra width would necessitate the purchase of a six-foot strip of right-of-way from approximately 45 ownerships in the project limits. The cost of this reconstruction, including the cost of right-of-way, is estimated to be \$4.3 million.

Staff has looked for less costly means of addressing this issue. An alternative proposal has been developed and is estimated to cost \$250,000 to reconstruct the north side of 72nd Avenue from Utica Street west to the Northview Shopping Center. This estimate covers the cost of removal and replacement of curb and walk and nominal street reconstruction once the overhead utilities are moved from their present location in the middle of the sidewalk along the north sided of 72nd Avenue between Utica and the Northview Shopping Center. This estimate does not include the cost of the utility relocation, but that is a necessity for obtaining enough space for the sidewalk in the existing right-of-way. The cost of relocating the utilities is estimated at \$250,000, for a total project cost of \$500,000. No additional right-of-way would be purchased in this scenario. The new sidewalk should then be adequate for wheelchair passage.

Staff considered a second alternative that would include the relocation of five utility poles currently located in the middle of the sidewalk approximately between Raleigh and Utica as a incremental solution to the problem. Relocating these five utility poles and replacing the sidewalk in their locations is anticipated to cost \$50,000.

Regarding Ms. Nanney’s request that a crosswalk be installed at 72nd Avenue and Tennyson, there currently is a signalized pedestrian crosswalk located at 72nd Avenue and Winona Court. This is approximately a block and a half from Tennyson Street, where Ms. Nanney has requested a pedestrian signal be located.

Staff does not recommend there be two signalized pedestrian crosswalks in such a short proximity. If an evaluation were to determine that Tennyson was the more appropriate location, it would cost approximately \$20,000 to relocate the existing signal located at Winona Court to Tennyson Street.

Based on the magnitude of the estimated cost of the project and other current priorities, Staff is not recommending this project to be included in 2001. Despite this additional information, if Council determines this project to be a priority, Staff could better determine the feasibility of the project by working with Public Service Company regarding the undergrounding of the utilities. The undergrounding of the overhead utilities might be accomplished within the existing right-of-way using funds in the Public Service Company 1% fund, in which 1% of the revenue Public Service Company collects within the City is set aside for the City's use for the undergrounding of utilities. However, this project would be in lieu of several other priority projects that are already planned for. Under this scenario, five-foot wide sidewalks would be replaced along the current alignment. Staff does not recommend this solution in lieu of the aforementioned street-widening project, through which significant improvements would be made to 72nd Avenue.

City Council concurred with Staff's recommendation not to install a new crosswalk at 72nd Avenue and Tennyson Street.

Staff has investigated the cost of moving the five telephone poles on the north side of 72nd Avenue that create the largest obstruction for wheelchairs making passage down this section of sidewalk between Meade and Xavier Streets. The current cost estimate for this work is \$50,000. If City Council wishes to include this project in the 2001 Capital Improvement budget, Staff is suggesting that the City approach Public Service Company on paying for the cost of the pole relocations as may be required under the City's franchise with Public Service. If this avenue of funding does not occur, Staff may approach City Council on alternative funding during 2001.

4. *Sheridan Green/Ryan COG Group Request:* A number of residents from the Sheridan Green/Ryan COG area attended the July 10th public hearing. They requested funding for the installation of noise control devices, construction of a pedestrian bridge across 112th Avenue to Ryan Elementary, and the opening of Eaton and Lamar Streets at 108th Avenue.

The City has only on very rare occasions participated in the construction of a "noise barrier" or "sound fence." There are three instances in which the City constructed a new privacy fence for subdivision, but each involved special or unique circumstances (Hyland Greens, Trendwood, and Meadowlark subdivisions). The project would include the installation of an 8-foot tall, wood privacy fence with brick pillars at 100-foot spacing on both the north and south side of 112th Avenue. Along the south side of 112th Avenue, the estimated cost of the fencing is \$237,000. Along the north side of the street the estimated cost is \$217,000. This cost estimate is under the assumption that all owners of the lots along 112th Avenue would remove any obstructions that may currently abut the property line at their own cost and give the City an adequate construction easement along the property at no cost to the City. The total estimated cost for an 8-foot tall privacy fence is \$454,000, excluding any additional costs for construction easements and obstruction removal. Based on the estimated cost and precedent setting nature of the project, Staff is not recommending this project be included in 2001.

Concerning the construction of a pedestrian bridge across 112th Avenue to Ryan Elementary, this project would include the construction of a 100-foot span across 112th Avenue, at a 16.5-foot clearance above 112th Avenue to be in accordance with CDOT standards. The estimated cost for a pedestrian bridge crossing over 112th Avenue is \$450,000. The City has not constructed a pedestrian bridge of this nature, with the exception being the pedestrian bridge associated with the Promenade, and would be setting a costly precedent for the City. Based on the estimated cost and precedent setting nature of the project, Staff is not recommending this project be included in 2001.

The issue of opening Eaton and Lamar Streets drew comments from citizens present who objected to the street openings as a means for relieving traffic in the area. As a result of the discussion initiated at the public hearing on July 10th, Staff referred the issue to Steve Charbonneau of Community Mediation Concepts. A COG meeting was held on September 12th, at which time Mr. Charbonneau met the area residents and facilitated a discussion with approximately 125 residents of the Sheridan Green community. The overwhelming majority of residents present indicated they would like to see the streets remain closed. Staff is in the process of looking at additional approaches to address residents' concerns.

City Council concurred with Staff's recommendation not to fund the construction of a "noise barrier" along 112th Avenue or a pedestrian bridge crossing over 112th Avenue at this time. This recommendation is based on the precedent-setting nature of funding such requests and the substantial costs involved that would displace other key improvements contained in the 5-year Capital Improvement Program budget.

Regarding the issue of opening Eaton and Lamar Streets, City Council concurred with Staff's recommendation that funding not be included in the 2001 Budget until the issue has been resolved through mediation prior to dedicating any funding. Due to the contentious nature of this issue, Staff is doubtful the pending mediation will be resolved by the end of the year. Staff will continue to track this issue and keep City Council informed as to the status of the mediation.

5. *SMART Trailer/Speed Trailer Funding Request:* At the July 10th Public Hearing, Mr. Terry Rivers addressed City Council regarding the City's SMART trailers. Mr. Rivers requested that the City budget funds for ongoing maintenance of the City's SMART trailers and for the purchase of an additional SMART trailer. Mr. Rivers was also interested in advertising in City publications the fact that the SMART trailers are available to neighborhoods upon request.

The cost for the purchase of a new smart trailer is estimated at \$13,000. Approximately \$1300 is spent annually on the maintenance of the City's two SMART trailers. The Police Department covers these maintenance expenses through a general maintenance account. According to the Police Department, the SMART trailers currently operated by the City are considered to be relatively ineffective due to the fact that they are not staffed and there is no threat of a traffic citation. Often the trailers are vandalized, which has resulted in the practice of only locating a trailer in a neighborhood for no more than two days at a time.

Because of the City's more aggressive traffic enforcement policy (initiated October of 1999), especially in school zones, there have not been as many requests in the past year for the SMART trailers. Due to the decline in usage and effectiveness, City Council concurred with Staff's recommendation to maintain the current funding level for the maintenance of the City's SMART trailers and not purchase an additional trailer. City Council and Staff believe that the purchase of an additional trailer is not the most effective utilization of City funds at this time. Therefore, no additional funds are proposed in the 2001 Budget for these items.

6. *Yellow Ribbon Suicide Prevention Program Request:* Mr. Dale Emme of Light for Life Foundation International was present at the July 10th public hearing to request funds for the Yellow Ribbon Suicide Prevention Program. He requested funding for on-going services provided by Light for Life as well as assistance in finding a new location for their offices. Light for Life currently operates out of Mr. Emme's personal home.

The Light for Life program traditionally is funded by the City's Human Service Board (HSB). Mr. Emme acknowledged that he missed the required deadlines established by the Human Service Board for 2001 Budget funding. Since the HSB traditionally reviews their funding requests, Staff forwarded this request from the public hearing to the HSB for comment. Concerning the request for assistance in relocating their operations from Mr. Emme's home to an office, assuming 2,000 square feet of office space would be needed, the current average rate for office leases is \$18 per square foot per year, which translates to \$36,000/year. The City has received similar requests from other non-profit agencies in the past. Currently, there is no space readily available that is free or available at no cost for these types of organizations/operations within Westminster. Providing assistance to Light for Life for office space would set a significant precedent for other such requests.

City Council concurred with the Human Service Board's recommendation to fund the program at \$1,000, which is the same amount of funding that the Light for Life Foundation received in the adopted 2000 Budget. As such, Staff has included funds in the HSB account in Central Charges to cover this expense.

As for providing funds for office space, City Council agreed with Staff's recommendation not to fund such a request as it would be precedent setting in nature and certainly not in concert with City Council's previous responses to such requests. City Council directed Staff to inform Mr. Emme that Light for Life needs to work through the Human Service Board (HSB) regular funding cycle and that City Council would evaluate funding requests in future years that are outside of the HSB funding process timelines with greater scrutiny.

7. *Farmers Highline Canal Drainage Request:* Mr. Leonard Holtzclaw represented The Farmers Highline Canal at the September 11th City Council meeting to request funding for a structure to carry water drainage of South Hyland Creek over the Farmers Highline Canal. According to Mr. Holtzclaw, in the past, drainage ran into the abandoned Niver Canal, which has been filled in due to development. As result, the drainage from South Hyland Creek flows into the Farmers Highline Canal. This drainage has the potential of causing the canal to overflow onto residential property. Mr. Holtzclaw also explained that the Farmers Highline Canal was not engineered to receive run-off water from up-slope drainage, such as the situation with the drainage area of South Hyland Creek. Mr. Holtzclaw stated that the construction of a structure to carry water drainage of South Hyland Creek over the Farmers Highline Canal would reduce the possibility of flooding residential properties in the City. Such a structure would also allow for run-off water to be retained in the several reservoirs in Hyland Hills Golf Course, as well as the City's reservoir in the open space west of Sheridan Boulevard.

A project is proposed in the 2001 Capital Improvement Program to address this issue. This project is to prevent large amounts of drainage from entering the Farmers Highline Canal that could spill out of the channel within developed areas causing damage to private property. A total of \$25,000 was budgeted in 1999 to evaluate and design the improvements. As part of the proposed 2001 Capital Improvement Program, \$200,000 is included for this project, contingent on City Council's approval of the stormwater drainage fee.

City Council concurred with Staff's recommendation to include this project in the 2001 Capital Improvement Program. If the Stormwater Drainage Fee is not approved by City Council, then this project will not occur unless City Council chooses to reduce other CIP projects in 2001 to fund this project.

