

October 26, 1998

7:00 PM

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Proclamation re Red Ribbon Week - October 19-31,1998
 - B. Employee Service Awards
- 5. Citizen Communication (5 minutes or Less in Length)**
- 6. Report of City Officials**
 - A. City Manager's Report
- 7. City Council Comments**

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

- 8. Consent Agenda**
 - A. Employee Health Insurance for 1999
 - B. Surplus Fire Helmets - allowing Fire Department personnel to purchase surplus helmets
 - C. Jefferson County Construction Management Contract for Phase I improvements to Standley Lake Recreation Area
 - D. Parsons Transportation Group amended Engineering Design Contract for Westminster Mall Ring Road project
 - E. Westminster Promenade East Project Phase II for Site Improvements
 - F. CB No. 59 re Longevity Pay which allows phaseout of longevity pay (Atchison-Scott)
 - G. CB No. 60 re Water and Sewer Tap Fee Adjustments effective March 1, 1999 (Allen-Smith)
 - H. CB No. 61 re Water and Sewer Rate Adjustments effective January 1, 1999 (Smith-Dixion)
 - I. CB No. 62 re Creation of Department of Information Technology for 1999 (Dixion-Merkel)
 - J. CB No. 63 re Mission Commons Business Assistance Package (Allen-Smith)
 - K. CB No. 64 re Standley Lake/Jefferson County Fund Transfer appropriating \$2,463,733 for the Standley Lake Recreational Area (Smith-Dixion)
- 9. Appointments and Resignations**
 - A. Resolution No. 64 re Resignation of Simmons Bunting from Planning Commission and appointments to fill Planning Commission and Personnel Board vacancies from 1998 Pool of Board and Commission Applicants
- 10. Public Hearings and Other New Business**
 - A. TABLED - CB No 27 re Definitions for Hotels/Motels
 - B. Public Hearing re Preliminary Development Plan for Wallace Village for Shopping Center at the northeast corner of Church Ranch Blvd & Wadsworth Pkwy
 - C. Second Amended Preliminary Development Plan for Wallace Village for shopping center at the northeast corner of Church Ranch Blvd & Wadsworth Pkwy

10. Public Hearings and Other New Business (continued)

- D. Councillor's Bill No. 58 re Standley Lake Marketplace Assistance Package to build the Standley Lake Marketplace at the northeast corner of Church Ranch Blvd & Wadsworth Pkwy
- E. Councillor's Bill No. 65 re Vacation of Easements at Standley Lake Marketplace for shopping center at the northeast corner of Church Ranch Blvd & Wadsworth Pkwy
- F. Public Hearing re Comprehensive Land Use Plan Amendment for Tronox Property located south of 108th Avenue and west of Wadsworth Parkway
- G. Councillor's Bill No. 66 re Comprehensive Land Use Plan Amendment for Tronox Property, located south of 108th Avenue and west of Wadsworth Parkway to Single Family Attached
- H. Councillor's Bill No. 67 re Big Dry Creek Watershed Engineering Services appropriating \$48,600 from EPA Grant
- I. Wright Water Engineers contract for Big Dry Creek Watershed Engineering Services
- J. Councillor's Bill No. 68 re Fees for Fire Department Training Tower Facility
- K. Stipulation and Exclusion of Properties from West Adams County Fire Protection District
- L. Resolution No. 65 re Exclusion from West Adams Fire District of recently annexed properties
- M. Establish Deadline for Board and Commission Pool Applications for 1999
- N. Resolution No. 66 re Establishing specific land for acquisitions for utility easements

11. Old Business and Passage of Ordinances on Second Reading

None

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

- A. Financial Report for September, 1998
- B. Quarterly Insurance Report
- C. City Council
- D. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 26, 1998 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 Merkel and Councillors Allen, Atchison, Dixon, Scott and Smith. Also present were Ronald Hellbusch, Acting City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Merkel to accept the minutes of the meeting of October 12, 1998 with no additions or corrections. Councillor Scott requested to abstain as he was not present at the meeting. The motion carried with 6 aye votes and Councillor Scott abstaining.

A motion was made by Allen and seconded by Dixon to accept the minutes of the special meeting of October 19, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil presented a proclamation to George Hovorka and School District 50 Westminster Area Community Awareness Action Team representatives proclaiming the week of October 23-31 as Red Ribbon Week in the City.

Mayor Heil and Councillors presented service pins and certificates of appreciation to employees celebrating 10, 15, 20, 30 and 40 years of service with the City.

CITIZEN COMMUNICATION:

Chris Elrod, 13313 Osage Street, addressed Council concerning the closure of Osage Street to thru traffic when the Pecos Street extension is opened.

Up with People representative Gina Eowieb, 9028 Vance Street, addressed Council with a request for host families for youth during the period of January 11-27 and January 27 to February 18.

CITY COUNCIL COMMENTS:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 67 which opposes Ballot Proposal No. 15 and Ballot Proposal No. 16. Upon roll call vote, the motion carried unanimously.

Councillor Dixon commented on the upgrading of Wolff Run Park, Fire Station No. 3 Open House and the Community Artist Series. Mayor Heil reported on the annual Volunteer Firefighter Dinner she attended.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Employee Health Insurance - Authorize the City Manager to renew contracts with BlueCross BlueShield, Kaiser, and Delta Dental; authorize both the employer and employee premium rates; and charge the expense to the appropriate Central Charges accounts in the General, Golf, Water and Wastewater Funds; Surplus Fire Helmets - Authorize City Fire Department personnel to purchase the surplus helmets at a nominal fee of \$5.00 and return the proceeds to the General Fund; Standley Lake Construction Management Contract - Authorize the City Manager

to enter into an agreement with Jefferson County Construction Management to provide construction management services for an amount not to exceed \$65,000 for the Phase I improvements to the Standley Lake Recreation Area because it is in the best interests of the City and charge the expense to the Standley Lake project account in the General Capital Improvement Fund; Westminster Mall Ring Road Addendum - Authorize the City Manager to execute an amendment to the existing engineering design contract with Parsons Transportation Group in the amount of \$43,690.58 for the continued preparation of construction bid documents for the Westminster Mall Ring Road project and charge the expense to the appropriate project account in the General Capital Improvement Fund; Westminster Promenade East Project, Phase II - Authorize the expenditure of an amount not to exceed \$6,500,000 for construction of the Westminster Promenade East, Phase II improvements; authorize the City Manager to execute an Agreement with Inland Pacific and Hoffman Construction Company to act as General Contractor for the Promenade East Project; authorize the expenditure \$303,425 for water tap fees associated with this project; authorize an amount not to exceed \$100,000 to be paid to Public Service Company for street lights, gas lines and electrical lines; authorize a payment to Gordon Sign Company in an amount not to exceed \$65,000 for the fabrication and storage of the custom architectural lights for Promenade West; authorize an amended engineering design contract with Martin/Martin in an amount not to exceed \$239,200; and authorize the expenditure of a construction contingency in the amount of \$600,000, because all these contracts and agreements are in the best interests of the City; and charge these expenses to the appropriate project accounts in the General Capital Improvement Fund; Councillor's Bill No. 59 - Phaseout of Longevity Pay; Councillor's Bill No. 60 - Water and Sewer Tap Fee Adjustments; Councillor's Bill No. 61 - Water and Sewer Rate Adjustments; Councillor's Bill No. 62 - Creation of Department of Information Technology; Councillor's Bill No. 63 - Mission Commons Business Assistance Package; and Councillor's Bill No. 64 - Standley Lake/Jefferson County Fund Transfer.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 64 accepting the resignation of Simmons Bunting from the Planning Commission and Kathy Macklem from the Personnel Board and appoint James Boschert as an alternate member to the Planning Commission with term of office to expire December 31, 1999, and wait until the 1999 applicants have been interviewed to appoint a person to the Personnel Board. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON WALLACE VILLAGE SECOND AMENDED PDP:

At 7:40 P.M. the meeting was opened to a public hearing on the proposed amendment to the Wallace Village Preliminary Development Plan, generally located at the northeast corner of Church Ranch Boulevard and Wadsworth Parkway. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. City Planner Max Ruppeck was present to address questions from Council.

George Smith, Planner/Architect for this project, Architect Todd Mead of Civitas Landscape and Joe Poli, Architect, spoke in favor of this project.

Gary Lindauer, 10299 Garrison Street addressed Council with questions. No one spoke in opposition to the proposal. At 8:02 P.M. the public hearing was declared closed.

WALLACE VILLAGE SECOND AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Allen and seconded by Dixon to approve the Second Amended Preliminary Development Plan for Wallace Village. The motion carried unanimously.

COUNCILLOR'S BILL NO. 58 - STANDLEY LAKE MARKETPLACE ASSISTANCE PACKAGE:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 58 on first reading authorizing the City Manager to execute and implement in substantially the same form, a Business Assistance Agreement with S/S Land Holdings, LCC, for the construction of the Standley Lake Marketplace. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2637 - STANDLEY LAKE MARKETPLACE EASEMENT VACATIONS:

A motion was made by Smith and seconded by Dixon to pass and adopt Councillor's Bill No. 65 as an emergency ordinance vacating the utility, access and fire lane easements within Wallace Village for the Standley Lake Marketplace. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING FOR LAND USE PLAN AMENDMENT FOR TRONOX PROPERTY:

At 8:05 P.M. the meeting was opened to a public hearing on the proposed Comprehensive Land Use Plan Amendment for three parcels of land located south of 108th Avenue and west of Wadsworth Parkway. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items as Exhibits. No one spoke in opposition to the proposal. At 8:10 P.M. the public hearing was declared closed.

ORDINANCE NO. 2638 - COMPREHENSIVE LAND USE PLAN AMENDMENT:

A motion was made by Atchison and seconded by Allen to pass and adopt Councillor's Bill No. 66 as an emergency ordinance amending the Comprehensive Land Use Plan designations for three parcels of land located south of 108th Avenue and west of Wadsworth Parkway as follows: (a) Amend 13.3 acres designated as Planning Area 1 from Single-Family Detached Medium Density and flood corridor to Single-Family Attached; (b) Amend 15.4 acres designated as Planning Area 3A from Single-Family Detached Medium Density and Retail/Commercial to Single-Family Attached; and (c) Amend 15.4 acres designated as Planning Area 3B from Business Park and Retail Commercial to Single-Family Attached. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 67 - EPA GRANT APPROPRIATION:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 67 on first reading appropriating \$48,600 into the Environmental Capital Project as a result of the United States Environmental Protection Agency Regional Geographic Initiative Grant. Upon roll call vote, the motion carried unanimously.

BIG DRY CREEK WATERSHED ENGINEERING SERVICES:

A motion was made by Allen and seconded by Atchison to authorize the execution of a contract for engineering services with Wright Water Engineers for the amount of \$37,500 by the City Manager and charge the expense to the appropriate budget account in the Utility Fund. The motion carried unanimously.

COUNCILLOR'S BILL NO. 68 - FIRE DEPARTMENT TRAINING TOWER FEES:

A motion was made by Scott and seconded by Smith to pass Councillor's Bill No. 68 on first reading authorizing the Fire Chief to establish fees for the use of the Fire Department Training Tower Facility. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 65 - EXCLUSION FROM WEST ADAMS COUNTY FIRE DISTRICT:

A motion was made by Dixon and seconded by Atchison to adopt Resolution No. 65 approving the exclusion of properties from the West Adams County Fire Protection District. Upon roll call vote, the motion carried unanimously.

