



WESTMINSTER
COLORADO

NOVEMBER 22, 1999
7:00 P.M.
AGENDA

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Employee Service Award Presentations
 - B. City Council Service Award Presentations
- 5. Citizen Communication**
- 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. Bids re Biosolids Tanker Trailers for \$125,000 to low bidder, Beall Trailers Inc
 - B. Bids for 4 Police Motorcycles for \$31,200 to low bidder Excel Motorcycles and Watercraft
 - C. Lobbyist Services Contract Renewal for 2000 with Danny Tomlinson and Robert Ferm for \$30,000
 - D. Councillor's Bill No. 72 on second reading annexing the eastern portion of Winters Property located at the SWC of 111th Avenue and Wadsworth Boulevard (Atchison-Merkel)
 - E. Councillor's Bill No. 73 on second reading annexing the western portion of Winters Property located at the SWC of 111th Avenue and Wadsworth Boulevard (Atchison-Merkel)
 - F. Councillor's Bill No. 74 on second reading zoning Winters Property from JeffCo A-1 to PUD located at the SWC of 111th Avenue and Wadsworth Boulevard (Atchison-Merkel)
 - G. Councillor's Bill No. 75 on second reading amending the Comprehensive Land Use Plan to add Winters property as Single Family Detached Low Density (Atchison-Merkel)
 - H. Councillor's Bill No. 76 on second reading re Ball Corporation Refunding Bonds amending credit facility provider (Dixon-Atchison)
- 9. Appointments and Resignations**
 - A. Butterfly Pavilion Board of Directors Appointment

10. Public Hearings and Other New Business

- A. TABLED – Catellus Development Corporation Amended Purchase and Sale Agreement for Westminster Promenade Project
- B. Resolution No. 89 re Westminster Boulevard Extension Right of Way Acquisitions
- C. Resolution No. 90 re Crowder Property Annexation Compliance Finding for 2 acres located on the north side of 108th Avenue east of Dover Street
- D. Resolution No. 91 re RTD Property Annexation Compliance Finding for 5 acres located at the southwest corner of Church Ranch Boulevard and US 36
- E. Resolution No. 92 re Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements Agreement with Colorado Department of Transportation
- F. Resolution No. 93 re Temporary Construction Easement and Permanent Property Acquisition for Semper Clearwell Replacement site at SEC of 91st Avenue and Pierce Street
- G. Councillor’s Bill No. 77 re Voting by Board and Commission Members unless there is a financial conflict of interest
- H. Resolution No. 94 re Big Dry Creek Trail GOCO Grant from Railroad Underpass to 99th Avenue and Old Wadsworth Boulevard
- I. Change Date of Last City Council Meeting in December from December 27th to December 20th.

11. Old Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations and Miscellaneous Business

- A. Financial Report for October, 1999
- B. City Council
- C. Request for Executive Session
 - 1. Update on Westminster Mall Remodeling Negotiations
 - 2. Northwest Parkway Negotiations

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, NOVEMBER 22, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Hicks to accept the minutes of the 7:00 P.M. meeting of November 8, 1999 with no additions or corrections. Councillor Moss requested to abstain as he was not sworn into office for the meeting. The motion carried with 6 aye votes and Councillor Moss abstaining.

A motion was made by Merkel and seconded by Hicks to accept the minutes of the 8:00 P.M. meeting of November 8, 1999 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Councillors presented service pins and certificates of appreciation to the following employees celebrating 10, 15, 20, 25 and 30 years of service with the City and providing special recognition to 25 year employees with the presentation of \$2,500 checks: 10 years - Rosemary Gardner, Kathleen Hix, Jackie June, Mary McKenna and Kathleen Sullivan; 15 years - Susan Clark, Barb Dolan, Robert Dowling, Tracy Haze, Cindy McDonald and Charles Roussel; 20 years - Dennis Bishop, Bob Brockett, Bob Lienemann, Laura Magnetti, Steve McClay, Paul Overdier, Kevin Sailor, Mike Schafer and Mark Toth; 25 years - Ray Porter and Bill Work; and 30 years - Pat Sexton.