8. *Westminster Spotlight Theater Request:* Patrick Payne of the Westminster Spotlight Theater attended the September 11, 2000 City Council meeting to request \$4,650 in funding for 2001. Mr. Payne made a brief presentation to City Council, describing the Westminster Spotlight Theater's needs for the upcoming year.

City Council typically receives requests of this nature throughout the year. These requests are presented to City Council for approval as they are received. Upon approval, such requests are funded through City Council's Special Promotions account, of which Council receives updates on what organizations have been funded and at what level. In 2001, \$54,300 is proposed in the City Council Budget for funding Special Promotions.

Staff recommended funding half of the request (\$2,325) made by the Westminster Spotlight Theater with the balance to come from other organizations. In comparison to the \$5,000 contributed to the Westminster Community Artist Series, it is thought that less than the full request is justified.

Based on the benefits of having this additional cultural group in the City of Westminster City Council directed Staff to provide funding in the full request amount of \$4,650 in 2001 from City Council's Special Promotion account.

9. *Clinica Campesina Family Health Services Request:* Mr. Pete Leibig of Clinica Campesina Family Health Services was present at the September 11th public hearing to request funds as part of the 2001 Budget. He requested funding for on-going services provided by Clinica Campesina Family Health Services, including providing medical care for low-income uninsured individuals.

The Human Services Board (HSB) has funded Clinica Campesina for the last two years. Clinica received \$4,000 from the City in 2000 but missed the HSB's application deadline for 2001 funding. Clinica provides medical care to the low-income and minority residents of Westminster. The HSB commented on the fact Clinica missed this year's funding process. They believe Clinica's sliding fee scale is an important service being provided to the low-income residents of Westminster.

City Council concurred with Staff's recommendation to fund Clinica at \$4,000 (the same level of funding received in 2000). City Council also directed Staff to inform Mr. Leibig of Clinica Campesina needs to work through the Human Service Board (HSB) regular funding cycle and that City Council would evaluate funding requests in future years that are outside of the HSB funding process timelines with greater scrutiny.

10. *Westcliff Homeowners Association Request:* Jeff Karpovich, President of the Westcliff Homeowners Association attended the September 11, 2000 City Council public hearing on the proposed budget. Mr. Karpovich presented a letter to City Council (dated August 24, 2000) outlining various capital improvements that the HOA has recently made (totaling \$60,880) as well as additional needed repairs totaling \$84,697 within the Westcliff subdivision.

On September 15, Director of Community Development John Carpenter and ODP Inspector Greg Savage met with Mr. Karpovich to discuss his request. Regarding the improvements already made to date, the HOA has expended \$8,125 to install a concrete sidewalk extending from Westcliff to nearby Betty Adams Elementary school. This sidewalk was not required by the Westcliff Official Development Plan, although it probably should have been. Had that been the case, it would have been installed by U. S. Home, the developer of the subdivision. The route of the path is used by numerous Westcliff students to walk to school. Had the HOA not installed the walk at their own expense, it is likely that the City would have installed the walk given its importance as a school route.

Each of the other expenditures already made by the HOA as documented in Mr. Karpovich's letter are maintenance related items with the exception of item #8, Tract A & F irrigation, ground prep and seeding. These HOA owned tracts are part of the Westcliff private greenbelt/open space system. A portion of these tracts is visible from abutting streets and were sodded, landscaped and irrigated while the more internal, less visible parts were designated for non-irrigated native seeding.

Native seeding was proposed by US Home to conserve water and be more “environmentally responsible.” Unfortunately, the native seeding of grasses has proven to be very difficult without supplemental irrigation and the tracts have a weedy, unkept look. Many of the landowners abutting these native seeded areas have expressed their dissatisfaction to City Staff and HOA representatives. As a result, the HOA installed additional irrigation and re-seeded areas to achieve a more acceptable appearance.

City Council concurred with Staff’s recommendation that the City reimburse the HOA \$8,125 for the expense incurred for installing the concrete sidewalk extending from Westcliff to Betty Adams Elementary School. This will be funded through the Sidewalk Connections project included in the proposed 2001 CIP. Council concurred that the City ask US Home to repair the one monument sign still under City warranty and to clean up the two detention ponds. Council also agreed that the City should assume the responsibility to landscape and improve Tract R as part of the Westcliff Park project (currently in the proposed 2001 CIP), thus saving the HOA \$3,000. Regarding the needed repairs of the brick monument signs and lettering, Council concurred that the City should facilitate mediation if necessary between US Home and the HOA. Staff will include in the letter to the HOA concerning their budget requests, per City Council, information about the City’s Neighborhood Enhancement grant program to help pay for part of the cost to replace the dead or dying trees.

11. *Flashing Yellow Light at Crosswalk in front of Ryan Elementary:* In an email received September 18 by Councillor Ed Moss, a citizen has requested a flashing yellow light be installed at the crosswalk directly in front of Ryan Elementary.

Flashing yellow lights are typically used in advance of a particular situation, e.g. intersection, curve, pedestrian crossing, narrow bridge, etc., to provide advanced warning. Installing flashing yellow lights directly in front of schools is not a standard practice recognized by the National Manual on Uniform Traffic Control Devices.

To fund this request would also set precedent for the City, in that if the City were to install flashing yellow lights in front of one school, we would receive requests from other schools in the City. The approximate cost for installing a flashing yellow light is \$3,000. Usually a flashing device would be installed for each direction, which would result in a \$6,000 cost per location.

City Council agreed, based on the City’s standard practice of installing yellow flashing lights in advance of a pedestrian crossing and the precedent setting nature of this request, that this project not be funded.

Miscellaneous Council Topics: At the Budget Retreat September 27, the City Council discussed a few capital projects and miscellaneous budget issues. A summary of the items addressed follow:

1. Councillor Atchison inquired as to the total number of indexed full-time equivalent (FTE) employees. The total number of indexed positions citywide for 2000 and proposed for 2001 is 25.0 FTEs; 26.0 FTEs are proposed in 2002.
2. Councillor Merkel inquired as to whether the health insurance policies offered to employees includes coverage for Hepatitis B and Hepatitis C screening. The City’s health insurance policies do not cover testing for Hepatitis B and Hepatitis C unless medical conditions exist that warrant such testing.
3. Mayor Pro Tem Dixon requested that Hepatitis B and Hepatitis C testing be made available to all employees via the annual employee Health Fair. Nicki Cameron, Wellness Coordinator, stated that this testing can be made available to all employees for the fee of \$22 per individual.

The Health Fair provides complete chemistry panel with lipid profile and CBC at no cost for Wellness Program members and \$15 for non-Wellness Program members. Two additional blood tests are available at the Health Fair for an additional charge to participants; they include: PSA testing for men for \$10 and TSH (thyroid) testing for all members for \$10. Ms. Cameron will make sure the company conducting the blood testing comes prepared for individuals interested in having the Hepatitis B and C tests.

4. Concerning the Phased Spending Plan, Councillor Moss inquired as to whether the City would have received the December sales tax revenue receipts by January 15, which is the proposed expenditure release date for those items listed for release at the first of the year. Councillor Moss suggested a later date might be more appropriate. Staff has done further analysis and determined that the release date for the first of the year is more appropriate on February 5. This later date will allow for all revenues to be receipted into the City's financial system.
5. Councillor Atchison inquired as to whether part of the funds currently in the 2000 Capital Improvement Program for Traffic Signals (\$200,000) for multiple intersections could be utilized for the 121st Avenue and Huron Street intersection signalization proposed in the 2001 Traffic Signals project since the Colorado Department of Transportation (CDOT) will be funding one of the projects originally anticipated in the 2000 project budget. According to Mike Normadin, Transportation Engineer, the City paid up front for the signal at 108th Avenue and Federal Boulevard but will not receive reimbursement from CDOT until after the first of next year. Therefore, no savings are present in 2000 to install traffic signals at 121st Avenue and Huron Street. The traffic signal study/evaluation process is conducted in March of each year to evaluate various locations throughout the City to identify intersections that warrant a traffic signal. Often City Council receives requests from residents for traffic signals via the budget development/public input process; this year is the first year in several years that City Council did not receive a request for signalization. Staff does not recommend changing the current project funding.
6. In the 2000-2004 Capital Improvement Program (CIP), a skateboard park was proposed (\$30,000 in 2000 for design work and \$300,000 in 2001 for construction) for construction at City Park. However, as City Council reviewed at the September 18 Study Session, City Staff has been made aware that Vans, a private indoor skateboard operator, has submitted plans to construct a facility north of the AMC Theatres at the Promenade. This facility is privately funded and plans to charge an admission price to participants who utilize the facility. In light of this development, City Staff felt it was prudent to re-evaluate plans for the City to build its own skateboard park. If the City moved forward with its plans, the skateboard park would have been located approximately one mile from the new Vans facility. This situation has prompted Staff to re-evaluate the City's proposed project. Upon further review and discussion, City Council concurred with Staff's recommendation to remove the City Park skateboard park project from the 5-year Capital Improvement Plan and wait for a 1-2 year time period to allow Vans skate park to get established and see if it fulfills the needs for a Citywide skateboard facility. At the end of that time, Staff will re-evaluate the City project and make a recommendation to City Council as to whether to place a proposed City skateboard park back on the 5-year Capital Improvement Plan (CIP). Councillor Atchison inquired of Staff what project had replaced the skateboard park in the 5-Year CIP. The skateboard park project funds were distributed towards two projects in 2001: Trail Development and Major Park Maintenance.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 78

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION OF THE CITY OF WESTMINSTER, COLORADO, SETTING THE 2000 MILL LEVY COLLECTIBLE IN 2001, ADOPTING THE BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR 2001.

WHEREAS, In accordance with Section 9.2 of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget for the fiscal year 2001; and

WHEREAS, On July 10 and September 11, 2000, public hearings on the proposed 2001 budget were held by the City Council pursuant to Section 9.4 of the City Charter.