EXCLUSION OF PROPERTIES FROM WEST ADAMS COUNTY FIRE DISTRICT:

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

BOARDS AND COMMISSIONS POOL:

A motion was made by Allen and seconded by Atchison to establish a deadline of November 30, 1998 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City Government. The motion carried unanimously.

RESOLUTION NO. 66 - R.D. HAWN INTERESTS & W.D. HEWIT EASEMENTS:

A motion was made by Atchison and seconded by Allen to adopt Resolution No. 66 establishing the specific legal description of certain utility easements to be acquired in Adams County from R. Dean Hawn Interests and William D. Hewit. Upon roll call vote, the motion carried unanimously.

At 8:15 P.M. the Mayor called for a recess for an Executive Session.

At 8:35 P.M. Council reconvened.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for September, 1998 and the Quarterly Insurance Report.

ADJOURNMENT:

The meeting was adjourned at 8:40 P.M.

ATTEST:

Mayor

City Clerk

Date: October 26, 1998
Subject: Proclamation re Red Ribbon Week
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to proclaim the week of October 23 through 31 as Red Ribbon Week in the City of Westminster.

Summary

The City is supporting the Red Ribbon Campaign again this year. Locally, Westminster in conjunction with the Westminster Area Community Awareness Action Team formerly known as the Westminster District 50 Drug and Alcohol Resource Effort (DARE); local schools, churches and area businesses have joined together to encourage a drug-free lifestyle.

George Hovorka, Phil and Phyllis Aschenbrenner, Cindy Jeffries and Eleanor Scott of the School District 50 Westminster Area Community Awareness Action Team will be present to accept this proclamation.

Staff Recommendation

Council proclaim October 23 through 31 as Red Ribbon Week in the City of Westminster.

Background Information

By joining with us as Ribbon by Ribbon...Neighbor by Neighbor...we become united for drug-free youth by participating in this year's Red Ribbon Campaign.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, Alcohol, tobacco and other drug use by our youth is a threat to the future of our Nation; and

WHEREAS, It is imperative that a unified and visible, commitment of prevention efforts by community members be continued to reduce the demand for illegal drugs; and illegal use of legal drugs; and

WHEREAS, The National Family Partnership and the Westminster Area Community Awareness Action Team (C.A.A.T.) are sponsoring the national, statewide and local Red Ribbon Campaign, offering citizens the opportunity to demonstrate their commitment toward helping children stay drug free as they grow up; and

WHEREAS, The Red Ribbon Campaign will be celebrated in communities across the nation during Red Ribbon Week, October 23 through 31, 1998; and

WHEREAS, Westminster area school students and faculty, businesses, government, law enforcement, religious institutions, service organizations, youth, health providers, senior citizens, sports teams, and individuals will demonstrate their commitment to drug free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, The City of Westminster is committing its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, The Westminster City Council does hereby proclaim October 23 through 31, 1998 as

RED RIBBON WEEK

in the City of Westminster, and encourage our citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug free community.

Signed this 26th day of October, 1998.

Nancy M. Heil, Mayor

Date: October 26, 1998
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th, 30th and 40th anniversary of employment with the City.

Summary

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.

Staff Recommendation

City Council present service pins and certificates of appreciation to employees celebrating 10, 15, 20, 30 and 40 years of service with the City.

Background Information

The following employees will receive their ten year service pin and certificate:

Kimberly Barron	Police Department	Sergeant
Brian Crocfer	General Services	Human Resource Technician
Kathy Haze	Parks, Rec & Lib	Custodian
Max Ruppeck	Community Development	Planner III
Bernard VonFeldt	Police Department	Senior Police Officer
Teresa Wagner	Police Department	Communication Spec II
Robert B. Wood	Police Department	Senior Police Officer

The following employees will receive a fifteen year service pin and certificate:

Tami Berry	City Attorney's Off	Paralegal
Carol Jones	Police Department	Senior Police Officer
Alan Stocker	General Services	Mechanic Leadworker

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

Alice Bosser	General Services	Deputy Court Clerk II
Doug Hall	Fire Department	Emergency Medical Services Off
Marsha Johnson	Finance Department	Sales Tax Technician
Helga Williams	Parks, Rec & Libr	Library Supervisor

The following 30 year employee will be presented with a certificate and service pin:

Bill Christopher City Manager's Off City Manager

The following 40 year employees will be presented with a certificate and service pin:

Sam LaConte Public Works & Util Street Operations Manager

On November 4th, the City Manager will be hosting an employee awards luncheon at which time 9 City employees received their five year service pins, while recognition was also be given to those who are celebrating their 10th, 15th, 20th, 25th and 35th anniversary. This will be the last of three luncheons for 1998 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 310 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher
City Manager

Date: October 26, 1998
Subject: Employee Health Insurance
Prepared by: Pierrette Ray, Risk Manager

Introduction

City Council action is requested to authorize the City Manager to renew the contracts with BlueCross BlueShield of Colorado, Kaiser, and Delta Dental for employee medical and dental coverages for 1999 and to approve 1999 medical and dental employer and employee contribution rates.

Summary

Contracts for the City's medical and dental insurance providers are currently up for renewal. Staff is recommending a 5.21% increase in the blended health insurance rates in all four plan options for both the employee and employer contributions effective January 1, 1999. Changes for 1999 include increasing the amount of the employer contribution for part-time employees and expanding the Delta Dental program to include discounts to both the City and the employee when the employee or his/her covered dependents use dentists who participate in the DeltaPreferred Plan. The City's expenses for these changes are within the amount included in the 1999 Budget for health insurance.

Staff Recommendation

Authorize the City Manager to renew contracts with BlueCross BlueShield, Kaiser, and Delta Dental; authorize both the employer and employee premium rates; and charge the expense to the appropriate Central Charges accounts in the General, Golf, Water and Wastewater Funds.

Background Information

The City has had contracts with Delta Dental since 1984, Kaiser since 1977, and BlueCross BlueShield Triple Choice Plan since 1990.

The present funding structure for the BlueCross BlueShield Triple Choice Plan includes the Blue Advantage HMO Program which is a fully insured plan and a self-insured program known as a Minimum Premium Plan for the PRIME and Custom Plus program. Expenses up to \$50,000 per person per year are charged to the City's claims expense account, while expenses beyond this amount are paid through BlueCross BlueShield's specific excess coverage. There are three parts to the Minimum Premium Plan: the administrative cost, the claims expense, and the termination run-out. The termination run-out is used to cover claims incurred in the final months of a program, but not paid until after the program has ended. Bills for services incurred in the final months of the program may not be promptly sent in by providers to BlueCross BlueShield. Funding of the termination run-out ensures that the City has funds available to cover these charges. Any funds remaining in the claims account after the year has ended are rolled into a reserve account and retained by the City as backup for catastrophic claims and to stabilize rates. As of year end 1997, reserves, including funds set aside for the termination run-out were \$1,967,000.

The Delta Dental Program is being expanded to include Delta's Preferred Provider Option called DeltaPreferred. With this program, when an employee or their covered dependents go to a dentist that is a DeltaPreferred member, both the employee and the City will get a discount on the rate charged for services. There is no penalty for not using a nonmember dentist, but employees who do use a DeltaPreferred dentist will have a lower cost as will the City.

Kaiser requested a 16.21% increase in its rates for 1999. This compares to other Kaiser clients who are getting increases of 20% or higher. This increase is due in part to higher in-patient charges incurred by Westminster employees, as well as overall cost increases needed by Kaiser to cover their actual operating costs. Kaiser is popular with many employees, particularly with those with young children, because there are two major Kaiser clinic facilities located in Westminster and another in Broomfield.

Since 1990, the City has used a blended rate structure so that the cost for all health plan options is the same. This practice has worked well since it streamlines administration of the benefit and discourages employees from changing options based solely on cost.

For 1999, Staff is recommending a 5.21% increase in the overall medical/dental rates for both the City and employee contributions. By way of comparison, the City's benefits broker Gallagher Byerly, Inc., reports that they are seeing increases ranging between 10% to 20% for most of their clients. The City is not seeing these large increases due to several factors, including good claims experience, and a work force that is informed about keeping both themselves and their families healthy and takes appropriate steps, as needed. Charts which show the proposed revised medical and dental health insurance rates are attached.

For 1999, Staff is also recommending that the employer contribution for part-time employees be increased. Over the past few years, it has become increasingly difficult for the City to find qualified part-time employees. One of the deterrents potential employees have cited for either not joining the City or staying with the City has been the cost to part-time employees for the City's health insurance. Staff determined that the cost to increase the employer contribution for part-time employees would be less than \$20,000 per year, and would improve the City's ability to recruit and retain qualified part-time Staff. Funds for this increase have been included in the 1999 Budget.

Based on current employee enrollment, the total cost for the City's share of the medical and dental premiums will be \$2,833,669 in 1999. This amount has been included in the General, Golf, Water and Wastewater Funds in the proposed 1999 Budget.

For 1999, Staff is recommending that the Wellness Incentive Program be continued at the current level. The program provides all employees who join the Wellness Program and who do not smoke, a discount toward their health insurance premiums. The program provides discounts of \$10 per month for single employees, \$20 for employees plus one dependent, and \$30 for employees plus two or more dependents. To be a member of the Wellness Program, an employee agrees to an annual fitness test, blood lipid profile, meeting with the Wellness Coordinator and set personal fitness goals, and to participate in at least one fitness event per year. Employees can also attend various educational offerings such as brown bag lunches on nutrition, breast cancer, heart disease, etc. that are offered throughout the year. As of October 1, 1998, there were 533 employees enrolled in the Wellness Program.

As has been previously reported to Council, Staff continues to look at alternative methods for providing health insurance benefits to employees such as Medical Savings Accounts, Section 125 Medical Flexible Spending Plans, and any self-funding variations that may become available to the City due to changes in legislation.

Following the every other year cycle, Staff will be reviewing plan options again in 1999 to identify possible changes for the 2000 plan year.

General Services Staff and Bob Kauffman, the City's consultant from Gallagher Byerly, Inc. will be available to answer any questions Councillor's may have during Monday evening's City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: October 26, 1998

Subject: Surplus Fire Helmets

Prepared By: Mark Van Den Abbeele, Fire Department Paramedic
Gary Pedigo, Fire Department Battalion Chief

Introduction

City Council is asked to consider alternatives for the disposition of old surplus Fire Department helmets.

Summary

The Fire Department routinely purchases fire helmets for department personnel. The helmet is part of the protective gear worn by personnel at emergency scenes as they perform various functions and operations. Fire helmet safety standards are continually revised by the National Fire Protective Association and the Federal Occupational Safety and Health Administration. As safety standards are upgraded, fire helmets that are no longer safety compliant are slated for replacement. These surplus helmets are placed in storage and have limited use to the Department. They are generally used for training or public relations functions, donated to a needy fire department, or sold at City auction.

Recently, some Fire Department personnel have expressed an interest in keeping old helmets that are scheduled for replacement as a keepsake item of their career with the Westminster Fire Department.