The Mayor presented City Council Service Recognition pins to Mayor Pro Tem Dixon, 10 years; Councillor Merkel, 6 years; Councillor Atchison, 2 years and Councillor Smith, 2 years.

City Manager Bill Christopher presented Mayor Heil with the City Council Service Recognition pin in recognition of her 16 years as a member of City Council.

CITY COUNCIL COMMENTS:

Councillor Hicks introduced a Boy Scout in attendance at the meeting working toward earning a badge. Mayor Pro Tem Dixon updated Council on the conference she attended in Baltimore, Maryland.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bids for Biosolids Tanker Trailers - Award bid for two biosolids tanker trailers to the low bidder, Beall Trailers Inc. of Commerce City, in the amount of \$125,000 and charge the expense to the appropriate 1999 Public Works and Utilities budget account; Bids for Police Motorcycles - Award the bid for the purchase of four 2000 Kawasaki KZ 1000 motorcycles at a cost of \$31,200 to the lowest bidder, Excel Motorcycles and Watercraft, charging the expense to the appropriate 1999 Police Department budget account; Lobbyist Services Contract Renewal for 2000 - Authorize the City Manager to execute a contract with Danny L. Tomlinson and Robert M. Ferm to provide lobbying services for calendar year 2000 for \$30,000 and charge the expense associated for the services to the appropriate 2000 General Fund Central Charges account; Councillor's Bill No. 72 - Winters Property Eastern Portion Annexation; Councillor's Bill No. 73 - Winters Property Western Portion Annexation; Councillor's Bill No. 74 - Winters Property Zoning; Councillor's Bill No. 75 - Comprehensive Land Use Plan Amendment; and Councillor's Bill No. 76 - Ball Corporation Refunding Bonds.

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 Dixon to adopt the Consent Agenda items as presented. The motion carried unanimously.

BUTTERFLY PAVILION BOARD OF DIRECTORS APPOINTMENT:

A motion was made by Hicks and seconded by Atchison to appoint Bill West to the Butterfly Pavilion Board of Directors with the term of office to expire December 31, 2001. The motion carried unanimously.

RESOLUTION NO. 89 – WESTMINSTER BOULEVARD EXTENSION RIGHT-OF-WAY ACQUISITION:

A motion was made by Dixon and seconded by Hicks to adopt Resolution No. 89 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the Westminster Boulevard Extension project, through proceedings in eminent domain, if necessary; authorize the City Manager to contract with Western States Land Services Inc for acquisition and negotiation services; and authorize the necessary expenditures for acquisition costs and all related expenses, which shall be charged to the appropriate capital project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 90 – CROWDER PROPERTY ANNEXATION PETITION:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 90 accepting the annexation petition submitted by Mr. Crowder and make the findings required by State Statute on the sufficiency of the petition; and sets the date of January 10, 2000 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 91 – RTD PARK AND RIDE PROPERTY ANNEXATION PETITION:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 91 accepting the annexation petition submitted by the Regional Transportation District and make the findings required by State Statute on the sufficiency of the petition; and setting the date of January 10, 2000 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 92 – SHERIDAN BOULEVARD, 113TH TO 119TH AVENUE IMPROVEMENTS:

A motion was made by Smith and seconded by Atchison to adopt Resolution No. 92 authorizing the City Manager to execute the Sheridan Boulevard, 113th Avenue to 119th Avenue Project Agreement with the Colorado Department of Transportation. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 93 – SEMPER CLEARWELL PROPERTY ACQUISITION/TEMPORARY EASEMENT:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 93 authorizing the City Manager and the City Attorney to execute the necessary documents to acquire a temporary construction easement for 20 months, with extensions as needed, on Block 3, Lot 3 of the Lake Arbor Industrial Park, using the City's power of eminent domain if necessary and to acquire fee title to the approximately one acre parcel on the southeast corner of West 91st Avenue and Pierce Street using eminent domain authority, if necessary. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 77 – VOTING BY BOARD AND COMMISSION MEMBERS:

A motion was made by Hicks and seconded by Dixon to pass Councillor’s Bill No. 77 on first reading amending the Westminster Municipal Code concerning voting by Board and Commission members. The City Attorney requested an amendment to the ordinance to delete the word “financial” and insert “conflict of”. The amendment was agreed to by the maker and second. Upon roll call vote, the motion carried with 6 aye votes and a dissenting vote from Atchison.

RESOLUTION NO. 94 – BIG DRY CREEK TRAIL GOCO GRANT APPLICATION:

A motion was made by Smith and seconded by Dixon to adopt Resolution No. 94 authorizing the submittal of a trails grant application to Great Outdoors Colorado and Colorado State Parks for the construction of the Big Dry Creek Trail from the Railroad Underpass to approximately 99th Avenue and Old Wadsworth Boulevard. Upon roll call vote, the motion carried unanimously.

CHANGE OF DATE FOR REGULAR CITY COUNCIL MEETING IN DECEMBER:

A motion was made by Hicks and seconded by Atchison to change the date of the last City Council meeting of December from December 27th to December 20th. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for October, 1999.

Mayor Heil stated there would be an Executive Session for an update on Westminster Mall Remodeling Negotiations and Northwest Parkway negotiations.

ADJOURNMENT:

The meeting was adjourned at 7:45 P.M.

ATTEST:

Mayor Pro Tem

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999
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, 25th and 30th 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. In addition, the two employees celebrating 25 years of service are being presented with a check for \$2500.

Staff Recommendation

City Council present service pins and certificates of appreciation to employees celebrating 10, 15, 20, 25 and 30 years of service with the City, and providing special recognition to 25 year employees with the presentation of \$2,500 checks.

Background Information

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

Rosemary Gardner	General Services	Deputy Court Clerk II
Kathleen Hix	General Services	Organizational Support Services Mgr
Jackie June	Police Department	Victim Services Coordinator
Mary McKenna	Police Department	Animal Control Officer
Kathleen Sullivan	Parks, Recreation & Libraries	Library Services Manager

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

Susan Clark	Police Department	Traffic Accident Investigator
Barb Dolan	Finance Department	Sales Tax Manager
Robert Dowling	Police Department	Sergeant
Tracy Haze	Fire Department	Fire Engineer
Cindy McDonald	Parks, Recreation & Libraries	Recreation Specialist
Charles Roussel	Public Works & Utilities	Senior Maintenance Worker

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

Dennis Bishop	Fire Department	Fire Paramedic
Bob Brockett	General Services	HVAC Technician
Bob Lienemann	Community Development	Open Space Coordinator
Laura Magnetti	Parks, Recreation & Libraries	Management Assistant
Steve McClay	Police Department	Senior Police Officer
Paul Overdier	Community Development	General Building Inspector
Kevin Sailor	Police Department	Sergeant
Mike Schafer	Fire Department	Fire Paramedic
Mark Toth	Police Department	Sergeant

In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

The following 25 year employees will be presented with a certificate, service pin and their \$2,500 bonus check.