NOW THEREFORE, be it resolved, by the City Council of the City of Westminster, Colorado that there is hereby levied for the 2000 year upon all taxable property within the City of Westminster, taxes in the amount of three and sixty-five hundredths (3.65) mills per dollar of assessed valuation in Adams and Jefferson Counties, which shall be paid into the General Fund of the City; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, Colorado that the annual budget of the City of Westminster for the fiscal year beginning January 1, 2001, which has been submitted by the City Manager is hereby adopted according to the attached exhibits:

FUND	EXHIBITS
General	A
Utility Enterprise	B
General Capital Improvement	C
Sales & Use Tax	D
Open Space Sales and Use Tax	E
Fleet Maintenance	F
Golf Course Enterprise	G
Human Service Agency Funding	H
Five-Year Capital Improvement Program	I
Staffing Summary	J
General Reserves	K
Utility Reserves	K
Debt Service	L
Five Year Staffing Projection	M

Be it further resolved, that the annual budget of the City of Westminster for fiscal year 2001 beginning January 1, 2001, be established with the following totals:

BALANCE OF FUNDS (1-1-01):	2001 PROPOSED
General Fund	\$1,798,308
Utility Enterprise Fund	2,225,000
Fleet Maintenance Fund	0
Sales & Use Tax Fund	0
General Capital Improvement Fund	729,000
General Reserve Fund	5,513,000
Utility Reserve Fund	4,250,000
Conservation Trust Fund	0
Open Space Fund	0
General Debt Service Fund	73,401
Golf Course Fund	0

TOTAL Fund Balance	\$14,588,709
REVENUES:	2001 PROJECTED
General Fund	\$66,047,063
Utility Enterprise Fund	34,999,000
Fleet Maintenance Fund	1,121,246
Sales & Use Tax Fund	53,799,000
General Capital Improvement Fund	14,073,638
General Reserve Fund	940,000
Utility Reserve Fund	230,000
Conservation Trust Fund	600,000
Open Space Fund	4,827,625
General Debt Service Fund	8,219,000
Golf Course Fund	<u>3,689,854</u>
TOTAL Revenues	\$188,546,426
Total Fund Balance	<u>14,588,709</u>
Total Funds Available	\$203,135,135
Less Transfers	<u>(60,943,884)</u>
Grand Total 2001 Revenues	\$142,191,251
EXPENDITURES	2001 PROPOSED
General Fund	\$66,345,371
Utility Fund	36,149,016
Fleet Maintenance Fund	1,121,246
Sales & Use Tax Fund	53,799,000
General Capital Improvement Fund	14,802,638
General Reserve Fund	0
Utility Reserve Fund	0
Conservation Trust Fund	600,000
Open Space Fund	4,827,625
General Debt Service Fund	8,292,401
Golf Course Fund	<u>3,689,854</u>
TOTAL	\$189,627,151
Less Transfers	<u>(60,943,884)</u>
TOTAL Expenditures	\$128,683,267
Total Contingencies & Reserves	<u>13,507,984</u>
GRAND TOTAL 2001	\$142,191,251

Passed and adopted this 9th day of October, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Resolution No. 79 re 2001 Pay Plan

Prepared by: Debbie Mitchell, Human Resources Manager
Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to take action on the attached Resolution which establishes the 2001 salary ranges for City employees. The funds needed to implement the recommended adjustments have been included in the proposed 2001 City Budget.

Summary

The proposed 2001 Pay Plan provides for a 3.5% across-the-board increase for all full-time and part-time Classified and temporary positions, adjustments of approximately 3.5% at the top of the ranges for most Unclassified positions, and a series of other pay range adjustments based on the annual pay plan review and salary survey by the Human Resources Division Staff.

Pay Plan classification changes are also being recommended in a few areas to reflect minor reorganizations within Finance; General Services; Information Technology; Parks, Recreation, and Libraries; Public Works and Utilities; and the Police Department.

Attached for Council's review are a listing of the proposed changes to the pay plan, the proposed revised pay plan itself, and a summary of proposed full time equivalents (FTE's) by department and division.

Alternatives to the proposed action would be to amend the pay plan, as Council deems appropriate.

Policy Issues

There are no new policy issues related to Council's consideration of the overall pay plan. The structure of the plan and the process used to set salaries are the same as in prior years.

Staff Recommendation

Adopt Resolution No. 79 which establishes the 2001 pay ranges for City employees.

Background Information

City Staff continues to use a benchmark system whereby City positions, which are relatively similar among other Denver Metro area cities are surveyed. Examples of these positions include Clerk Typist II, Parkworker, Planner III and Accounting Manager. The salaries for non-benchmark positions are linked to the salaries of specific benchmark positions based on their relationship to a job group and relative value to the organization. Normally, benchmarks for half of the major job categories are surveyed each year, however this year all 107 benchmarks were surveyed. This was done in order to make sure all classifications are being paid competitively in the market before any changes in the structure of the Pay Plan are implemented. As Council is aware, a pay plan study is currently underway and modifications to the plan will be recommended as part of the 2002 City Budget.

The 2001 pay and classification adjustment recommendations are based on an extensive salary survey process, which included eight metro area cities for most positions as well as special districts and private sector data where appropriate. The cities used for comparison purposes for the majority of positions are Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton, and Thornton. In addition, a number of special districts are surveyed for Parks, Recreation, and Libraries, and Fire Department comparisons.

Information from the Colorado Municipal League surveys; private sector data from Mountain States Employers Council as well as direct contacts with other municipalities were used to develop the salary recommendations. Salary recommendations are determined by looking at the average pay of a position from the survey organizations, at both the minimum and maximum levels, and comparing the average to the current City pay. A general guideline Staff uses in analyzing survey data is to consider an adjustment when a position is 2.5% higher or lower than the prevailing rate of pay in the market. Recommended range adjustments; across the board increases, and longevity adjustments are anticipated to keep Westminster's salaries competitive with those being paid by the private and public sector in the Denver Metropolitan area.

Across-the-board increases being preliminarily projected for 2001 by five of the survey cities and two fire districts range from 0% to 5.25% with an average of all increases given in the City's survey group of cities and special districts of 3.35%, not including longevity merit, or step increases. Mountain States Employers Council's initial projections for 2001 suggest an average Metro Denver increase of 3.1% to pay structures only and a 4.6% increase when merit, longevity and across-the-board increases are considered. Mountain States data includes 122 organizations from both the private and public sector. City Staff are recommending that all full and part-time classified and seasonal employees receive a 3.5% across-the-board pay adjustment, and that adjustments of approximately 3.5% be made to the top of the ranges for unclassified positions.

The 2001 Pay Plan also includes 154 classification and/or grade changes listed on the attached sheets. A total of 454 full-time equivalents (FTEs) will be affected by these proposed changes. Currently, the City has an authorized FTE staffing level of 845.824. The new Pay Plan reflects an increase of 15.6 FTEs for 2001, bringing the total FTEs to 861.424.

Due to a tight labor market and strong competition from other municipalities, the City had a difficult time hiring seasonal summer staff. As a result, pay for several seasonal positions was reviewed. Based on this analysis, recommendations are being made to increase pay for the following seasonal positions: Seasonal Laborer, Seasonal Specialist, Assistant Supervisor, Gate Attendant, Park Ranger, Seasonal Supervisor, Student Trainee, Playground Aide I, Playground Aide II, Playground Leader, and Playground Supervisor.

Funding for all of the recommended pay changes has been included in the proposed 2001 City Budget.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **79**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, Section 1-24-1 and 1-24-4 of the Official Code of the City of Westminster provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service, and

WHEREAS, the City Manager is recommending a 3.5% across the board salary increase for regular classified employees and adjustments of approximately 3.5% to the top of the ranges for most unclassified positions, and

WHEREAS, the City Manager is also recommending a number of pay grade adjustments based on the Human Resources Division's comprehensive salary survey, and

WHEREAS, several reclassifications, new classifications and title adjustments are recommended as a result of organizational changes.

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTMINSTER CITY COUNCIL RESOLVES that the attached new salary schedule and the authorized personnel schedule are hereby adopted and approved and shall be put into effect on January 1, 2001.

Passed and adopted this 9th day of October, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Agreement with Aggregate Industries, Inc. for Gravel Lake Storage

Prepared by: Mike Happe, Senior Water Resources Engineer
Ron Hellbusch, Director Public Works and Utilities

Introduction

City Council action is requested to authorize the City Manager to sign an agreement with Aggregate Industries, Inc. (formerly known as Camas of Colorado, Inc.) for the purchase of gravel lake storage to be completed at a site near Wattenberg, in unincorporated Weld County (see attached map). This storage will be completed at the end of gravel mining activities at the site over the next twelve years. This storage will be used to enhance the City's raw water supply system through augmentation and exchange. The City will purchase between 4,000 and 7,000-acre feet of water storage at this site, depending on site conditions. This is a long-range project and a portion of the necessary funding is currently proposed in the City's five year Capital Improvement Budget for 2001.

Summary

In December of 1999, City Council approved a Purchase and Sale Agreement with Camas of Colorado, Inc. that gave the City the opportunity to purchase gravel lake storage at a strategic location near the South Platte River at the end of mining activities at the site. The Purchase and Sale Agreement set the price for this storage, transferred ownership of the land to Westminster and gave CAMAS the mineral rights for the mining of the property. Westminster has until October 16, 2000 to decide how much storage the City is willing to purchase and work out a mutually agreeable contract laying out the specifications and timing of the finished storage facility with Aggregate Industries. Staff has determined that the City can use between 4,000 and 7,000-acre feet of storage at the site and has worked out an acceptable Storage Facility Agreement and is recommending that Council approve this agreement and proceed with this project. Staff has previously discussed and received preliminary direction from City Council on this item.

Policy Issue

Should the City enter into a long-term contract for the purchase of water storage with Aggregate Industries, Inc., or continue to look for future opportunities for storage at other sites.

Staff Recommendation

Authorize the City Manager to sign an Agreement with Aggregate Industries, Inc. for the purchase of between 4,000 and 7,000 acre feet of gravel lake storage near Wattenberg, Colorado to be completed before the year 2012.

Background Information

Over the last year, Camas of Colorado, Inc. approached Westminster Water Resources Staff with a proposal to have the City acquire water storage at a site near Wattenberg in unincorporated Weld County that would be created at the end of gravel mining activities.

Camas was concerned about having the site condemned by another municipality and offered Westminster attractive terms on the finished storage if the City moved quickly to take possession of the site. Westminster and Camas entered into a Purchase and Sale Agreement in December of 1999 which gave Camas protection from condemnation while at the same time allowed the City to determine if it wanted to move forward with this project and if so, how much storage it could use at the site. Due to some complications with permitting and negotiations of an acceptable Storage Facility Agreement, Westminster's original deadline for these determinations was extended until October 16, 2000.

Since the Purchase and Sale Agreement was approved by Council, Staff has proceeded to investigate the potential storage at the Wattenberg site and to negotiate a Storage Facility Agreement with Camas. Staff has determined the Wattenberg Site would work well in the City's water supply system to enable the City to store consumable water available to it on the South Platte River for release to the stream in support of exchanges and to pay obligations the City owes to the river through its water rights decrees.