Personnel associated with the fire service develop a strong attachment to their specialized equipment such as these helmets and are very appreciative of the opportunity to keep them after the end of their careers in the fire service.

Westminster City Code requires that surplus items be sold at an auction, sold by sealed bids, or disposed of in a manner approved by City Council such as the above mentioned sale to personnel, or donation to needy department. Staff has developed the following alternatives for City Council consideration:

- * The City can allow personnel to purchase City issued fire helmets that are slated for replacement for a nominal fee of \$5 and return the proceeds to the General Fund. This alternative avoids potential negative citizen reaction to the disposition of City equipment and will provide Fire Department personnel with a recorded receipt.
- * The City can allow personnel to keep their City issued fire helmet at no charge. This alternative may result in negative citizen reaction concerning the disposition of City equipment.
- * Make no changes to the current policy and have the old helmets given to a needy department or sold at City auction.

Staff Recommendation

Authorize City Fire Department personnel to purchase the surplus helmets at a nominal fee of \$5.00 and return the proceeds to the General Fund.

Background Information

The fire helmet is a true icon of the functional traditions of the fire service. The design and construction of fire helmets has evolved over the years, yet today the fire helmet maintains two essential qualities. It protects the user from falling objects, water, and heat and it identifies the user by providing the name of the Fire Department, the name of the Firefighter, and by its color identifies the rank of the individual. The helmet thus becomes a personalized marker in the career of the fire fighter. Personnel view their helmet as a valuable keepsake of their career and by allowing personnel to purchase their helmet the City can recognize the pride and esteem that these fire fighters have for the City of Westminster and Westminster Fire Department.

Respectfully submitted,

William M. Christopher
City Manager

Date: October 26, 1998

Subject: Standley Lake Construction Management Contract

Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council action is requested to authorize the City Manager to enter into an agreement with Jefferson County Construction Management to manage the development of Phase I construction at the Standley Lake Recreation Area. City Council recently appropriated \$2,464,733 from Jefferson County Open Space to construct Phase I improvements at Standley Lake to include road improvements, trails, boat ramp, fish cleaning station, restroom facilities, and campground construction. The cost to provide these services is \$65,000 and will be paid from the Standley Lake Capital Construction account in the General Capital Improvement Fund.

Summary

The City received a check from Jefferson County Open Space in the amount of \$2,463,733 for the Phase I construction of the Standley Lake Recreation Area, which Council appropriated at the October 12, 1998 Council meeting.

Jefferson County Construction Management is being recommended to provide construction management services due to their experience in managing large road construction contracts, building construction, and large concrete projects (boat ramp). Prior to this project being turned over to the City, the County Open Space Department had negotiated a similar contract with this organization to do the project management for Standley Lake.

Staff Recommendation

Authorize the City Manger to enter into an Agreement with Jefferson County Construction Management to provide construction management services for an amount not to exceed \$65,000 for the Phase I improvements to the Standley Lake Recreation Area because it is in the best interests of the City and charge the expense to the Standley Lake project account in the General Capital Improvement Fund.

Background Information

In 1994, the City entered into an Intergovernmental Agreement (IGA) with the cities of Northglenn and Thornton to develop a park at Standley Lake and the immediately surrounding lands, with JCOS as co-developer of the park. The park would be improved with facilities, but the recreational uses would consist of essentially the same types of limited recreational activities currently in place at Standley Lake, which include boating, camping, picnicking, bank fishing, and hiking.

The City and JCOS Staff have been working on the land purchase for the Standley Lake Recreation Area since 1994. On a parallel track, the design documents for the Phase I improvements have been under development and are ninety-five percent complete. Now that the property is owned by the City of Westminster, completion of the Phase I construction drawings are moving forward with a goal of contract bidding and award to be issued in the latter part of 1998.

JCOS and FRICO agreed that the purchase price would include a perpetual easement on the water surface recreation rights of approximately 1,100 acres and 643 acres of real property at Standley Lake currently owned by FRICO. The parties have also agreed that \$1,000,000 of the \$3,000,000 purchase price will be used for water quality mitigation in accordance with the 1994 IGA among the Standley Lake cities.

Jefferson County Construction Management is currently managing the construction of the new Promenade Ice Centre. This experience has shown that their staff are very professional in managing this project for the City of Westminster. Attached is a comparison of rates provided by the Jefferson County Construction Management Division.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: October 26, 1998

Subject: Westminster Mall Ring Road 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 amendment in the amount of \$43,690.58 to the existing engineering services contract with Parsons Transportation Group for the preparation of construction bid documents for the Westminster Mall Ring Road project. Funds for this expense are available in the U.S. 36/Sheridan Boulevard/92nd Avenue Intersection Project Budget in the General Capital Improvement Fund.

Summary

In August of 1997, Council authorized the execution of a contract with Parsons Transportation Group in the amount of \$179,086. Parsons is requesting an additional \$43,690.58 due to additional work that was not included in their original scope of services. The major portion of this cost is due to eight separate revisions to the plan generated by comments and changes from each of the major tenants of the mall and the mall owner. In addition, the department store representatives have requested the preparation of the exhibits to their "Reciprocal Construction, Operation and Easement Agreement" before they are willing to sign the necessary document which would allow the City to construct this project.

Staff believes that this additional fee is reasonable and justified. The new total design fee of \$222,776.58 is approximately 8.9% of the expected cost of construction, which compares reasonably with design fee percentages paid on other major capital improvement projects.

The ring road was previously deemed by City Council and Staff as a key improvement to assist in the continued vitality and popularity of the Westminster Mall. The approval of this additional design fee will allow construction document preparation to proceed in a timely manner in anticipation of constructing this project in early 1999.

Staff Recommendation

Authorize the City Manager to execute an amendment to the existing engineering design contract with Parsons Transportation Group in the amount of \$43,690.58 for the continued preparation of construction bid documents for the Westminster Mall Ring Road project and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

In January, 1995, the City hired Felsburg, Holt & Ullevig to identify specific improvements needed 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.

Based on this study, several alternatives were identified ("a symphony of improvements") and were analyzed in detail with City Council to prioritize and identify a cost for each alternative in preparation for consideration of future funding of all or some of the alternatives.

The entire list of alternatives that were identified and discussed are as follows:

- > Modifications to the U.S. 36 Interchange at Sheridan Boulevard/92nd Avenue.
- > Sheridan Boulevard Improvements (92nd Avenue to 87th Place).
- > 88th Avenue Improvements (Sheridan Boulevard to west of Harlan Street), which were completed in November 1997.
- > Improvements to the 88th Avenue and Sheridan Boulevard intersection.
- > 92nd Avenue Improvements (Marshall Street to Yates Street).
- > Construction of Harlan Street from its current northern terminus (approximately 95th Avenue), north to 112th Avenue, including a bridge over U.S. 36.
- > Construction of an internal "ring road" on the Westminster Mall property.

Westminster voters approved \$15.0 million in transportation improvements that are being financed by a sales tax revenue bond. The improvements include the ring road.

To follow-up on this study, the City hired Barton-Aschman (aka Parsons Transportation Group) to prepare a preliminary design for the "ring road" and parking lot re-configuration on the Westminster Mall property.

The City agreed to construct this project on the Mall property and in exchange, the Mall owners and certain department stores, will dedicate all the necessary right-of-way for both the 88th Avenue project and the 92nd Avenue project. The "trade" of right of way of prime Mall property for the ring road is viewed as a true "win-win" for all parties and the public. An additional benefit of this project is that patrons of the Mall will be able to circulate on Mall property, rather than on the adjacent City streets, thus relieving some congestion on the City's street system.

Staff recommends the requested addendum to Parsons Transportation Group's contract since these are reasonable and justified changes in the scope of their original contract. These changes were mostly attributed to accommodating the mall owner and the department store representatives of the Mall.

Respectfully submitted,

William M. Christopher
City Manager

Date: October 26, 1998

Subject: Westminster Promenade East Project, Phase II

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Agreement with Inland Pacific Colorado and Hoffman Construction Company for the Phase II construction of the Westminster Promenade East project and authorize the expenditure of an amount not to exceed \$6,500,000 for this construction; authorize the expenditure of \$303,425 for water tap fees associated with this project; authorize an amount not to exceed \$100,000 to be paid to Public Service Company for street lights, gas lines and electrical lines; authorize a payment to Gordon Sign Company in an amount not to exceed \$65,000 for the fabrication and storage of the custom architectural lights for Promenade West; authorize an amended engineering design contract with Martin/Martin in an amount not to exceed \$239,200; and authorize a construction contingency in the amount of \$600,000. Funds for these expenses are available in the appropriate project accounts in the General Capital Improvement Fund.

Summary

This is the final major public improvement construction phase to complete the Westminster Promenade. When the hotel and conference center are complete in Spring of 2000 along with an office building and the retail/restaurant portions, then the Promenade project will be built out. The investment of public funds for the public improvements will be offset by significant revenues to the City. The City will receive Sales and Use Taxes, Admissions Taxes, Accommodations Taxes, Lease Payments and Net Income Supplemental Reimbursement Payments. A realistic estimate of revenues in the first 20 years of operation of the Promenade is over \$40 million in revenue to the City. This does not even take into account the added \$42 million annually that the Westminster Conference Center is expected to bring to the area economy through spending by conference participants.

This project is a significant addition to the City's tax base and the public investment in high quality infrastructure creates lasting value as well as leveraging tax dollars to increase revenues to the City that further diversifies the tax base. Westminster Promenade is a major milestone in creating a unique Westminster focal point, a place of great community pride, a place to work and recreate and a project that significantly benefits the City's tax base. It is also important to note that the maintenance of this project will not be a burden on the City, but rather significantly be paid for by the private property owners along the Promenade. The Westminster Promenade project is truly a win-win public/private cooperation project for the City.

Hoffman Construction is currently under contract with Inland Pacific for the construction of the Westin Hotel and office buildings and with the City for the Phase I work. The agreement the City has with Inland Pacific requires the use of the same contractor to construct the site improvements that constructs the hotel. This was done to assure there were not conflicts in construction scheduling and work. This arrangement is similar to the one that Council approved for the Westminster Promenade West Plaza project with Roche Constructors where one contractor built both the public (City) and private improvements. To "open bid" this project to any general contractor would, in Staff's opinion, seriously affect the scheduling and coordination of this project, and in addition, it would be a violation of the City's Agreement with Inland Pacific. As part of the public-private joint venture with Inland Pacific Colorado (the O'Byrnes), using the same contractor provides cost efficiencies and easier construction coordination, therefore Staff recommends continuing to use Hoffman Construction for the Phase II work.

Inland Pacific and City Staff have negotiated a fee of 3% of the construction cost for Hoffman Construction Company to act as general contractor for this project. As reference, the City paid Roche Constructors 3.5% for the Promenade West Plaza construction. The actual total dollar amount to be paid will be based on the accepted low bids submitted by all sub-contractors. Staff will be involved in the bidding process with all of the sub-contractors to assure that the City obtains the most favorable price for the construction of this project.

The authorization of up to \$6,500,000 is necessary so that Staff and Hoffman Construction Company can approve the selection of all sub-contractors prior to starting construction of the Phase II project in November 1998. This authorization will allow construction to begin immediately and should keep the project on schedule.