The proposed Storage and Facility Agreement negotiated by Staff and Aggregate Industries calls for Aggregate Industries to construct between 4,000 and 7,000-acre feet of storage at the end of mining activities at the Wattenberg site. 4,000-acre feet of storage must be completed by 2008, and if more storage is to be built, the additional storage must be completed by 2012. Aggregate Industries is responsible for all site permitting and reclamation. The price for the storage will be \$2,500 per acre foot with no cost escalation for the first 4,000 acre feet of storage, then \$2,500 per acre foot inflated by the Denver/Boulder Consumer Price Index (CPI) inflation factor for any storage in excess of 4,000 acre foot up to a maximum of 7,000-acre feet of storage. Therefore, Westminster's total obligation to Aggregate Industries will range from \$10 M for 4,000 acre feet of storage to a maximum of \$17.5 M (with a portion of that inflated using the CPI) for 7,000-acre feet of storage. The payment will be due when the storage is finished and certified that it meets the City's specifications. Aggregate Industries is obligated to give the City at least 18 months notice before the anticipated completion of storage in order to allow the City to budget for this expenditure. The timing of this project fits in well with Westminster long term water supply requirements.

Alternative

An alternative would be not to approve this Storage Facility Agreement with Aggregate Industries and look for alternative suitable storage sites along the South Platte River. This alternative has the risk of not finding another suitable site at a reasonable cost and possibly losing this site to other parties.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Design and Inspection Services for the 36" and 24" Pipelines Associated with the Proposed Northwest Water Treatment Plant

Prepared by: Kent Brugler, Senior Civil Engineer, Water Resources and Treatment

Introduction

City Council is requested to authorize the City Manager to sign a contract with HDR Engineering, Inc. (HDR) in an amount not to exceed \$472,917 for the design, construction inspection and contract management of the 36" raw water line and 24" treated water line associated with the operation of the proposed Northwest Water Treatment Plant, and also authorize a 15% contingency of \$70,900. The expenses associated with this contract will not be charged to a capital improvement fund, but will be assessed against the settlement account with HDR.

Summary

The construction of the Northwest Water Treatment Plant, to be located at the intersection of Wadsworth Parkway and 104th Avenue, will begin before the end of the year and the plant is scheduled to be operational by April 1, 2002. In order to supply raw water to the plant, approximately 10,500 feet of 36" diameter steel waterline must be installed from the base of Standley Lake to the plant site. In addition, approximately 2,500 feet of 24" treated waterline must be installed from the plant site to a tie-in with the distribution system along Wadsworth Parkway north of 100th Avenue for delivery of the treated water.

HDR has provided extensive engineering design and construction inspection services to the City over the last 30 years, including the development of the current Treated Water Master Plan. As a result, they have developed a thorough understanding of the City's water supply, treatment and distribution systems. This contract represents a negotiated fee with HDR as provided for in the settlement agreement between the City and HDR. Staff believes that this approach will best serve the public interest based on HDR's knowledge of and long standing familiarity with the City's water system and the fact that this expense will not be charged to any City fund.

City Staff met with representatives from HDR to review the scope and anticipated timetable for this project. The scope of this contract includes the analysis of three pipeline routes and recommendation of the most feasible alternative, design of the selected route, assistance with bidding and construction contract award, and resident construction inspection and contract management. HDR prepared and submitted a detailed Scope of Engineering Services and Fee Proposal that was reviewed by City Staff and RG Consulting Engineers, Inc., the Public Works and Utilities Department's technical advisor for the Capital Improvement Projects Program. Based on these reviews and additional negotiation with HDR, the fees for these engineering, inspection and management services are \$363,701 for the 36" raw water line and \$109,216 for the 24" treated water line, representing a total contract amount of \$472,917. This is approximately 12.6% of the estimated construction cost of \$3,750,000, which is a reasonable and appropriate percentage considering the location and the numerous components and complexity of this project. Work will commence on this project immediately after the contract is executed with construction bids to be advertised during the early spring of 2001.

Policy Issue

Should the City award this negotiated, sole source contract to HDR Engineering, Inc. for engineering services related to the 24" and 36" water lines that will serve the Northwest Water Treatment Plant, in the amount of \$472,917.

Staff Recommendation

City Council finds that it is in the best interest of the public to award this contract to HDR Engineering Inc., and to authorize the City Manager to sign a contract with HDR Engineering, Inc. in an amount not to exceed \$472,917 for the design, construction inspection and contract management of the 24" and 36" water lines that will serve the Northwest Water Treatment Plant, and approve a 15% project contingency in the amount of \$70,900. These expenses will not be charged to any project account, but will be assessed against the settlement account with HDR.

Background

The Northwest Water Treatment Plant will be constructed at the intersection of Wadsworth Parkway and 104th Avenue beginning later this year, and it is necessary to install a 36" raw water line from Standley Lake to the plant site to convey raw water to the plant. After the water is treated, it must be delivered to the distribution system via the proposed 24" treated water line to be constructed from the plant site to a tie-in with the distribution system along Wadsworth Parkway north of 100th Avenue.

HDR has provided engineering services to the City on many water related projects over the years, including the 1995 expansion of the Semper Water Treatment Plant, the new high service pump station and the 5 million gallon clearwell. Subsequent to litigation that arose over these projects, the City and HDR reached a settlement that included a requirement that HDR would provide a certain value of engineering services, based on negotiated and competitive fees, at no cost to the City. This project is a good application for this agreement provision since HDR is very familiar with our water supply and distribution system through its previous work on the City's Treated Water Master Plan.

Alternative

As an alternative to awarding this contract to HDR, the City could choose to solicit proposals from several engineering firms. This would delay the completion of the design of these water lines and potentially impact the availability of water to the proposed treatment plant in time for the high demand season in 2002. In addition, contracting with another firm would result in a considerable expense to the City's Utility Fund that would not be incurred by contracting with HDR under the settlement agreement and account.

Respectfully Submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Engineering Services for Water Rights Investigations

Prepared by: Mike Happe, Senior Water Resources Engineer

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Helton and Williamsen P.C. for engineering services to be provided to the City of Westminster concerning the change of use of several of Westminster's water rights from irrigation use to municipal use in the State Water Court process. Funds were budgeted and approved for this expense and are specifically available in the 2000 Water Resources Engineering Services Account, Water and Wastewater Fund.

Summary

The City has purchased a number of water rights over the last several years for which it must obtain Water Court decrees changing the allowed use from irrigation to municipal uses. An application for these water right decrees will be filed with the Court by the end of the year 2000. The major water rights included in this investigation are Westminster's shares in the Farmers Reservoir and Irrigation Company (FRICO), the Farmers' High Line Canal and Reservoir Company (FHL), the Manhart Ditch Company, and the Church Ditch Company acquired over the last several years.

Staff recommends utilizing the services of the firm of Helton and Williamsen due to the continuing nature of the work involved with these engineering services and the specialized knowledge that these consultants have regarding Westminster's water rights. In addition, Helton and Williamsen have no conflict of interest issues that some engineering firms have with cities on water rights studies. The City Charter authorizes City Council to waive bidding requirements where it is determined that a negotiated contract would best serve the public interest.

Policy Issue

Should the City negotiate a contract with Helton and Williamsen for the engineering services necessary to change the use of several of Westminster's water rights.

Staff Recommendation

Determine that a negotiated contract best serves the public interest and authorize the City Manager to execute the engineering services contract with Helton and Williamsen P.C. for an expenditure of an amount not to exceed \$100,000 as payment for engineering services, and charge the expense to the 2000 Water Resources Engineering Services Account in the Water and Wastewater Fund.

Background Information

Over the last several years, Westminster has purchased water rights from Clear Creek that can supply Standley Lake and Jim Baker Reservoir. These water rights include 26.4 shares in the Farmers Reservoir and Irrigation Company (FRICO), 9.4 shares in the Farmers' High Line Canal and Reservoir Company (FHL), 31 shares in the Manhart Ditch Company, and 1890.7 inches in the Church Ditch Company.

These shares have been acquired through various purchases since Westminster's last change of use case; they represent 2425 acre-feet of Westminster's firm yield, most of which derives from the Church Ditch interests Westminster purchased from Broomfield in 1996.

Over the past ten years, the firm of Helton and Williamsen has investigated and analyzed the water rights for the City of Westminster. They are very knowledgeable about the City's water rights and do not have any conflicts of interest with the City. They are very qualified, and Staff believes they are the best firm to provide the engineering services for the water rights change of use. Helton and Williamsen billing rates are very competitive, and it has been Staff's experience that they have delivered quality work.

The services provided by Helton and Williamsen will include preparation of engineering reports, which may be distributed to the parties participating in the Water Court proceedings as objectors. Helton and Williamsen will develop information necessary to answer the concerns raised by objectors and will assist in preparing the City's case for Water Court. In addition, Helton and Williamsen will need to participate in negotiations with objectors and in the Water Court trial as expert witnesses.

It is estimated that \$60,000 will be spent for engineering analysis, \$10,000 for negotiations and meetings, and \$30,000 for a Water Court trial and contingency. Expenditure of funds for Water Court trial activities will not be spent unless the City cannot settle the cases before trial.

Alternatives

As an alternative to having Helton and Williamsen provide the engineering services on the change of use case, another engineering firm could be selected. If another firm was used, all the background information and history that Helton and Williamsen has regarding these water rights would be lost. It would take additional time and expense to bring another firm. Many potential engineering firms with appropriate credentials would be eliminated from consideration due to potential conflict of interest involving other cities on water rights studies.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: U.S. 36/92nd Avenue/Sheridan Boulevard Interchange Project – Addendum
To Engineering Design Contract

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Addendum to the Engineering Design Contract with Felsburg, Holt and Ullevig in the amount of \$247,745 for final design of the U.S. 36/92nd Avenue/Sheridan Boulevard Interchange Project. Funds for this expense are available in the project account of the General Capital Improvement Fund.

Summary

In January 1997, City Council authorized the contract with Felsburg, Holt and Ullevig (FHU) for preliminary design engineering, environmental studies, and the presentation of a request to the State Transportation Commission for approval to construct improvements to the US 36/Sheridan Boulevard Interchange. The improvements focus on new ramp configurations connecting 92nd Avenue to US-36, which will ease congestion at the 92nd Avenue/Sheridan Boulevard intersection.

After considerable effort on the part of the Mayor, City Staff and FHU, the Commission approved this project on July 20, 2000. It is now necessary to proceed with final design of this project so that construction can begin in June 2001.

FHU's proposed fee of \$247,745 for the final design effort is approximately 6.7% of the anticipated cost of construction. This fee proposal compares very favorably with design fees for other recent roadway projects. Because of their familiarity with the project, their background with the Department of Transportation and fees in the targeted range, Felsburg, Holt & Ullevig is the appropriate choice to carry the effort forward.

Policy Issues

Does City Council wish to proceed with the Final Engineering Design for the US 36/92nd Avenue/Sheridan Boulevard Interchange Project?

Staff Recommendation

Authorize the City Manager to execute an amended Engineering Design Contract with Felsburg, Holt and Ullevig in the amount of \$247,745 for the US 36/92nd Avenue/Sheridan Boulevard Interchange Project, and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Alternatives

Council could direct Staff to solicit proposals from other engineering firms for this work. Staff does not recommend this alternative due to FHU's three years of effort and strong familiarity with this project. Another consultant would have to get familiar with the project and what has been an involved effort with the Department of Transportation. Staff also believes that FHU's requested fee is very competitive and fair.

Background

In 1991, Felsburg, Holt and Ullevig (FHU) was hired by the City to prepare a Comprehensive Roadway Master Plan. This Plan, adopted by Council in 1994, provided a “big picture” look at the City’s expected growth to identify areas needing roadway system improvements. It identified the Westminster Center area and the streets around the Westminster Mall as a high priority for operational improvements. Based on the results of this study, the City hired FHU to analyze alternatives and to identify specific improvements in the area generally bounded by Sheridan Boulevard on the east, Harlan Street on the West, 92nd Avenue on the north and 88th Avenue on the south.

One of the recommended projects that would provide significant relief to the traffic congestion within the Westminster Center area is improvements to the U.S. 36/Sheridan Boulevard/92nd Avenue Interchange (see attached map). In summary, the improvements would include a loop off-ramp from westbound US 36 to westbound 92nd Avenue and an on-ramp from eastbound 92nd Avenue to eastbound US 36. These changes would relieve congestion at the Sheridan Boulevard/92nd Avenue intersection and elsewhere. Funds for the design of these improvements were included in the bond issue approved by Westminster citizens in November of 1996.

The proposed final design contract for the U.S. 36 Interchange by FHU would include all final studies addressing noise pollution, air pollution, environmental issues and drainage that are required in the Colorado Department of Transportation’s (CDOT) approval process. This effort also includes the preparation of construction plans and bid documents that will allow the City to construct the Interchange. Construction is planned to begin in June 2001. Felsburg-Holt’s proposed fee of \$247,745 is approximately 6.7 percent of the anticipated cost of construction and is consistent with design fees that the City pays on most other roadway design projects.

Staff believes that Felsburg, Holt and Ullevig is the most logical choice to perform this work due to their strong familiarity with the City’s entire roadway system and their excellent reputation with CDOT. In addition, FHU has been working on the preliminary design for the Westminster Center area since 1996 and was instrumental in helping the City secure approval from the Highway Commission, which paved the way for construction of this project. Their background on the project assures a smooth transition into the final design phase that no other consultant could provide. Staff is recommending acceptance of the FHU proposal and will amend the existing contract with City Council’s approval.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Revised Employment Agreement with John A. 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 follow up to Council's recent performance review meeting with the Judge, the Council has indicated they wish to increase his annual compensation by five percent or \$4,435 to \$93,135. 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 \$93,135 effective January 1, 2001.
2. Pass Councillor's Bill No. 91 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.

Judge Stipech was appointed July 1979 as an Associate Judge and as Presiding Judge January 1, 1996. He graduated from the University of Utah in 1967 with a Bachelor of Arts Degree and received his Juris Doctorate degree from the University of Denver Law School in 1971. He is a member of the Colorado and Adams County Bar Associations and is currently serving on the Board of Directors for the Municipal Judges' Association. Judge Stipech is an advisor to recipients of Habitat for Humanity homes, is a member of the Westminster Rotary Club, and is active in many community activities.

The volume of cases handled by the Court continued to be high during the past year, mainly due to the continuation of the Police Department's increased enforcement of school zone and red light violations. Also noteworthy were an increase in court fines, the addition of .2 FTE Associate/Pro Tem Judges, and the change in the scheduling of traffic cases to reduce the waiting time for defendants. The Court continues to work with the local school districts to make available the Teen Court Program and Mock Trial and Mock Court Trial competition and regularly hosts student field trips. The Court has been very supportive of juvenile offender diversion programs and juvenile assessment centers in both Adams and Jefferson Counties. The Judges also have begun to encourage citizen use of the City's mediation program and the Victim Offender Reconciliation Program (VORP) when appropriate. During the coming year, the Court will explore the possibility of adding a teen court-shadowing concept and will try to expand the efficiencies possible through its existing video arraignment equipment. The latter could include the addition of video arraignment for Jefferson County prisoners.

The proposed employment agreement with John A. Stipech mirrors the agreement with Judge Stipech that Council approved in October 1999, with the exception of the change in salary. The revised agreement calls for the Judge's salary to increase by \$4,435 from the current level of \$88,700 TO \$93,135 effective January 1, 2001.

Similar to the Council's employment agreements with the City Manager and the City Attorney, this agreement would again cover a two year period, 2001 and 2002, 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.

COUNCILLOR'S BILL NO. **91**

SERIES OF 2000

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:

~~\$88,700~~ \$93,135 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, 2001.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of October, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of October, 2000.

ATTEST:

Mayor

City Clerk

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2001, 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 2001 and 2002. 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 ninety-three thousand one hundred thirty five dollars (\$93,135) effective January 1, 2001, 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, 2001, and shall be in effect through calendar years 2001 and 2002.

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, 2001, 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 October 9, 2000, contingent upon approval of the Councillor's Bill amending Municipal Judge salary.

ATTEST:

City Clerk

Mayor

John A. Stipech



WESTMINSTER
COLORADO
Agenda Memorandum

Date: October 9, 2000

Subject: Revised Employment Contract with William Christopher

Prepared by: Bill Christopher, City Manager

Introduction

City Council review and consideration is requested pertaining to the attached revised employment agreement with William Christopher serving in the capacity of City Manager.

Summary

At the time City Council appointed William Christopher as City Manager in June, 1978, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment. Each year, the employment contract is reviewed and revised based on the results of the Council's performance evaluation of the City Manager. This year's evaluation was completed on September 6th which included updating compensation terms. A revised employment contract has been prepared to reflect the adjustments discussed with City Council. Also, the contract reflects the City Manager's announced plan to retire effective March 31, 2001.

Staff Recommendation

Approve an employment agreement with William Christopher serving in the position of City Manager for the period commencing January 1 through March 31, 2001, and authorize the appropriate City Officials to execute said agreement.

Background Information

William M. Christopher has served as City Manager for 21 1/2 years, after having served as Assistant City Manager for a period of 10 years. Mr. Christopher received his master's degree in public administration from Kansas University, and he holds a bachelor of science degree in business administration from Pittsburg State University. Mr. Christopher is past president and has served on the board of directors of the Westminster Rotary Club for ten years. He is the past president of the Colorado City/County Management Association and currently serves as chair of the Ethics and Recognition Committee and the Scholarship Committee; he is also a past board member of the Metro North Chamber of Commerce. He is currently on the Board of Directors and executive committee of the Westminster Community Artists Series and the Westminster Presbyterian Church. He is treasurer of both organizations.

Mr. Christopher is an active member of the International City/County Management Association (the "ICMA"), serves on the ICMA Fund for Professional Management Committee, Metro City Manager's Association and the Colorado City/County Management Association. He was recognized by Colorado Business magazine as one of the state's top managers and he was honored by ICMA when presented with the coveted award for Excellence in Honor of Mark E. Keane and in 1997 with the Program Excellence in Intergovernmental Cooperation Award from ICMA. He received the Clarence Ridley In-Service Training Award from ICMA in 1998, and was honored in 1999 by the University of Colorado Chapter of the American Society for Public Administration when he was presented the Leo C. Reithmayer Outstanding Public Administrator award. Most recently, he was recognized by ICMA for Program Excellence for cities over 50,000 population.

The initial employment agreement with William Christopher, serving as City Manager, has been subsequently reviewed annually (except in 1988) to reflect compensation adjustments as well as any other changes in the provisions of the agreement as warranted. The existing contract is scheduled to expire December 31, 2001. City Council and the City Manager have discussed a new contract. However, based on the City Manager's retirement plans, the contract runs through March 31, 2001.

The only change in the revised agreement compared to the existing agreement is as follows:

- > The increased compensation (\$7,800 salary - a 6.0% increase) is to be reflected in the agreement. The annual base salary will become \$129,800 plus \$8,000 taken as deferred compensation.

All other provisions of the contract remain the same as per the existing employment agreement between the City Council and the City Manager.

City Council was previously provided a salary survey of other area city manager's compensation packages. The average salary of the eight Cities surveyed indicated an average annual compensation of \$129,968 and a median of \$133,054, which would include any deferred compensation for 2000. This compares to the current annual salary and deferred compensation for the Westminster City Manager in the amount of \$130,000. In addition, for next year, the City is recommending a 3.5% pay adjustment across the board.

The revised contract that was discussed at the September 6 Executive Session reflects a compensation increase of 6.0% for 2001. The salary for 2001 would be \$129,800 and the deferred compensation would remain at \$8,000.

I am extremely pleased to have had the opportunity to serve as Westminster's City Manager for the past 22 plus years. I believe there have been many meaningful achievements which have produced numerous enhancements for the community. I look forward to the numerous challenges and opportunities which will present themselves in my remaining service to the Westminster City Council. Westminster continues to be a great City to have the opportunity to manage with a dedicated and skilled workforce.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2001, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and WILLIAM M. CHRISTOPHER, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of WILLIAM M. CHRISTOPHER, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7; 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

WHEREAS, EMPLOYEE previously accepted employment as City Manager of said CITY.

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

SECTION 1. DUTIES:

CITY hereby agrees to continue the employment of WILLIAM M. CHRISTOPHER as City Manager of CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

SECTION 2. TERMS:

A. EMPLOYEE agrees to remain in the exclusive employ of CITY and WILLIAM M. CHRISTOPHER will serve as City Manager from January 1 through March 31, 2001. Further, EMPLOYEE agrees neither to seek, to accept, nor to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional 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 below.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to exercise its right 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 City Manager, 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 four (4) months, 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 four (4) months' 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 Section 2(D).

SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$129,800 and \$8,000 in deferred compensation effective January 1, 2001, payable in installments at the same time as other employees of the CITY are paid.

CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

A. 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.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he shall have the exclusive use at all times during his employment with the CITY of an automobile provided to him by the EMPLOYEE. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. A monthly car allowance of \$450 shall be paid to EMPLOYEE to assist in compensating for these costs.

SECTION 7. 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 8. PROFESSIONAL DEVELOPMENT:

CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY, including but not limited to the International City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. 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 10. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, except that when such benefits are in conflict with this contract, said contract shall control.

SECTION 11. 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.

SECTION 12. 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, 2001 and shall be in effect through March 31, 2001.

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. Nothing in this agreement shall be construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

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

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 has signed and executed this agreement.

Approved by Westminster City Council on this 9th day of October, 2000.