In July 1997, the City hired Martin/Martin to do all of the civil engineering design for the Westminster Promenade East project. Since then, it has been necessary to expand their scope of work to perform the structural design of all major elements of the project, except for the buildings themselves. These items include the lake retaining wall, kiosk foundation, light pole foundations, shade structures and other miscellaneous structural items. These are all beyond the scope of their original contract of \$157,200. The additional fees requested are \$82,000, which would bring their contract total to \$239,200. Staff believes this request is fair and justified.

The requested payment of \$65,000 to Gordon Sign Company is for the unique architectural lights, which are custom to this project. Gordon Sign Company is the sub-contractor who built the custom lights for the Promenade West (on the west side of Westminster Boulevard). Six lights are to be stored until the remaining buildings on the west side are constructed. Once these buildings are constructed, the lights will be installed. Staff recommends this action since fabricating and storing these six lights for the Promenade West project as part of the larger order of 15-some lights, saves the City money due to the economy of scale.

Staff Recommendation

Authorize the expenditure of an amount not to exceed \$6,500,000 for construction of the Westminster Promenade East, Phase II improvements; authorize the City Manager to execute an Agreement with Inland Pacific and Hoffman Construction Company to act as General Contractor for the Promenade East Project; authorize the expenditure \$303,425 for water tap fees associated with this project; authorize an amount not to exceed \$100,000 to be paid to Public Service Company for street lights, gas lines and electrical lines; authorize a payment to Gordon Sign Company in an amount not to exceed \$65,000 for the fabrication and storage of the custom architectural lights for Promenade West; authorize an amended engineering design contract with Martin/Martin in an amount not to exceed \$239,200; and authorize the expenditure of a construction contingency in the amount of \$600,000, because all these contracts and agreements are in the best interests of the City; and charge these expenses to the appropriate project accounts in the General Capital Improvement Fund.

Background Information

Staff has been working with Inland Pacific Companies, the developer of the Westin Hotel and adjacent offices, to design and construct a unified development for the area north of 104th Avenue between Westminster Boulevard and Big Dry Creek. The project includes high quality architectural guidelines and unique design features consistent with those recently constructed in the Promenade West Plaza. The Promenade East will feature the new Ice Centre, a Westin Hotel and an office building. These buildings will be connected by a pedestrian oriented walk-way or "promenade" with special features such as a lake, shade structures, special landscape planter boxes and uniquely designed concrete pavers.

Construction of the Phase I Westminster Promenade East improvements are currently under way. The Phase I improvements include the following major items:

- Overlot grading the entire Promenade East site.
- Installing the water lines and sanitary sewer lines in the Phase I area.
- Landscaping the buffer area between Westminster Boulevard and Sheridan Green Subdivision.
- Constructing the parking lot and Promenade Plaza around the Ice Centre.

Construction of the Phase II Westminster Promenade East Improvements (see attached map), which is the subject of this Agenda Memo, will begin immediately upon authorization by Council. The Phase II improvements include the following major items:

- Installing all remaining utilities for the entire project including 2900 feet of water line, 1200 feet of sanitary sewer and 4600 feet of storm sewer.
- Landscaping the entire project including the remaining greenbelt along Sheridan Green Subdivision, the Lake, the Promenade, the parking lots and the main roadway.
- Constructing the parking lots, with the exception of the office parking, and the main ring road. This includes 17,000 tons of asphalt and 20,000 feet of curb and gutter.
- Constructing the remainder of the "Promenade" including 62,300 square feet of brick pavers, the Lake retaining wall, four stone-clad planters, eight lighted carillons located in the courtyard in front of the Westin Hotel and 26 custom light poles.

It is necessary to begin this work in mid-November so these Phase II improvements can be completed with the opening of the Westin Hotel, which is scheduled to be open in Spring 2000.

In order to meet this aggressive schedule, Staff believes it is in the City's best interest to retain Hoffman Construction (the Phase I General Contractor) as the Phase II General Contractor. It is important that the general contractor be the same for the public improvements as well as all the private improvements to assure coordination, simplified management and fixed responsibility. This was the basis for this requirement being in the agreement between the City and Inland Pacific.

Respectfully submitted,

William M. Christopher
City Manager

Attachment - Map

Date: October 26, 1998
Subject: Resolution No. re Board & Commission Resignations and New Appointment
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Simmons Bunting from the Planning Commission and make an appointment of a new members, also Council recently made a new appointment to the Personnel Board, but the appointee has recently moved to the City of Lakewood.

Summary

Simmons Bunting recently resigned from the Planning Commission due to moving out of the City (see attached letter).

Simmons Bunting was appointed to the Planning Commission on February 9, 1998 as an alternate member.

In addition, City Council made a new appointment of Kathy Macklem to the Personnel Board at the October 12th, Council meeting. Ms. Macklem has contacted the Human Resources Division to advise them that she recently moved to the City of Lakewood.

Pursuant to the City Charter, all Board and Commission members must be residents of the City during their tenure. Therefore a new appointment will be needed for the Personnel Board.

Currently there are 14 individuals within the "pool". A copy of the matrix indicating each individuals preference for Boards and Commissions is attached.

Staff Recommendation

Adopt Resolution No. accepting the resignation of Simmons Bunting from the Planning Commission and Kathy Macklem from the Personnel Board and appointing two new alternate members to fill these Board vacancies.

Background Information

A Resolution has been prepared for Council to formally accept the resignation of Simmons Bunting from the Planning Commission and Kathy Macklem from the Personnel Board. City Council will need to decide who to appoint from the current "pool" of 14 applicants.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.
SERIES OF 1998

INTRODUCED BY COUNCILLORS

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, A resignation has been received from Simmons Bunting from the Planning Commission; and

WHEREAS, A resignation has been received from Kathy Macklem from the Personnel Board; and

WHEREAS, Currently there is a vacancy on the Planning Commission and on the Personnel Board; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby hereby accept the resignation of Simmons Bunting from the Planning Commission and Kathy Macklem from the Personnel Board and appoint the following individuals to the City of Westminster Planning Commission and Personnel Board as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
James Boschert Alternate member	Planning Commission	12-31-99

Passed and adopted this 26th day of October, 1998.

ATTEST:

Mayor

City Clerk

Date: October 26, 1998
Subject: Wallace Village Second Amended Preliminary Development Plan
Prepared by: Mark Geyer/Max Ruppeck

Introduction

City Council is requested to hold a public hearing and approve a proposed amendment to the Wallace Village Preliminary Development Plan (PDP). The amendment will establish the necessary zoning to allow the construction of a shopping center and bring the property into conformance with the Comprehensive Land Use Plan "District Center" category.

Summary

The applicant is proposing to amend the Wallace Village Planned Unit Development (PUD) in order to develop a 24 acre commercial and office center. Major tenants will include a Safeway grocery store, a Long's Drug store, various in-line retailers, small offices, a gasoline pad site, and two other pad site areas. The property is included in the Standley Lake District Center as designated in the Comprehensive Land Use Plan. This PDP amendment brings the document into conformance with the requirements of the District Center. The amendment also incorporates the addition of two small parcels of property owned by the Cleo Wallace Village Center that were recently annexed into the City during the Church Ranch Boulevard construction project. Finally, the amendment identifies a portion of the original Wallace Village property owned by the City that has been severed from the PDP by this same Church Ranch Boulevard construction.

Applicant/Property Owner

Arthur Mauldin Lazy Boy Furniture 3300 South Shoshone St. Sheridan CO 80110	S/S Land Holdings , LLC A Colorado Limited Liability Comp. 1331 17th St., Suite 602 Denver, CO 80202
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Robert "Skip" Nostrand 288 Dayton Street, Suite 200 Denver, CO 80206	Cleo Wallace Center 8405 Church Ranch Blvd. Westminster, CO 80021
--	---

Steven S. Gittelman
C/O Gittelman Properties, Inc.
1331 17th Street, Suite 602
Denver CO 80202

Location

Northeast corner of Church Ranch Boulevard (formally West 100th Avenue) and Wadsworth Parkway. (See attached vicinity map.)

Size of site

31.23 Acres. The site of the proposed shopping center is approximately 24.5 acres.

Description of Proposed Use

The applicant proposes to amend the PDP land use designation for the areas formerly known as parcels E, F, and G (see site map on PDP sheet 4 of 5). Parcels E and G had allowed Office/Retail uses and parcel F allowed Office/Residential uses. The proposal is to develop a shopping center on the majority of the site, anchored by a Safeway grocery store, with three retail pads and one office building. One of these pad sites includes a gasoline station which is not allowed on the existing PDP. The very southwest corner of the site will be developed as a Lazy Boy furniture store. The Official Development Plan (ODP), detailing the specifics of the center was approved by the Planning Commission on September 22, 1998 conditional upon the approval of this PDP by Council.

The proposal also takes into account the new Comprehensive Land Use Plan designation of District Center for the site. This designation encompasses all four corners of the Church Ranch Boulevard (100th Avenue) and Wadsworth Parkway intersection. The Plan states, "the northeast corner may contain a specialty home furnishing showroom, office, retail, and possibly another neighborhood shopping center. Approximately 20 percent of the occupied space should be office/showroom and related specialty retail. The number of retail pad sites shall be restricted." The applicant has complied with all of these Comprehensive Land Use Plan provisions.

Major Issues

Parcelling: The applicant is proposing several smaller parcels to be created on this PDP. Parcels 2, 3, and 4 (see site map on sheet 4 of 5) are owned by the same principals as S/S Land Holdings but under a different ownership entity. At the time of approval of the Preliminary Development Plan by the City, these parcels will be conveyed to S/S Land Holdings. Parcel 8 is delineated in order to convey it to Cleo Wallace for use as access and parking for their facility. Parcels 9 and 10 were not part of the original PDP and are identified here in order to be added to the PDP and conveyed from Cleo Wallace ownership to S/S Land Holdings ownership.

Parcel 11 was part of the original Parcel F but was separated from the whole by the construction of Church Ranch Boulevard. This property has been acquired by the City of Westminster and is included in this Preliminary Development Plan amendment in order to designate it for office use.

Staff Recommendation

1. Hold a Public Hearing.
2. Approve the Second Amended Preliminary Development Plan for Wallace Village.

Background Information

The Wallace Village PDP was first approved in 1984 and allowed a variety of uses including the Cleo Wallace Center campus, office and office/retail. In 1985 the plan was amended to add residential uses in the northern and eastern portions of the site. Office/retail uses remained and were expanded slightly in the southwestern portion of the site. In the interim, much of the northern area has been developed in higher density residential uses (Warwick Station and Walnut Creek Apartments). The Ethan Allan furniture store was also built during this time.

Discussion of Major Issues

Staff is in agreement with the applicant on the parcelling issues. All other concerns identified in the review process have been discussed and agreed upon.

Architectural/Building Materials

Architectural statements have been included in the PDP that identify high quality building materials to be used for the center and specify that pad sites use the same palette of materials and colors. Details of the materials are contained in the Official Development Plan, which was approved by the Planning Commission on September 22, 1998 subject to the approval of this PDP.

Public Land Dedication, Parks/Trails

There will be no public land dedication as part of this development. The Center will be connected to the Walnut and Big Dry Creek trail systems by the walkways throughout the shopping center.