Mayor

ATTEST:

City Clerk

William M. Christopher

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Exclusion of Properties From West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District

Prepared by: Tami Cannon, Paralegal

Introduction

City Council action is requested to approve the Stipulation and Plan for exclusion of recently annexed territory from the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District (hereinafter "District").

Summary

The City has been negotiating with the District regarding the exclusion of recently annexed properties from the District.

This Stipulation (copy attached) will allow the City to proceed in an uncontested manner in Adams County District Court for the purpose of obtaining an Order excluding the ten (10) recently annexed parcels of property covered under the Stipulation. Seven of the parcels are within Jefferson County and three are within Adams County.

Policy Issue

Whether to approve the Stipulation agreeing to provide fire protection services to properties recently annexed to the City and proposed to be excluded from the District.

Staff Recommendation

Approve the Stipulation and Plan for exclusion of properties from the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District, and authorize its execution by the Mayor and City Manager on behalf of the City.

Background Information

The important components of the Stipulation are as follows: (1) An agreement that the quality of fire protection service to be provided by the City will be comparable and not inferior to the fire protection service now provided by the District; (2) Existing indebtedness of the District for which the excluded properties would remain liable; (3) An agreement that the District shall have the right to levy a mill levy not to exceed 0.5 mill against the excluded properties for five consecutive years for the District's Volunteer Firemen's Pension Fund; and (4) Transfer of fire protection service responsibilities to be effective January 1, 2001. Vicinity maps showing the areas to be excluded are also attached.

Respectfully submitted,

William M. Christopher, City Manager
Attachment: Stipulation and Vicinity Maps

DISTRICT COURT, COUNTY OF ADAMS, STATE OF COLORADO

Civil Action No. 4825

**STIPULATION AND PLAN FOR EXCLUSION OF CERTAIN TERRITORY
FROM THE WEST ADAMS COUNTY FIRE PROTECTION DISTRICT**

THE CITY OF WESTMINSTER, COLORADO, a home-rule City, and THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER,

Petitioners,

vs.

THE BOARD OF DIRECTORS OF THE WEST ADAMS COUNTY FIRE PROTECTION DISTRICT,
and All Taxpaying Electors of the WEST ADAMS COUNTY FIRE PROTECTION DISTRICT, as a
class,

Respondents.

COME NOW the parties hereto, by their respective counsel, and stipulate as follows:

PREAMBLE

1. This action is based upon the Petition of the City of Westminster pursuant to section 32-1-502, et seq., C.R.S., as amended, to exclude certain territory from the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District (hereinafter "District") because that territory is located within the City of Westminster which also provides fire protection service. The territory sought to be excluded is described in Exhibit "A" attached hereto and incorporated herein by reference.

2. This Stipulation and Plan is submitted pursuant to and in satisfaction of the requirements of section 32-1-502(2)(c) which provides that as a condition to the exclusion of the property which is the subject of this petition, the governing body of the City and the board of directors of the District shall each submit a plan for the disposition of assets and continuation of services to all areas of the District, and that said plans shall include, if applicable, provisions for the maintenance and continuity of facilities to be utilized by the territories both within and without the municipal boundaries and of services to all territories served or previously served by the special district, and further, that if the City and the District agree upon a single plan and enter into a contract incorporating its provisions, the court shall review such contract, and if it finds the contract to be fair and equitable, the court shall approve the contract and incorporate its provisions into its exclusion order.

3. The City Council of the City of Westminster, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

4. The Board of Directors of the District, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

STIPULATION AND PLAN

5. All notice requirements of the statute and of the Colorado Rules of Civil Procedure have been fully, completely and properly complied with. No objection to the exclusion has been made by any taxpaying elector, individually or on behalf of the class designated Taxpaying Electors. The District and the City consent to the exclusion of the property described in Exhibit "A", subject to the provisions of this Stipulation and Plan.

6. The parties further stipulate that:

A. The City of Westminster has provided and is now providing the same fire protection services which the District provided in or to the territory proposed for exclusion.

B. The governing body of the City of Westminster agrees, and has agreed, by resolution, to provide the service provided by the District to the area described in the exclusion petition effective immediately upon entry of the exclusion order regardless of its later effective date.

C. The quality of fire protection service to be provided by the City of Westminster will not be inferior to the fire protection service now provided by the District in the territory proposed for exclusion and described in the Petition for Exclusion.

D. No election has been held or is required to be held pursuant to subsection (5) of section 32-1-502, C.R.S., as amended, and it is stipulated that the quality of service including, but not limited to, the fire insurance costs for the improvements within the excluded area will not be adversely affected by this exclusion.

E. The District owns no facilities or assets located within the territory which is proposed for exclusion.

F. The District has an outstanding bonded indebtedness of \$955,000.00.

7. Commencing the taxable year 2001, the District, for a period of five (5) years, shall have the right to assess and collect the proceeds of a mill levy of one-half (1/2) mill against the assessed value of the applicable excluded property, which proceeds shall be paid to and for the exclusive benefit of the District's Firemen's Pension Fund.

8. Pursuant to section 32-1-502, C.R.S., as amended, District and City agree to the following plan for disposition of assets and contribution of services to all areas of the District:

A. The District owns no real property or improvements within the territory described in the Petition for Exclusion and the City does not seek ownership of any such assets located in any other part of the District.

B. The City does not seek ownership of any firefighting equipment or other personal property now owned by the District and the Order of Exclusion may so state.

C. The City shall provide fire protection to the territory described in the Petition and shall continue to honor any mutual aid agreement with the District applicable to any District territory not excluded.

D. All other resources of the City Fire Department will be available to respond as the circumstances of any emergency or other situation may require. This includes a total of ten (10) major pieces of firefighting equipment based at six (6) fire stations throughout the City.

E. City officers will also be responsible for safety inspections and other fire code enforcement within the territory described in the Petition.

F. Primary responsibility for fire protection in all territory of the District not proposed for exclusion shall remain with the District.

9. The City of Westminster shall assume fire protection service responsibility to the excluded area from the District effective January 1, 2001. Nothing in this Stipulation and Plan shall impair or negate the validity or effectiveness of any existing mutual aid agreement between the parties.

10. The District and its firefighters, including those residing in the excluded area, shall continue to have the right to operate District and personal vehicles and equipment as authorized emergency vehicles within said excluded area and the City of Westminster, for bona fide emergency purposes, as the District may deem necessary in fulfilling District obligations. Authorized emergency vehicles shall be those as defined by section 42-1-102, C.R.S., as amended, and shall include the right of District firefighters who reside in the excluded area to respond to emergency calls in personal vehicles and District vehicles which are operated as emergency vehicles.

11. Pursuant to section 32-1-503, C.R.S., as amended:

A. The change of boundaries of the District which is accomplished by the Court Order, shall not impair nor affect its organizations, nor shall it affect, impair or discharge any contract, obligation, lien, or charge on which it might be liable or chargeable had such change of boundaries not been made.

B. For the taxable year 2001 and thereafter, the excluded property shall not be subject to any property tax levied by the District for operating costs.

C. For the purpose of retiring the District's outstanding indebtedness and the interest thereon existing at the effective date of the exclusion order, the applicable excluded territory shall be obligated only for that proportion of the District's outstanding indebtedness and the interest thereon existing immediately prior to January 1, 2001.

D. The excluded territory shall in no event become obligated for the payment of any bonded indebtedness created after the date of the Court's exclusion order.

12. This Court may, immediately upon presentation of this Stipulation and Plan, enter an Order consistent herewith excluding the territory described in Exhibit "A" from the District. The Order shall become effective, as provided by statute, on January 1, 2001. The form of the Order is attached hereto as Exhibit "B" and all of the terms of said Order are hereby incorporated by reference in this Stipulation and Plan.

13. The Court's Exclusion Order shall become effective January 1, 2001.

Respectfully submitted,

CITY OF WESTMINSTER

By: _____
Richard Shearer #8792
Attorney for Respondent
730 17th Street, Suite 500

By: _____
Sharon Widener #12571
Attorney for Petitioners
4800 W. 92nd Avenue

Denver, CO 80202
720-359-9500

Westminster, CO 80030
303-430-2400

APPROVED:

WEST ADAMS COUNTY FIRE
PROTECTION DISTRICT, n/k/a
NORTH METRO FIRE
RESCUE DISTRICT

CITY OF WESTMINSTER, a
home-rule City

By _____
President

By _____
Nancy Heil, Mayor

By _____
Fire District Manager

By _____
William Christopher
City Manager

ATTEST:

ATTEST:



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Resolution No. 80 re Exclusion From West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District

Prepared by: Tami Cannon, Paralegal

Introduction

City Council action is requested to adopt the attached Resolution approving the exclusion of recently annexed properties from the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District (hereinafter "District").

Summary

This item is related to the approval of the Stipulation and Plan for exclusion appearing previously on Council's agenda. Seven of the parcels to be excluded are within Jefferson County and three parcels are within Adams County.

Policy Issue

Whether to approve the exclusion of recently annexed properties from the District in order to avoid double taxation and duplicative fire protection services.

Staff Recommendation

Adopt Resolution No. 80 approving the exclusion of recently annexed properties from the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District.

Background Information

In order for the City Attorney's Office to proceed with the filing of the exclusion documents, the exclusion statutes require that City Council adopt the attached Resolution indicating the City's agreement to provide the fire protection services provided by the District to the area described in the Stipulation and Plan within one year from the effective date of the exclusion Order as required by statute.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

SERIES OF 2000

EXCLUSION OF TERRITORY FROM THE WEST ADAMS COUNTY
FIRE PROTECTION DISTRICT, N/K/A NORTH METRO FIRE RESCUE DISTRICT

WHEREAS, it is in the public interest and a policy of the City of Westminster to eliminate the overlapping of services provided by local governments and the double taxation which may occur because of annexation when all or part of the territory lies within the boundaries of both the City of Westminster and a special district; and

WHEREAS, Colorado statutes provide an orderly procedure to eliminate such overlapping of services and double taxation, which procedure is found in section 32-1-502, et seq., C.R.S., as amended; and

WHEREAS, the City Council of the City of Westminster has been informed by City Staff and now finds that such a situation exists in the area described on Exhibit "A" attached hereto and incorporated herein by reference and that there is an overlapping of fire protection services by the City of Westminster and the West Adams County Fire Protection District, n/k/a North Metro Fire Rescue District (hereinafter "District") and double taxation resulting from the territory described in Exhibit "A" being within the boundaries of both the City and the District; and

WHEREAS, the City Council, based upon information provided by its Staff, has found that the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the District in the territory described in Exhibit "A" attached hereto, based upon the Westminster Fire Department's service capability, which includes operations out of six (6) existing fire stations which are strategically located throughout the City; an extensive fleet of sophisticated firefighting and emergency medical vehicles including an aerial fire truck, one attack unit, four fire engines, one reserve fire engine, one reserve squirt, one ladder truck and three ambulances operated by a staff of ninety (90) highly skilled and trained full-time firefighters including paramedics and emergency medical technicians; and

WHEREAS, evidence gathered in previous proceedings for exclusion from other Districts, and applicable to this proceeding also, establishes that fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

WHEREAS, City officials and representatives of the District are negotiating the City's proposal to exclude from the Fire District, and are working towards a mutually acceptable exclusion agreement; and

WHEREAS, the City Council of the City of Westminster is willing to agree by this Resolution to provide the service provided by the District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and more specifically, immediately upon the effective date of the exclusion order;

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

1. That the City proceed at once to exclude the territory described in Exhibit "A" from the District by filing its Petition in the District Court of Adams County, pursuant to the provisions of section 32-1-502, et seq., C.R.S., as amended.

2. That the City Council of the City of Westminster agrees, by this Resolution, to provide the service provided by the District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and specifically, immediately upon the effective date of the exclusion order.

3. That the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the District in the territory described in Exhibit "A" and the fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

4. That the City Attorney is instructed to petition the Court and carry out all notification requirements as contained in applicable state statutes.

PASSED AND ADOPTED this 9th day of October, 2000.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 9, 2000
Subject: Councillor's Bill No. 92 re Door to Door Soliciting
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill addressing hours of allowed door to door soliciting.

Summary

Recently, City Council received a letter from a Westminster resident requesting the hours of door to door soliciting to be changed. Currently the hours allowed are 7:00 AM to 10:00 PM. The request was to allow door to door soliciting until one half hour before sunset.

Policy Issue

Whether to change the hours for door to door soliciting.

Staff Recommendation

Pass Councillor's Bill No. 92 on first reading amending the hours to solicit door to door in the City of Westminster.

Background Information

The proposed ordinance will change the hours for door to door soliciting to occur during the hours of 9:00 A.M. and one half hour before sunset.

Alternatives

Council could reject the proposed change of hours to allow door to door soliciting

Council could amend the hours allowing door to door soliciting to something other than the proposed hours.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2000

COUNCILLOR'S BILL NO. **92**
INTRODUCED BY COUNCILLORS

MOSS - MERKEL

A BILL

FOR AN ORDINANCE AMENDING THE CONDITIONS FOR DOOR TO DOOR SOLICITATION

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 5, Chapter 6, Section 9 of the Westminster Municipal Code is hereby amended as follows:

5-6-9: CONDITIONS OF OPERATION:

(A) Every resident of the City shall have the right to post a notice upon his real property, business or residence, including but not limited to apartments, condominiums, mobile homes, and detached residences, to the effect that solicitors shall not solicit or attempt to solicit from the occupant or occupants thereof. It shall be unlawful to solicit from an occupant in violation of such a notice or without previous invitation so to do from the occupant thereof.

(B) All solicitation activities, whether conducted on foot or from a vehicle, shall be conducted in strict accordance with all traffic and parking laws.

(C) ~~Licenses~~ PEDDLERS shall be allowed to engage in their businesses between the hours of 7:00 A.M. and 10:00 P.M., unless otherwise stated in the conditions on their license. SOLICITORS SHALL BE ALLOWED TO SOLICIT IN RESIDENTIAL AREAS BETWEEN THE HOURS OF ~~9:00~~ 8:00 A.M. AND ~~ONE HALF HOUR BEFORE SUNSET~~ 8:00 P.M.

(D) All trash or debris accumulation caused by a licensee's activities shall be collected and deposited in a proper trash container. Any accumulation of trash or debris that causes the City to incur expense in removing the accumulation shall be cause for the City to proceed against the licensee's surety bond.

(E) Sales and use taxes shall be paid upon the schedule set by this Code.

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

Section 3. 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 9th day of October, 2000 as amended.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of October, 2000.

ATTEST:

City Clerk

Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 9, 2000

Subject: Councillor's Bill No. 93 re: 2000 Budget Supplemental Appropriation

Prepared by: Ron Lay, Accountant

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2000 budget appropriations in the General Fund and the General Capital Improvement Fund. These changes are housekeeping in nature due to accounting requirements and/or reflect minimal additions to budgets.

Summary

The General Fund budget will be amended to reflect \$1,000 in Grant revenue, \$3,168 in Fire extra-duty revenue, \$8,840 in Police extra-duty revenue and \$800 for insurance proceeds.

The General Capital Improvement Program Fund budget will be amended to reflect \$97,000 in grant revenue, \$50,000 in contribution revenue and \$205,542 in cash-in-lieu revenue.

Policy Issue

The policy issue for City Council is to appropriate the unanticipated additional revenues described above or utilize these funds to increase reserves.

Staff Recommendation

Pass Councillor's Bill No. 93 on first reading providing for supplementary appropriations to the 2000 General Fund and General Capital Improvement Fund.

Background Information

- The General Fund budget will be increased to reflect an appropriation of \$1,000 in grant revenue received in 2000 from the Scientific and Cultural Facilities District and the Thornton Arts, Sciences and Humanities Council. Grant proceeds will be utilized to for an upcoming event at the Community Senior Center focusing on Russia.
- The General Fund budget will be increased to reflect an appropriation of \$3,168 in Fire extra-duty revenues received from the Colorado State Forest Service. The proceeds will be utilized to offset costs incurred by the Westminster Fire Department during the Hi Meadows Fire on June 13, 2000.
- The General Fund budget will be increased to reflect an appropriation of \$8,840 in Police Department extra-duty revenues received from Adams County. The funds were received for overtime work done by Westminster Police Department detectives working on the North Metro Drug Task Force.
- The General Fund budget will be increased to reflect an appropriation of \$4,000 for insurance proceeds received from Allied Insurance and Butchers Chemical Manufacturing Company for water damages incurred at the City Park Recreation Center. The insurance companies represent the two janitorial companies who service the center and the funds will be utilized for emergency clean up costs incurred by the City and damages sustained to computer hardware.

- The General Capital Improvement Fund budget will be increased to reflect a \$97,000 intergovernmental agreement with the Colorado Department of Transportation. These funds are being utilized to install a traffic light at 108th Avenue and Federal Boulevard. City Council approved this agreement on 8/28/00.
- The General Capital Improvement Fund budget will be increased to reflect an appropriation of \$50,000 for proceeds received from the Adam Community Mental Health Center. Funds will be utilized to assist with costs associated with the remodeling of the City owned Walker Building. City Council approved this item on April 24, 2000.
- The General Capital Improvement Fund will be increased to reflect an appropriation of \$205,881 in cash-in-lieu funds received by the City. The funds will be utilized to pay off an outstanding loan with Jefferson County obtained to partially fund the purchase of additional City Park land. City council approved the loan on January 10, 2000.

These ‘housekeeping’ adjustments will bring the City’s accounting records up to date to reflect the various detailed transactions.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. 93

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Fund, initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby increased by \$17,008 which, when added to the fund balance as of the City Council action on October 23, 2000 will equal \$66,280,643. 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 grant, extra-duty and insurance proceeds.

Section 2. The \$17,008 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
Intergovernmental - Federal 10-0426-000	\$37,803	\$8,840	\$46,643
Contributions Misc. 10-1172-000	26,000	1,000	27,000
Reimbursements Insurance 10-0961-000	0	4,000	4,000
General Miscellaneous. 10-1072-000	161,909	<u>3,168</u>	165,077
Total Change to Revenues		<u>\$17,008</u>	
EXPENSES			
Salaries - Overtime 10-20-30-103-000	\$172,500	\$8,840	\$181,340
Other Contractual Services 10-50-76-299-530	96,300	1,000	97,300
Computer Hardware/Software 10-50-72-405-861	0	3,200	3,200
Contractual Services 10-12-11-267-702	351,333	800	352,133

Regular Salaries 10-25-26-103-000	192,950	<u>3,168</u>	196,118
Total Change to Expenditures		<u>\$17,008</u>	

Section 3. The 2000 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851 is hereby increased by \$352,881 which, when added to the fund balance as of the City Council action on October 23, 2000 will equal \$22,411,647. The actual amount in the General Capital Improve. 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 intergovernmental funds, contributions and cash-in-lieu revenues.

Section 4. The \$352,542 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
Intergovernmental – State of Colorado 75-0478-000	\$143,000	\$97,000	\$240,000
Reimbursements Cash-In-Lieu 75-0955-000	0	50,000	50,000
Reimbursements – Cash-In-Lieu Parks 75-0955-105	0	<u>205,881</u>	205,881
Total Change to Revenues		<u>\$352,881</u>	
EXPENSES			
Appropriations Holding – Traffic Signals 75-30-88-555-274	\$89,419	\$97,000	\$186,419
Appropriations Holding – Walker Building 75-12-88-555-197	0	50,000	50,000
Appropriations Holding – City Park Phase III 75-50-88-555-159	0	<u>205,881</u>	205,881
Total Change to Expenditures		<u>\$352,811</u>	

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. 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 9th day of October 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this _____ day of _____, 2000.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: October 9, 2000

Subject: Quarterly Insurance Report

Prepared by: Cindy Wiesley, Acting Risk Management Specialist

Introduction

This report is for City Council information only and requires no action by City Council. It provides a list of third party claims filed with the City from April 1, 2000 through June 30, 2000. This report also includes claim summaries for the second quarter 2000 and year to date 1999 and 1998.

Summary

In compliance with Section 1-30-3 of the Westminster City Code, the City Manager shall prepare for City Council a quarterly report of all claims filed against the City and be presented at a City Council meeting.

The information provided on each claim includes the claim number, date of loss, claimant’s name and address, and a brief summary of the claim and the claim’s status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney’s Office to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1-30-3.

For the second quarter, Staff observed the following:

- The number of claims is down from 1999 but up from 1998.
- The value of claims is down \$41,115 from 1999, but up \$4,703 from 1998.

CLAIM SUMMARY – SECOND QUARTER ONLY 2000, 1999, and 1998

	2000	1999	1998
Administration	0	0	0
Police Professional	0	2	0
Auto Liability	3	9	5
Streets and Roads	0	1	1
Sewer Backups	4	0	0
Water Operations	3	1	1
General Liability	2	3	2
No. of Claims Filed	12	16	9
No. of Open Claims	5	4	0
Cost of Claims Pd to Date	\$10,553	\$50,669	\$5,850

Seven of the twelve claims reported in the second quarter of 2000 have been paid. There were three auto liability claims: one for \$138.13 for a cracked windshield, one for \$1,508.08 when a citizen’s truck was struck by a Parks frontend loader and one for \$6,260.18 resulting from a collision involving a Fire Staff vehicle and a citizen’s van.