Access and Circulation

Primary access is gained from a full-turn intersection from Church Ranch Boulevard just east of Wadsworth Parkway. This connection will also connect to the proposed Colonnade retail/office project at the southeast corner of Church Ranch Boulevard and Wadsworth Parkway currently under development. There will also be a right-in/right-out and a right-in only access from Church Ranch Boulevard. An agreement between Cleo Wallace and the applicant will allow truck access to use the Cleo Wallace full-turn access onto Church Ranch Boulevard just east of the shopping center. Automobile traffic will be prohibited into the truck access area.

Another full-turn access will be provided along the Wadsworth Parkway frontage using the existing 101st Avenue intersection. An access point is also proposed off of 102nd Avenue. Additional truck access to the rear of the Center will be obtained from the deadend portion of the existing Dover Street.

Service Commitment Category

Service Commitments are assigned from Category "C" of the Growth Management Plan.

Referral Agency Responses

Mandalay Ditch Company responded that they will consider piping of its ditch. The Ditch Company will require an agreement and approval of any plans and specifications for piping or work within its easement before any construction may begin.

The Regional Transportation District replied with no adverse comments.

The Colorado Department of Transportation replied with no adverse comments.

The Cleo Wallace Center replied commenting and expressed their approval for the proposed architectural plans for the center.

Jefferson County responded with no adverse comments.

Public Comments

No public comments have been received.

Surrounding Zoning

North PUD (residential)

East PUD (Institutional-Cleo Wallace Center)

South PUD (Commercial/retail/office)

West PUD (Commercial)

Respectfully submitted,

William M. Christopher, City Manager

Attachments

Date: October 26, 1998

Subject: Councillor's Bill No. re Standley Lake Marketplace Assistance Package

Prepared by: Susan Grafton, Economic Development Manager
Becky Johnson, Economic Development Specialist

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading approving an assistance package totaling \$1,030,700 for S/S Land Holdings, LLC to build the Standley Lake Marketplace at the northeast corner of Church Ranch Boulevard and Wadsworth Parkway.

Summary

The Official Development Plan (ODP) for this project was approved by Planning Commission on September 22, 1998. The center will be anchored by a 56,000 square foot Safeway grocery store and contain approximately 180,000 sf of additional retail space. To facilitate this project, a \$1,030,700 assistance package is being proposed, which will be funded by fee and recovery waivers, as well as new tax dollars generated by the new retail center.

Staff Recommendation

Pass Councillor's Bill No. on first reading authorizing the City Manager to execute and implement in substantially the same form, a Business Assistance Agreement with S/S Land Holdings, LCC, for the construction of the Standley Lake Marketplace.

Background Information

Staff began working with Steven Gittleman and Robert "Skip" Nostrand, of S/S Land Holdings, LLC, in April 1997 concerning the potential development of the Standley Lake Marketplace. The approximately 236,500 sf retail center will include a 56,000 sf Safeway grocery store, 44,000 sf of in-line retail space, a 23,000 sf pharmacy, 93,000 sf of furniture related stores, and over 20,000 sf of retail pad sites. The development also incorporates public art throughout the center.

Project Revenue

The Standley Lake Marketplace is expected to generate approximately \$1,668,000 in sales tax revenue (at the 3.25% rate) per year. This is based on average sales of \$217/square foot for the approximately 236,500 square feet of retail space at the center. The total sales tax revenue from this project over the next five years is estimated to be \$8,339,600.

S/S Land Holdings, LLC will build all of the retail space at the center. Permit fees for the structures being built by S/S Land Holdings, LLC are expected to total \$25,417 (including Phase I and Phase II). Construction Use Tax is estimated to be \$64,848.

Recommended Assistance

S/S Land Holdings, LLC has worked diligently with staff to achieve a retail project that has unique architectural elements, as well as public art features. The finished project will have the design features and landscaping desired for an important entry point into the City. Staff believes that the \$1,030,700 assistance requested by S/S Land Holdings, LLC is reasonable. Staff recommends that assistance be provided to the project as follows:

Permit Fee Waiver \$15,250

60% of the fees applicable to building and other related permits will be waived excluding tap fees. ($\$25,417 \times 60\% = \$15,250$)

Construction Use Tax Waiver \$38,900

60% of the Building Use Tax assessed on construction will be waived ($\$64,848 \times 60\% = \$38,908$)

Sales Tax Rebate \$838,550

50% of the general Sales Tax collected from Standley Lake Marketplace, for the first 12 months of operation shall be rebated; and 30% of the general Sales Tax collected the second 12 months of operation up to a maximum of \$838,550 shall be rebated. (Based on 3.25% total sales tax, less the .25% Open Space Tax)

Road Recoveries Waiver \$138,000

66% of Recoveries due by this project against the Church Ranch Boulevard recoveries will be waived ($\$209,820 \times 66\% = \$138,000$)

Total Assistance **\$1,030,700**

In addition, this assistance is subject to dedication of the public art to the City, with the developer agreeing to maintain the art for a period of 20 years. The developers are agreeable to this condition.

It is estimated that this assistance will be paid within 24 months of the opening of the shopping center which is within the City's guideline on retail development. Also, no capital outlay by the City is necessary to fund this assistance package, which will be funded by waivers of permit fees, and recoveries, as well as new sales tax dollars generated by the retail center.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF THE STANDLEY LAKE MARKETPLACE
IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1998, between the CITY OF WESTMINSTER (the "City"), and S/S LAND HOLDINGS, LLC, a Colorado Limited Partnership,

WHEREAS, the City wishes to provide certain assistance to S/S Land Holdings LLC, to aid in the construction of the Standley Lake Marketplace ("the project") within the City ; and

WHEREAS, the proposed center is projected to generate over \$1,530,000 annually in general sales and use tax; 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 S/S Land Holdings LLC, agree as follows:

1. The City shall waive the payment of 60% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of the approximately 236,500 square foot of retail space to be completed no later than September 30, 2000. The value of the permit fee waiver is estimated to be \$15,250

2. The City shall waive the payment of 60% of the Building Use Taxes on the construction materials, which are to be used in the construction of the approximately 236,500 square foot of retail space, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$38,900.

3. The City shall waive 66% of the road recoveries due by S/S Land Holdings, LLC for the Church Ranch Boulevard road improvements, up to a maximum of \$138,000.

4. Sales Tax Rebate.

a. The City shall rebate to S/S Land Holdings LLC, an amount not to exceed \$1,030,700 less the amount actually waived per paragraphs 1, 2, and 3 above and estimated to be \$838,550 (the "Rebate"). Such rebate shall be payable exclusively from sales tax revenues collected by the City from the Standley Lake Marketplace shopping center and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax).

b. The rebate shall be paid by the City in quarterly installments from sales tax revenue actually collected and received by the City from the retailers within the project, in installment amounts equal to 1) 50% of the general sales tax revenue collected for the first 12 months of operation; 2) 30% of the general sales tax revenue generated until such time as the maximum amount established in paragraph 4a has been paid. The final installment will be adjusted as may be necessary to limit the total rebate to the maximum established in paragraph 4b (\$1,030,700).

c. Such quarterly installments shall continue and be paid until such time as the maximum rebate amount (estimated to be \$838,550) has been paid. The final installment will be adjusted as may be necessary to limit the total fee and use tax waivers and the rebate to no more than (\$1,030,700).

d. The payment of each quarterly installment shall be made within 20 days following the close of each calander quarter.

5. Public Art: S/S Land Holdings LLC agrees to dedicate to the City all of the public art provided as part of the project, no later than six months following the issuance of the Certificate of Occupancy for the Safeway. Locations and access easements for the public art are to be noted on the Official Development Plan. S/S Land Holdings LLC further agrees to maintain, at their cost, said art for a period not less than 20 years.

6. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if S/S Land Holdings LLC has not completed construction by September 30, 2000.

7. In the event S/S Land Holdings LLC ceases business operations at the Standley Lake Marketplace within the City within three (3) years after the new operations commence, then in such event S/S Land Holdings, LLC shall pay to the City the total amount of fees and taxes which were due and payable by S/S Land Holdings LLC to the City but were waived by the City, as well as reimburse the City for all funds provided to S/S Land Holdings LLC pursuant to this Agreement.

8. This instrument shall constitute the entire business assistance agreement between the City and S/S Land Holdings LLC 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.

9. 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 bonded 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.

10. 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.

11. 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.

S/S LAND HOLDINGS, LLC

CITY OF WESTMINSTER

By _____
Steven Gittleman

William Christopher
City Manager

By _____
Robert Nostrand

4800 West 92nd Avenue
Westminster, CO 80030

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH S/S LAND HOLDINGS, LLC, A COLORADO LIMITED PARTNERSHIP:

WHEREAS, the successful attraction 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 incentives for high quality development to locate in the City; and

WHEREAS, S/S Land Holdings, LLC has indicated an interest in building a new retail center in the City of Westminster known as the Standley Lake Marketplace a project; and

WHEREAS, S/S Land Holdings, LLC will build an approximately 236,500 square foot retail center with an estimated project cost of \$3.6 million; and

WHEREAS, a proposed Assistance Agreement between the City and S/S Land Holdings, LLC 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 S/S Land Holdings LLC, 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 26th day of October, 1998.

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

ATTEST:

Mayor

City Clerk

Date: October 26, 1998

Subject: Councillor's Bill No. re Wallace Village/Standley Lake Marketplace Easement Vacations

Prepared by: Mikele Wright, Senior Civil Engineer

Introduction

City Council action is requested to adopt the attached Councillor's Bill as an emergency ordinance to vacate utility, access and fire lane easements within the Wallace Village development for the proposed Standley Lake Marketplace shopping center, located at the northeast corner of Wadsworth Parkway and Church Ranch Boulevard (see attached maps).

Summary

The Fourth Amended Official Development Plan (ODP) for the Standley Lake Marketplace has revised building locations and vehicular access locations. The revised building locations and circulation are in conflict with existing utility easements, a 12-inch water main, and access/fire lane easements previously dedicated to the public. New water lines and access/fire lanes will be constructed and new easements will be dedicated by a final plat.

City Council's policy is that easement vacations are approved by Council prior to and/or concurrently with the approval of the Official Development Plan. The Fourth Amended Official Development Plan for Wallace Village for Standley Lake Marketplace is being requested for approval by Council on October 26. Therefore, an emergency ordinance is necessary to achieve the vacations concurrent with the Official Development Plan approval.

City Staff is in agreement with the owner's request that the utility, access and fire lane easements be vacated after the following conditions have been met: 1) new utility and access/fire lane easements be dedicated to the public; 2) the new water lines have been constructed and accepted by the City; and 3) the "old" 12-inch water main has been removed. The City Charter mandates that Council must approved vacations via ordinance, and the attached ordinance includes language making the subject easement vacations conditional upon the receipt of the new easements.

Staff Recommendation

Adopt Councillor's Bill No. as an emergency ordinance vacating the utility, access and fire lane easements within Wallace Village for Standley Lake Marketplace.

Background Information

Exhibits A and B:

The existing utility easement and the access/fire easement were dedicated to the public as part of the requirements set forth in the Official Development Plan for Warwick Station at Wallace Village. A 12-inch water main was installed from Warwick Station to 100th Avenue to provide a looped water system for the Warwick Station project.