There were four sewer backup claims; two were denied due to lack of liability on the part of the City, two were paid for a total of \$2,647.49 when blockage was found in the City's main line.

Twelve of the claims that occurred in 1999 have been paid. There were seven auto liability claims involving Police Department Staff that settled for a total of \$10,247.89. Parks had one claim for \$161.32 that occurred when a lawn mower threw a rock through a citizen's windshield. Utilities had one auto liability claim for \$4,442.33 resulting from a collision. Water Operations had one general liability claim involving a major water main break at the Westminster Plaza that settled for \$33,754 in damages. Recreation had two general liability claims that closed without any costs.

The nine reported claims that occurred in 1998 have been paid. There were six auto liability claims that totaled \$5,850.22. There were three general liability claims that resulted in no costs due to denial by CIRSA based on lack of liability on the part of the City.

For the year to date, Staff has noted the following:

- The first half of the year is off to a good start with only 21 claims reported.
- The 1999 year claim costs reflect the August 4, 1999 heavy rainstorm and subsequent flooding that occurred primarily in the South Westminster area.

Claims Summary – Second Quarter 2000, Year to Date 2000, 1999 and 1998

	2000 <u>YTD</u>	2000 <u>TOTAL</u>	1999 <u>TOTAL</u>	1998 <u>TOTAL</u>
Administration	0	0	1	0
Police Professional	0	1	7	7
Auto Liability	3	4	15	22
Streets and Roads	0	4	2	3
Sewer Backups	4	5	43	2
Waterworks Operations	3	3	3	0
General Liability	2	4	17	10
No. of Claims Filed	12	21	88	44
No. of Open Claims	5	8	12	0
Cost of Claims Pd to Date	\$10,553	\$30,969	\$365,081	\$53,802

Staff Recommendation

No Council action is required at this time.

Policy Issues

- The City Code requires a quarterly review of the claims filed against the City.
- The City Council takes no formal action on such claims but any matters concerning a claim may be addressed in an attorney-client session, should Council desire to pursue them.

The Risk Management Division received the following claims during the second quarter of 2000:

1. WS14620013 Date of Loss: March 31, 2000. Ernest and Elizabeth Ball, 9095 Holland Street, Westminster, CO 80021. Claimants allege the City is responsible for paying the costs for repair to their vehicle. Claimant alleges that as she was driving westbound on 100th Avenue, east of the Simms Street intersection, she hit a loose manhole lid. She states this flattened both left tires, damaged the rims of the wheels and the gas tank. CIRSA settled the claim for \$655.37 in damages.
2. WS16680014 Date of Loss: November 29, 1999. American Family Insurance for the benefit of Vilma Dallas, 3357 West 97th Avenue #206, Westminster, CO 80031. Claimant alleges the City is responsible for damages to its insured's vehicle. The insured, Vilma Dallas, drove into a pile of dirt and debris on 97th Avenue. CIRSA denied the claim and referred the claimant to the contractor, Ground Zero, who was the responsible party.
3. WS16680015 Date of Loss: April 2, 2000. Pat Preese, 1162 Dover Way, Broomfield, CO 80020. Claimant alleges the City is responsible for paying the costs associated with cleaning the personal sewer service line at 9013 Perry Street. Claimant owns and leases this property. He received a call from the tenant that stated the basement drain was backing up. The Claimant had National Rooter Plumbing out to clear the line. The City also responded and found tree roots in the City's main. CIRSA settled the claim for \$262.50.
4. WS11460016 Date of Loss: April 12, 2000. Mark Davey, 6945 West 87th Way #288, Arvada, CO 80003. Claimant alleges the City is responsible for paying for damages he incurred to his vehicle's windshield. Claimant alleges that a City of Westminster dump truck was loaded with road base and the tailgate was not completely closed. While traveling on southbound Highway 36, the claimant had been behind the dump truck when it was spilling rocks out. Claimant had to change lanes to avoid further damage. CIRSA settled the claim for \$138.13 in damages.
5. WS04220017 Date of Loss: May 2, 2000. Nancy Hartman, 6111 West 108th Avenue, Westminster, CO 80020. Claimant alleges the City is responsible for paying for costs incurred to repair her vehicle and the rental car costs. Claimant alleges a City employee driving a Fire Department vehicle backed into her vehicle as she was driving through the City Hall parking lot. CIRSA settled the claim for \$6,260.18 in damages.
6. WS16680018 Date of Loss: May 4, 2000. PattiRose Crouse, 8022 Bryant Street, Westminster, CO 80031. Claimant alleges that the City is responsible for damages caused to her plumbing when a large amount of pressure came through her water line. Utilities crews had repaired a water break in front of her house earlier that day. Claimant alleges that when the water was turned back on the pressure caused leaks in her bathroom plumbing, and sprinkler systems. Claimant sought repair costs for plumbing, swamp cooler, sprinkler system and drywall. CIRSA settled the claim for \$2,384.99.
7. WS16680019 Date of Loss: April 27, 2000. Michelle Gran, 10327 Owens Circle, Westminster, CO 80030. Claimant alleges the City is responsible for costs incurred when a plumber was called to find out what was causing her sewer to back up. The City Utilities Department had the main television inspected and cleaned. There were no signs of roots in the main as the plumber alleged. CIRSA denied the claim due to no blockage in the City main.
8. WS16680020 Date of Loss: April 27, 2000. Robert Arnold, 7421 Knox Place, Westminster, CO 80030. Claimant alleges the City is responsible for paying costs incurred at his property at 7383 Lowell Boulevard for the sewer service line. Claimant alleges that the City's storm sewer construction caused the sewer line break. The City did have construction of a water main on Lowell Boulevard in 1989 or 1990. CIRSA denied the claim, as this was not a direct cause.

9. WS12490021 Date of Loss: May 6, 2000. John Carlson, 10989 Gray Circle, Westminster, CO 80020. Claimant alleges the City is responsible for damages to his fence as a result of a sprinkler running for an extended time period in the open space area behind his house. The Claimant states he had just stained his fence the week prior. CIRSA denied the claim based on provisions in the Governmental Immunity Act.
10. WS13590022 Date of Loss: April 16, 2000. Mr. and Mrs. Walter Losasso, 5244 West 100th Court, Westminster, CO 80031. Claimants allege the City is responsible for costs incurred when their sewer line collapsed. Claimants allege this sewer line collapse is due to improper installation and inspection of the sewer service line. The house was built in 1985; the developer placed the water service above the sewer service in the same trench. Over the years the meter pit settled. CIRSA is investigating the claim.
11. WS16520023 Date of Loss: May 18, 2000. Rebecca Lloyd and David Lloyd (brother), 1410 West 116th Street #22, Northglenn, CO 80234 and Jeff Hasstedt, 1410 West 116th Street #32, Northglenn, CO 80234. Claimants allege a water main break in front of an apartment complex sent spraying water, rocks and asphalt into the air, showering down on their vehicles. CIRSA is processing the claim.
12. WS12510025 Date of Loss: May 27, 2000. Todd Thornbloom, 8775 Everett Circle, Arvada, CO 80005. Claimant alleges a City parks employee bumped into his truck with a frontend loader while loading mulch into claimant's truck. CIRSA is settling the claim for \$1,508.
13. WS12500026 Date of Loss: November 29, 1999. Dale Krajewski, 7780 West 87th Dr #A, Westminster, CO 80005. Claimant alleges his constitutional rights were violated when he was asked to leave the Swim and Fitness Center and surrender his pass. Claimant seeks \$5,000,000 in damages. CIRSA is investigating the claim.
14. WS12490027 Date of Loss: June 1, 2000. Johnne and Jane Stressler, 11866 Vallejo Street, Westminster, CO 80234. Claimants allege the City is responsible for damages to their fence and tiered landscaping. Claimants allege this deterioration occurred due to improper drainage from the Ranch Park, which is adjacent to their property. Claimant is seeking an unspecified amount in damages. CIRSA is investigating the claim.
15. WS16680028 Date of Loss: November 10, 1998. Barbara Salem, 9917 King Street, Westminster, CO 80031. Claimant alleges the City is responsible for paying costs incurred when she had to have the back flow valve unit for her sprinkler system replaced. Claimant alleges an unauthorized City employee caused the damage when he responded to a neighbor's request to check a leak at her property. CIRSA denied the claim base on provisions in the Governmental Immunity Act.
16. WS11470029 Date of Loss: January 4, 2000. Maria Kruse, 2055 East 143rd Avenue, Brighton, CO 80601. Claimant alleges the City is responsible for injuries she suffered when she tripped over an uneven sidewalk at the RTD Park & Ride located at 120th and Huron. Claimant sought \$150,000 in damages. CIRSA denied the claim and referred the claimant to RTD.

Alternatives

There are no alternatives being recommended at this time.

Respectfully submitted,

William M. Christopher
City Manager

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, October 9, 2000.

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel and Moss. Absent none.

The minutes of the September 25, 2000 Council meeting were approved with no additions or corrections.

Council adjourned the meeting at 7:07 P.M. and reconvened at 7:35 P.M.

The Mayor accepted the International City/Council Management Association's Program Excellence Award.

Tim Kauffman received the majority vote and was appointed to fill the vacancy on City Council.

Council approved the following: Community Radiation Monitoring Program Access Agreement with the U.S. Department of Energy; Purchase of End Dump Trailer; Agreement with Aggregate Industries for Gravel Lake Storage; Design/Inspection Services for Pipelines at Northwest Water Treatment Plant; Engineering Services for Water Rights Investigations; U.S. 36/92nd Avenue/Sheridan Boulevard Interchange Project Contract Addendum; Revised Employment Agreements with William Christopher as City Manager and John Stipech as Presiding Judge; and Exclusion of Properties from West Adams County Fire Protection District.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH GALLAGHER AND ASSOCIATES, L.L.C. Purpose: Business Assistance Package for Bed, Bath and Beyond/Towne Center at Brookhill Shopping Center.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH AMERICAN SKANDIA. Purpose: Assistance Package for new facility in Westminster.

A BILL FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE. Purpose: Presiding Judge salary change.

A BILL FOR AN ORDINANCE AMENDING THE CONDITIONS FOR DOOR TO DOOR SOLICITATION. Purpose: Change the hours for residential area solicitors, as amended.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS. Purpose: Appropriate unanticipated additional revenues.

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

A BILL FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT IN CHURCH RANCH SUBDIVISION.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

The following Resolutions were adopted by City Council:

Resolution No. 77 – Designate ViewPoint Technology Center as Economic Development Project.

Resolution No. 78 – Adoption of 2001 City Budget.

Resolution No. 79 – Adoption of 2001 Pay Plan.

Resolution No. 80 – Exclusion of Properties from West Adams County Fire Protection District.

At 9:10 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on October 19, 2000