The existing 12-inch water main and easements dedicated per the ODP for Warwick Station are now in conflict with the proposed building layout, utility layout and traffic circulation for the Fourth Amended Official Development Plan for Wallace Village for Standley Lake Marketplace. The owner has requested that the said easements be vacated. Staff has determined that the original easements can be vacated after the dedication of new utility and access/fire easements, completion of the construction of the new water lines, and the removal of the existing water line.

Exhibit C:

The existing 30-foot wide utility easement was required as part of the Official Development Plan for the Cleo Wallace project. Sanitary sewer lines were installed from the Cleo Wallace Village site to Church Ranch Boulevard to provide service the the development.

A portion of the existing easement is now in conflict with the proposed building layout for the Fourth Amended Official Development Plan for Wallace Village for Standley Lake Marketplace.

The owner has requested that the said easement be vacated. A smaller 20-foot utility easement will be dedicated over the existing sanitary sewer lines. Staff has determined that the original easement can be vacated after the dedication of the new easement.

Exhibit D:

The existing access and fire lane easement was required as part of the Official Development Plan for the original Wallace Village. The owner has amended the Official Development Plan for Wallace Village, thus requiring the easement vacation. The Fourth Amended Official Development Plan for Wallace Village for Standley Lake Marketplace will dedicate access and fire lane easements. Therefore, the existing easement is not longer required for fire access.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING EASEMENTS WITHIN THE WALLACE VILLAGE FOR STANDLEY LAKE MARKETPLACE

WHEREAS, a certain easements were dedicated by a separate document (Exhibits A, B, C & D); and

WHEREAS, these easements are not longer necessary due to site revisions as shown on the proposed Fourth Amended Official Development Plan for Wallace Village for Standley Lake Marketplace; and

WHEREAS, the vacation is necessary to correct the location of the easement as shown on the proposed Fourth Amended Official Development Plan for Wallace Village for Standley Lake Marketplace.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easement described in Section 2 hereof.

Section 2. Utility Easement (Exhibit A)

A portion of a utility easement as recorded at Reception No. 88049433 being located in the Northeast Quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, more particularly described as follows:

Easement Description

Commencing at the southwest corner of the Southeast Quarter of the Northeast Quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian; Thence N00°03'00"W, a distance of 640.01 feet along the west line of the Southeast Quarter of the Northeast Quarter of said Section 15 to a point on the northerly right-of-way line of West 101st Avenue; Thence along said northerly right-of-way line of West 101st Avenue as recorded at Reception No. 87141430 the following two (2) consecutive courses: 1) Thence S89°57'00"W, a distance of 193.17 feet to a point of curvature; 2) Thence 132.22 feet along a curve to the left having a central angle of 16°23'18", a radius of 462.25 feet, and a chord which bears N81°45'21"E, a distance of 131.77 feet to a non-tangent point; Thence N62°41'27"E, a distance of 183.50 feet to a point; Thence S25°22'45"E, a distance of 8.43 feet to the True Point of Beginning; Thence continuing S25°22'45"E, a distance of 13.00 feet to a point; Thence N61°47'22"E, a distance of 115.32 feet to a point on the southeasterly line of an access and fire lane easement as recorded at Reception No. 85090832; Thence N54°38'06"W along said easement line, a distance of 46.24 feet to a non-tangent point on a curve; Thence 98.48 feet along a non-tangent curve to the right having a central angle of 11°56'52", a radius of 472.25 feet, and a chord which bears S44°58'57"W, a distance of 98.30 feet to the True Point of Beginning. Said Parcel contains .06 acres (2,822 square feet), more or less.

Basis of Bearings: Bearings are based on the east line of the Northeast Quarter of Section 15 bearing N00°17'02"W said line is monumented by a pin and aluminum cap, PLS No. 2149 at the northeast corner, and an axle at the east quarter corner.

Section 3. Utility, Access and Fire Lane Easement'(Exhibit B)

A portion of a utility, access and fire lane easement as recorded at Reception No. 85090830 being located in the Northeast Quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal meridian, City of Westminster, County of Jefferson, State of Colorado, more particularly described as follows:

Easement Description

Commencing at the East Quarter corner of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian; Thence along the east line of the Northeast Quarter of said Section 15, N00°17'02"W, a distance of 1,186.18 feet to a point; Thence departing said section line S89°42'58"W, a distance of 606.61 feet along the south line of Wallace Village Filing No. 1 as recorded at Reception No. 85093049, to a non-tangent point on a curve, that point being the True Point of Beginning; Thence along the southwesterly line of said Wallace Village Filing No. 1, 201.33 feet along a curve to the left having a central angle of 25°21'08", a radius of 455.00 feet, and a chord which bears N27°24'41"W, a distance of 199.69 feet to a point on the southerly right-of-way line of Dover Street; Thence along said southerly right-of-way line S52°07'18"W, a distance of 60.06 feet to a non-tangent point on a curve; Thence 552.52 feet along a curve to right having a central angle of 80°08'40", a radius of 395.00 feet, and a chord which bears S00°21'06"E, a distance of 508.56 feet to a non-tangent point on the northeasterly line of a utility easement as recorded at Reception No. 88049433; Thence along said northeasterly line S54°38'06"E, a distance of 46.43 feet to a point; Thence N61°47'22"E, a distance of 67.00 feet to a point; Thence N54°38'06"W, a distance of 16.09 feet to a non-tangent point on a curve; Thence 367.83 feet along a curve to the left having a central angle of 46°19'09", a radius of 455.00 feet and a chord which bears N08°25'29"E, a distance of 357.90 feet to the True Point of Beginning. Said parcel contains 0.81 acres (35,487 square feet), more or less.

Basis of Bearings: Bearings are based on the east line of the Northeast Quarter of Section 15 bearing N00°17'02"W said line is monumented by a pin and aluminum cap, PLS No. 2149 at the northeast corner, and an axle at the East Quarter corner.

Section 4. Utility Easement (Exhibit C)

A portion of a utility easement as recorded at Reception No. 85090831 being located in the Northeast Quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, more particularly described as follows:

Easement Description

Commencing at the East Quarter corner of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian; Thence along the east line of the Northeast Quarter of said Section 15, N00°17'02"W, a distance of 779.04 feet to the True Point of Beginning; Thence continuing along the east line of the Northeast Quarter of Section 15, N00°17'02"W, a distance of 406.08 feet to a point on the southerly line of Wallace Village Filing No. 1 as recorded at Reception No. 85093049; Thence departing said section line S89°42'58"W along said southerly line of Wallace Village Filing No. 1, distance of 60.00 feet to a point; Thence S00°17'02"E, a distance of 477.09 feet to a point on the northerly right-of-way line of Church Ranch Boulevard; Thence along said northerly right-of-way line N39°54'51"E, a distance of 92.96 feet to the True Point of Beginning. Said Parcel contains 0.61 acres (26,495 square feet), more or less.

Basis of Bearings: Bearings are based on the east line of the Northeast Quarter of Section 15 bearing N00°17'02"W said line is monumented by a pin and aluminum cap, PLS No. 2149 at the northeast corner, and an axle at the east quarter corner.

Section 5. Access and Fire Lane Easement (Exhibit D)

A portion of a access and fire lane easement as recorded at Reception No. 85090832 being located in the Northeast Quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal meridian, City of Westminster, County of Jefferson, State of Colorado, more particularly described as follows:

Easement Description

Commencing at the East Quarter corner of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian; Thence along the east line of the Northeast Quarter of said Section 15, N00°17'02"W, a distance of 779.04 feet to a point on the northerly right-of-way line of Church Ranch Boulevard; Thence departing said section line and along said northerly right-of-way line S39°54'51"W, a distance of 23.24 feet to the True Point of Beginning; Thence continuing along said northerly right-of-way line S39°54'51"W, a distance of 46.48 feet to a point; Thence departing said northerly right-of-way line N00°17'02"W, a distance of 173.46 feet to a point of curvature; Thence 160.16 feet along a curve to the left having a central angle of 41°42'41", a radius of 220.00 feet, and a chord which bears N21°08'22"W, a distance of 156.65 feet to a point of tangency; Thence N41°59'43"W, a distance of 186.86 feet to a point on the southerly line of Wallace Village Filing No. 1 as recorded at Reception No. 85093049; Thence N89°42'58"E along said southerly line, a distance of 40.19 feet to a point; Thence S41°59'43"E, a distance of 88.08 feet to a point; Thence N48°00'17"E, a distance of 98.82 feet to a point on said southerly line of Wallace Village Filing No. 1; Thence N89°42'58"E along said southerly line, a distance of 45.09 feet to a point; Thence S48°00'17"W, a distance of 132.98 feet to a point; Thence S41°59'43"E, a distance of 42.04 feet to a point of curvature; Thence 182.00 feet along a curve to the right having a central angle of 41°42'41", a radius of 250.00 feet, and a chord which bears S21°08'23"E, a distance of 178.01 feet to a point of tangency; Thence S00°17'02"E, a distance of 137.96 feet to the True Point of Beginning. Said parcel contains 0.42 acres (18,478 square feet), more or less.

Basis of Bearings: Bearings are based on the east line of the Northeast Quarter of Section 15 bearing N00°17'02"W said line is monumented by a pin and aluminum cap, PLS No. 2149 at the northeast corner, and an axle at the east quarter corner.

Section 6. Based on Council's policy that easement vacations are approved by Council prior to and/or concurrently with the approval of the Official Development Plan; and that the Fourth Amended Official Development Plan for Wallace Village for Standley Lake Marketplace will be requesting approval by Council on October 12, 1998; an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on October 12, 1998, by an affirmative vote of six of the members of the Council if six or seven members of the Council are presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten (10) days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 26th day of October, 1998.

ATTEST:

Mayor

City Clerk

Date: October 26, 1998

Subject: Councillor's Bill No. Comprehensive Land Use Plan Amendment for Tronox Property

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested to adopt the attached Councillor's Bill as an emergency ordinance regarding a proposed Comprehensive Land Use Plan (CLUP) amendment required by the Settlement Agreement (attached) between the City and Tronox Associates.

Summary

On September 18, 1998, the City and Tronox Associates agreed to settle a lawsuit regarding the property within the Walnut Grove Planned Unit Development (PUD) located south of 108th Avenue and west of Wadsworth Parkway. The agreement stipulated that the City will amend the Comprehensive Land Use Plan (CLUP) designation for two parcels from Single Family Detached to Single Family Attached and another parcel from Business Park to Single Family Attached. (See attached map for location of parcels).

The proposed Single Family Attached use will provide a transition between the business park uses to the north and east of Walnut Grove, and the existing Single Family Detached uses to the south across Walnut Creek. In addition, the recent development of the Westmoor Business Park and surrounding business park uses increase the need for a variety of housing in this area of the City.

The settlement agreement specifies that the CLUP will be amended to reflect the proposed amendments by November 1, 1998. Staff is recommending that the plan amendment be adopted by emergency ordinance in order to achieve that goal.

Planning Commission Recommendation

This issue was heard by the Planning Commission on October 13th. No one appeared in opposition to the request. The property owner representative spoke in favor of the request. The Commission voted unanimously to recommend to Council that the proposed amendments to the Comprehensive Land Use Plan be approved.

Staff Recommendation

1. Hold a public hearing
2. Adopt Councillor's Bill No. as an emergency ordinance amending the Comprehensive Land Use Plan designations for three parcels of land located south of 108th Avenue and west of Wadsworth Parkway as follows:
 - a) Amend 13.3 acres designated as Planning Area 1 from Single-Family Detached Medium Density and flood corridor to Single-Family Attached;
 - b) Amend 15.4 acres designated as Planning Area 3A from Single-Family Detached Medium Density and Retail/Commercial to Single-Family Attached.
 - c) Amend 15.4 acres designated as Planning Area 3B from Business Park and Retail Commercial to Single-Family Attached.

Background Information

The attached settlement agreement between the City and Tronox Associates stipulates that allowed land uses for the Walnut Grove PUD will be changed in several locations. Please refer to the attached Walnut Grove maps for the exact location of each Planning Area.

1. Planning area 1 is located north of 106th Avenue, south of Walnut Creek and east of Johnson Street. For this area, the agreement will permit 57 to 107 units on 13.35 acres with a guaranteed minimum of 67 units at a density of 5.02 units per gross acre. The units may be conventional single family detached or non traditional detached residential.
2. Planning area 2 is located south of Walnut Creek and west of Wadsworth Parkway. Both attached and detached units are permitted at a gross density of 8 units per acre.
3. Planning area 3A is located north of Walnut Creek and west of the commercial area. For this site the agreement will permit 68 to 137 units with a guaranteed minimum of 120 units at 7.8 du's/acre of attached or detached single family units.
4. Planning area 3B is located south of the commercial area and west of Wadsworth Parkway. For this area the agreement will permit 55 to 109 dwelling units with a guaranteed minimum of 6.25 du's/acre for either attached or detached units.
5. Finally, planning area 4 is the commercial area located at the south west corner of Wadsworth Parkway and 108th Avenue. This consists of 15 acres where general retail and commercial uses will be permitted.

The attached colored maps show the current CLUP designations for the area and the proposed changes as detailed above. Planning areas 1,3A and 3B will be designated Single Family Attached and the slightly redrawn area for planning area 4 will be designated Commercial. No changes are required for planning area 2, which is already designated as Single Family Attached.

The Flood corridor areas shown on the current CLUP map have been removed in the proposed amendment. These corridors will not be developed under current code requirements and were removed due to the need for a detailed site survey. These corridors will be addressed on all Official Development Plans (ODP) approved for these areas.

Respectfully submitted,

William Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, City Council finds that an amendment of the Plan to change the land use designation for certain property located at the southwest corner of 108th Avenue and Wadsworth Boulevard as shown on Exhibit "A" hereto is both necessary and appropriate after taking into consideration the functional and economic viability of the current land use designations for this property, and that such amendment will be in the public good and in compliance with the overall purpose and intent of the Plan;

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the Westminster Comprehensive Land Use Plan map which are shown on "Exhibit A" attached hereto.

Section 2. In order to facilitate the landowner's ability to market this property with assurances as to its status under the City's Comprehensive Land Use Plan, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on October 26, 1998, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 26th day of October, 1998.

ATTEST:

Mayor

City Clerk

Date: October 26, 1998

Subject: Big Dry Creek Watershed Engineering Services

Prepared by: Tom Settle, Water Quality Coordinator
David Cross, Wastewater Operations Coordinator

Introduction

City Council action is requested to pass the attached Councillors Bill on first reading authorizing appropriating a United States Environmental Protection Agency Grant in the amount of \$48,600 and the execution of a contract with Wright Water Engineers, Inc. to provide engineering services in the amount of \$37,500, for the coordination of the Big Dry Creek Watershed Association.

Summary

Authorization of this contract will allow the City to retain Wright Water Engineers, Inc. to provide watershed coordinator services to include monthly meeting coordination, database management, stakeholder identification, and public outreach activities. These services will enhance ongoing activities by the Cities of Westminster, Broomfield and Northglenn, the United States Department of Energy (DOE) and Rocky Flats, in the performance of comprehensive monitoring of the Big Dry Creek watershed. Coordinated creek sampling has been done by Westminster, Broomfield and Northglenn for 6 years and has resulted in increased efficiency and greater overall coverage when compared to the individual sampling programs previously done by each city.

In 1997, the group was made aware of a United States Environmental Protection Agency (EPA) grant program that could supply funding to further the water quality interests of the cities as well as the interests of DOE. The Parties applied for and received grant funding through the EPA Regional Geographic Initiative (RGI) grant program. The \$47,000 grant received by the group was used to hire Wright Water Engineers, Inc. to provide watershed coordination services and to increase the frequency of biological sampling of Big Dry Creek and was administered by the City of Northglenn. The grant for \$48,600 will be used for the same purposes and will be administered by the City of Westminster under the Big Dry Creek Basin Water Quality Agreement.

Staff Recommendation

1. Pass Councillor's Bill No. _____ on first reading appropriating \$48,600 into the Environmental Capital Project as a result of the United States Environmental Protection Agency Regional Geographic Initiative Grant.
2. Authorize the execution of a contract for engineering services with Wright Water Engineers for the amount of \$37,500 by the City Manager and charge the expense to the appropriate budget account in the Utility Fund.

Background Information

Each municipality has individually monitored Big Dry Creek for a number of years. For the past 6 years, the cities have coordinated their monitoring activities to avoid duplication of work and to more completely describe the water quality of the Big Dry Creek.

The benefit of this monitoring is an increased understanding of the creek and the impacts on it from the cities' wastewater discharges, and from other sources throughout the watershed. An increased understanding of the creek has, and will continue to benefit the parties during State reviews of existing and proposed stream standards. The Colorado Department of Public Health and Environment (CDPH&E) performs a triennial review of the water quality standards for the Big Dry Creek. During these reviews, proposed stream standard changes are considered and ruled upon. Often, changes are made based on general data and observations made by the CDPH&E and do not incorporate data specific to the individual stream being considered. This can result in unnecessarily strict standards being set. Strict stream standards will result in a greater compliance burden being placed on each wastewater treatment plant's discharge.

The EPA grant's focus is to encourage formation of a watershed group to study the Big Dry Creek watershed and to identify and involve additional stakeholders in the further study and management of the watershed basin. This is a new approach that has been endorsed by the EPA as an effective way to manage and improve the overall quality of individual watersheds. The appointment of a watershed coordinator is an integral part of the process as it establishes an individual who is responsible for tying together the efforts and interests of the involved parties. Wright Water Engineers, Inc. was chosen for this role because of the resources they offered to establish a water quality database, to undertake stakeholder identification and perform public information duties.

Should the City of Westminster choose not to execute the contract, the duties of watershed coordination would either have to be delegated to city staff from Westminster or one of the other member groups, or go undone. If undone, the EPA grant money would have to be returned because the conditions of the grant would not have been met.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2566 in the amount of \$33,045,000 is hereby increased by \$48,600 which, when added to the fund balance as of the City Council action on October 26, will equal \$11,607,103. The actual amount in the Utility 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 an Environmental Protection Agency grant program award.

Section 2. The \$48,600 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
20-0426-400	\$0	<u>\$48,600</u>	\$48,600
Intergovernmental-Federal			
Total change to revenues		<u>\$48,600</u>	
<u>EXPENSES</u>			
20-35-88-555-539	\$0	<u>\$48,600</u>	\$48,600
Environmental Program			
Total change to expenses		<u>\$48,600</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of October 1998.

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

ATTEST:

Mayor

City Clerk

Date: October 26, 1998
Subject: Councillor's Bill No. re Fees for Fire Department Training Tower Facility
Prepared by: Ed Hopkins, Training Chief

Introduction

City Council action is requested on the attached Councillor's Bill authorizing the Fire Chief to establish fees for the use of the Fire Department Training Tower Facility.

Summary

The Westminster Municipal Code authorizes the City Manager or his designee to establish fees for the use of City facilities. The attached proposed ordinance will authorize the Fire Chief to establish fees for the use of the Fire Department Training Tower Facility by other fire departments, fire districts or other organizations for training purposes.

Staff Recommendation

Pass Councillor's Bill No. on first reading authorizing the Fire Chief to establish fees for the use of the Fire Department Training Tower Facility.

Background Information

The City recently completed construction on a joint fire training/community recreation facility at the old England Park rodeo grounds, 3851 West Elk Drive. This facility includes a 52,000 square foot concrete driving/recreational surface and a five-story training tower. Other fire departments, fire districts or other organizations may occasionally request the use of the facility for training purposes. Appropriate fees should be established for the use of the City's facility.

Comparable facilities and fee schedules are as follows:

Parker Fire Protection District

- Fire Tower \$100/half day
\$150/day
- Burn Building \$200/half day \$300/day
- Safety Officer \$25/hour

South Metro Fire Training:

- Fire Tower, Burn Building and Driving Surface \$350/day
- Safety Officer \$200/day

Rocky Mountain Fire Academy:

- Fire Tower \$50/half day
\$100/day
- Burn Building \$150/half day \$250/day

- Safety Officer \$25/hour

The proposed fee schedule for the use of the City's facility is as follows:

- Half day	\$50	
- Full day		\$100
- Three days		\$300
- Safety Officer, when required		\$25/hour

A copy of the form of license agreement that will be used, along with the proposed fee schedule, is attached for Council's information. Both the ordinance and contract have been reviewed and approved by the City Attorney's Office.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1998

COUNCILLOR'S BILL NO. _____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING THE FIRE CHIEF TO ESTABLISH FEES FOR THE USE OF THE FIRE DEPARTMENT TRAINING TOWER FACILITY.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 3-2-3, Duties of Fire Chief, is amended by the addition of a new Subsection D, to read as follows:

(D) THE FIRE CHIEF SHALL ESTABLISH APPROPRIATE FEES FOR THE USE OF THE FIRE DEPARTMENT TRAINING TOWER FACILITY BY OTHER FIRE DEPARTMENTS, FIRE DISTRICTS, OR OTHER ORGANIZATIONS FOR TRAINING PURPOSES. SUCH FEES TAKE INTO CONSIDERATION COMPARABLE FEES ESTABLISHED BY OTHER JURISDICTIONS FOR SIMILAR FACILITIES, IF ANY.

FEES MAY BE SET AT A RATE FOR EACH DAY OF USE, AND MAY INCLUDE A FLAT FEE FOR A USE INVOLVING MORE THAN ONE DAY. FEES SHALL BE LISTED IN A WRITTEN SCHEDULE. SUCH FEES MAY BE CHANGED FROM TIME TO TIME BY THE FIRE CHIEF.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of October, 1998.

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

Mayor

ATTEST:

City Clerk

CITY OF WESTMINSTER

**REVOCABLE LICENSE
FOR USE OF FIRE DEPARTMENT TRAINING TOWER FACILITY**

THE CITY OF WESTMINSTER (the "City") hereby grants to _____ (the "User") a revocable License to use the Westminster Fire Department Training Tower Facility, (the "Facility") upon the following terms:

User is hereby granted use of the Facility on _____(date) from _____ to _____ (time). The fee for such shall be _____, payable on or before the date of use.

Use of the Facility shall be for emergency services practice and training purposes only. User designates _____ (name, title) to supervise and direct User's activities at the Facility.

User shall be solely responsible for its costs and equipment while using the Facility. User shall be responsible for supervision, discipline, safety, salaries and benefits of its employees. Nothing in this License is, or is to be interpreted as, assumption of User's personnel as employees or agents of the City, and the City assumes no responsibility for the protection of, payment to, or liability for User's personnel.

User waives all claims and causes of action against the City for compensation or damages for damage to property, personal injury or death occurring as a consequence, direct or indirect, of the privilege granted by this License, knowing that use of the Facility involves risk of injury.

The City may revoke this License at its discretion, for cause or without cause, without further responsibility except the refund of any fees paid by User.

CITY OF WESTMINSTER

USER:

4800 W. 92nd Avenue
Westminster, CO 80030

By: _____
Title: _____

By: _____
Title: _____

Dated this ____ day of _____, 19 ____.

For further information, contact Westminster Fire Department, 303/430-2400, ext. 2453.

FEE SCHEDULE

FOR USE OF THE FIRE DEPARTMENT TRAINING TOWER FACILITY

- Half day	\$50
- Full day	\$100
- Three days	\$300
- Safety Officer, if required	\$25/hr.

Date: October 26, 1998
Subject: Exclusion of Properties From West Adams County Fire Protection District
Prepared by: Tami Berry, Paralegal

Introduction

City Council action is requested to approve the Stipulation and Plan for exclusion of territory from the West Adams County Fire Protection District.

Summary

The City has been negotiating with the West Adams County Fire Protection District regarding the exclusion of recently annexed properties from the District.

This Stipulation will allow the City to proceed in an uncontested manner in Adams County District Court for the purpose of obtaining an Order excluding the parcels of property covered under the Stipulation.

Staff Recommendation

Approve the Stipulation and Plan for exclusion of properties from the West Adams County Fire Protection 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, 1999.

Vicinity maps showing the areas to be excluded are also attached.

Respectfully submitted,

William Christopher
City Manager

Attachment: Stipulation and Vicinity Maps

Date: October 26, 1998

Subject: Resolution No. re Exclusion From West Adams County Fire Protection District

Prepared by: Tami Berry, Paralegal

Introduction

City Council action is requested to adopt the attached Resolution approving the exclusion of properties from the West Adams County Fire Protection District.

Summary

This item is related to the approval of the Stipulation and Plan for exclusion appearing previously on Council's agenda.

Staff Recommendation

Adopt Resolution No. approving the exclusion of properties from the West Adams County Fire Protection 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 West Adams County Fire Protection 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 Christopher
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. _____

INTRODUCED BY COUNCILLORS

SERIES OF 1998

EXCLUSION OF TERRITORY FROM THE WEST ADAMS COUNTY
FIRE PROTECTION 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 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 West Adams County Fire Protection 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 a aerial fire truck, one attack unit, six fire engines, two reserve fire engines, and three ambulances operated by a staff of eighty-six (86) highly skilled and trained full-time firefighters and four (4) volunteer 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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 26th day of October, 1998.

Mayor

ATTEST:

City Clerk

Date: October 26, 1998
Subject: Boards and Commissions Pool
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to establish a deadline to solicit applications from Westminster residents for the next cycle of the Boards and Commissions "Pool".

Summary

City Council annually solicits Westminster citizens who are interested in serving on the various City Boards and Commissions when vacancies would occur during the year. This "Pool" of applicants is recruited on an annual basis. After the deadline to receive applications has passed, City Council would then need to interview each individual.

Staff would suggest that the deadline of November 30 be established, with interviews being scheduled in December

Staff Recommendation

Establish a deadline of November 30, 1998 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government.

Background Information

Once a deadline has been established, a press release for the various newspapers will be prepared with a brief description of each of the Board's responsibilities. A copy of the press release will be sent to all the homeowner associations within the City and to Neighborly News, which distributes information within 32 subdivisions within the City. This information and the application form will also be available on the Internet and this information will also appear in the November issue of "City Edition".

Respectfully submitted,

William M. Christopher
City Manager

Date: October 26, 1998

Subject: Resolution No. 66 re R. Dean Hawn Interests and William D. Hewit Easements

Prepared by: Vicky Bunsen, Assistant City Attorney

Introduction

City Council is requested to adopt the attached Resolution which establishes the specific legal description of the real property interests to be acquired in Adams County from R. Dean Hawn Interests and William D. Hewit.

Summary

City Council previously adopted Resolution No. 50 on September 27, 1997, authorizing acquisition of several parcels of land in Jefferson and Adams Counties for public purposes and authorizing the City Manager to define the specific legal descriptions. At the request of the landowner, the attached Resolution has been prepared to define the specific acquisition in Adams County.

Staff Recommendation

Adopt Resolution No. 66, establishing the specific legal description of certain utility easements to be acquired in Adams County from R. Dean Hawn Interests and William D. Hewit.

Background Information

City Council previously authorized the acquisition, by condemnation if necessary, of certain properties for several public purposes including open space, trail development and utilities. The property described in Resolution No. 50, adopted September 27, 1997, in Adams County is owned by William D. Hewit and R. Dean Hawn Interests, represented by Bill Kearney of Dallas, Texas. That Resolution provided a visual depiction of properties expected to be acquired and authorized the City Manager to determine the exact legal descriptions after further work was done to define the project needs.

With regard to the Adams County property, Staff determined that the owners were not willing to negotiate for a price that was acceptable to the City, and the decision was made to limit the Adams County acquisition only to utility easements. An agreement could not be reached on a price for these easements, and the City Attorney's Office filed the necessary petition in condemnation to acquire the needed easements.

The City Attorney's Office has been negotiating with the owners' legal counsel to obtain a stipulation for immediate possession so that the construction of the needed sanitary sewer on these easements can be commenced. The owners have said that they will not stipulate to possession unless formal City Council action is taken to specify the legal description of the property authorized to be taken in Adams County, even though City Council delegated this authority to the City Manager in the original Resolution and the City Manager sent a recent letter confirming that no other acquisitions of the owners' land in Adams County are planned at this time. The owners state that the original Resolution clouds their title to the land.

Staff and the City Attorney's office don't think the situation is worth quibbling over and the requested specific legal description is being submitted to City Council for formal consideration.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. _____

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, the City Council adopted Resolution No. 50 on September 22, 1997, which authorized the acquisition, by condemnation if necessary, of several parcels of land for public purposes; and

WHEREAS, it has been determined that the real property described in Resolution No. 50 to be acquired in Adams County will be limited to permanent and temporary utility easements that must be acquired from R. Dean Hawn Interests and William D. Hewit;

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

1. The legal description of the real property located in Adams County that was authorized to be acquired, by condemnation if necessary, in Resolution 50, adopted September 22, 1997, is hereby established to be the permanent and temporary construction easements attached hereto as Exhibits A and B.

PASSED AND ADOPTED this 26th day of October, 1998.

Mayor

ATTEST:

City Clerk

Date: October 26, 1998
Subject: Financial Report for September 1998
Prepared by: Mary Ann Parrot, Finance Director

Introduction

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 78% of the total budget estimate while General Fund expenditures and encumbrances represent 72% of the 1998 appropriation. Utility Fund revenues represent 87% of the total budget estimate. Utility Fund expenditures and encumbrances represent 64% of the 1998 appropriation.

The Sales and Use Tax Fund revenues represent 81% of the total budget estimate, while expenditures and encumbrances in that fund represent 76% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 17% from the same period last year and increased 16% year-to-date.

The Open Space Fund revenues represent 94% of the total budget estimate while expenditures and encumbrances in that fund represent 70% of the 1998 appropriation. The Legacy Ridge Golf Course Fund operating revenues represent 86% of the total budget estimate while operating expenditures and encumbrances represent 58% of the 1998 appropriation. There are no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course. Last year's figures reflect the issuance of the \$4.8M refunding bonds.

Theoretically, 75% of revenues and expenditures should be realized after nine months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

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

Respectfully submitted,

William M. Christopher, City Manager
Attachments

Date: October 26, 1998
Subject: Quarterly Insurance Report
Prepared By: Nancy Winter, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from July 1, 1998 through September 30, 1998. No Council action is required at this time.

Summary

The information provided on each claim includes the claim number, date of loss, claimant's name and address, 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. 1411 of 1984.

Staff Recommendation

Staff is not recommending any action at this time.

Background Information

The Risk Management Division received the following claims during the third quarter of 1998:

1. WS14628022 Date of Loss: June 1, 1998. Tony Ruiz, 8601 Zuni Street, #148, Denver, CO 80221. Claimant alleges that the City is responsible for damages to his vehicle caused when the claimant drove through a pot hole on 72nd Avenue. CIRSA denied the claim.
2. WS10358023 Date of Loss: February 6, 1996. JoAnn Maes, P.O. Box 114, Westminster, CO 80030. Claimant alleges that Westminster Police Officers wrongfully evicted claimant and her parent from their apartment in 1996, and that officers harassed claimant and used racial slurs. Claimant sought \$140 million in damages. CIRSA denied the claim.
3. WS10358024 Date of Loss: July 7, 1998. Elizabeth Gibson, 4325 Morrison Road, #1, Denver, CO 80219. Claimant alleges that a Westminster Police Officer driving a patrol car hit and damaged claimant's vehicle. CIRSA settled the claim for \$669.82 in damages.
4. WS16688025 Date of Loss: July 28, 1998. Mr. and Mrs. Alvin Smith, 10381 Meade Loop, Westminster, CO 80030. Claimants allege that the City is responsible for damage done to their basement when a water main line broke. CIRSA investigated the claim and is waiting for a final determination of the total amount of damages.
5. WS16688026 Date of Loss: July 31, 1991. William Sweeney, 1650 Peregrine Court, Broomfield, CO 80020. Claimant alleges that a City employee driving a dump truck backed into and damaged claimant's vehicle. CIRSA settled the claim for \$1,706.62 in damages.
6. WS16688027 Date of Loss: August 3, 1998. Robin Kowalski, 4947 West 73rd Avenue, Westminster, CO 80030.

Claimant alleges that an employee driving a Utility Division vehicle backed into claimant's vehicle, causing damage. CIRSA settled the claim for \$1,174.55 in damages.

7. WS14628028 Date of Loss: March 19, 1998. Roberta Abeyta Chacon, P.O. Box 21794, Denver, CO 80221. Claimant alleges that the City is responsible for damage done to claimant's vehicle when she drove through a pot hole created by Crestview Water District crews when they removed a concrete bus pad in order to repair a water main line. CIRSA denied the claim.

8. WS16688029 Date of Loss: May 31, 1998. Apostolic Faith Tabernacle, 7797 Raleigh Street, Westminster, CO 80030. Claimant alleges that the City is responsible for damage to the church building caused by water from a water break. Claimant seeks \$35,647.55 in damages. CIRSA is investigating the claim.

9. WS10348030 Date of Loss: August 19, 1998. Robert Jay Gleason, 8611 Lowell Boulevard, Westminster, CO 80030. Claimant alleges that the City is responsible for a wallet and contents that Police Officers misplaced during claimant's arrest. CIRSA denied the claim.

10. WS12578031 Date of Loss: June 26, 1998. Barbara Kemp, 15030 West 77th Drive, Arvada, CO 80007. Claimant alleges that the City is responsible for damage done to claimant's vehicle when a rock hit her car as Parks Services Division crews were mowing along Westminster Boulevard. Claimant seeks approximately \$400 in damages. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher
City Manager