Ray Porter: Ray Porter is the Manager of the Infrastructure Improvements Division, Public Works and Utilities Department. This Division, organized just 9 months ago, administers and manages the City's computerized pavement Management System, the Street Reconstruction, Resurfacing, Sealcoating and Concrete Replacement Projects. Prior to being a manager, Ray was a Streets Supervisor for 11 years and Streets Project Coordinator for 12 years. Ray plays an active role in Public Works and Utilities organizations including the Western snow Conference, National Snow Rodeo Committee (1982-1999); Metropolitan Government Pavement engineers Council, Steering Committee Member and Treasurer (1994 to Present); and Member of CARMA, the Colorado Association for Roadway Maintenance (1992 to Present). In addition, Ray has been a member of the American Public Works Association since 1976 and joined their board of directors in 1997. As a board member, Ray acts as the APWA Board's liaison to CARMA, the Annual Inspectors Conference, and Colorado Public Works Education Foundation. Ray is also on the board of directors of the Western Federal Credit Union. Ray is married and has three children and four grandchildren. His hobbies include fishing, golf, sports cards and collectibles, Christmas decorating, and coaching youth football.

Bill Work: Bill Work began his career with the Fire Department on November 11, 1974, when he was hired as one of the two full-time firefighters when the City first employed "full-time paid" firefighting personnel as the City moved to develop a career fire department. Bill has worked for the City of Westminster for the past 25 years and is currently the Deputy Chief of Technical Services for the Fire Department. Bill was one of the first two full-time firefighters hired when the City began hiring full time paid personnel. The "paid" personnel reflected changing to a combination paid and volunteer staffing in the Fire Department.. Bill has held the ranks of Firefighter, Shift Officer (Lieutenant/Captain), Training Chief, Battalion Chief, and Fire Marshal prior to his current position. Bill was the City's first Emergency Medical Technician and is a commissioned police officer/fire investigator.

As the Division Head for the Fire Prevention Bureau, Bill's responsibilities include fire code enforcement, plan review, inspections, fire investigations, public fire education, public information, and he chairs the Fire Department's physical fitness program. Bill serves on the Fire Pension Board, the Supervisory Board for the Westminster Federal Credit Union, the City's Wellness Committee and the Economic Development Task Force. He is also a member of the State Fire Marshals Association, the Fire Marshal's Association of North America, the Emergency Services Public Information Officers Association and the National Fire Protection Association.

Bill's education includes an Associates Degree in Fire Science, a Bachelors Degree in Criminology, and a Masters Degree in Management. He is a graduate of the National Fire Academy's four year Executive Fire Officer Program.

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

Pat Sexton Public Works & Utilities Streets Foreman

On November 10th, the City Manager hosted an employee awards luncheon at which time 12 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 30th anniversaries. This was the third luncheon for 1999 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 400 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



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999
Subject: Presentation of Council Service Recognition Pins
Prepared by: Michele Kelley, City Clerk

Introduction

A presentation of City service pins to eligible City Council members has been scheduled for Monday night's meeting.

Summary

In January, 1990 City Council implemented a recognition program for City Council members to reflect their years of service as Council members. The recognition program for Council members is in 2 year increments to reflect elected terms of office increments. In 1990 service pins were presented to all eligible Council members for the first time.

There are members of City Council who have served a considerable number of years as City Council members. Length of service for the present City Council ranges from two weeks to 16 years.

The intent of the presentation of Service Pins is to provide formal recognition to Council members who have achieved at least two years of service.

Staff Recommendation

Mayor presents City Council City Service Recognition Pins to other Council eligible recipients.

City Manager presents City Service Recognition Pin to Mayor.

Background Information

The City Council service pins are the same design as employee service pins which are made of high polished brass and are in the shape/design of the City logo. Each individual pin reflects the number of years of service on City Council for each recipient. The aggregate City service represented among the Council members is over 36 years. The following service pins are to be presented to Council members at Monday night's Council meeting:

Mayor Nancy Heil - 16 Years
Mayor Pro Tem Sam Dixion - 10 Years
Councillor Ann Merkel - 6 Years
Councillor Herb Atchison - 2 Years
Councillor Suzanne Smith – 2 Years

Respectfully submitted,

William M. Christopher, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Bids re Biosolids Tanker Trailers

Prepared by: David Cross, Wastewater Operations Coordinator

Introduction

City Council action is requested to award the bid for two tanker trailers to be used in the transport of biosolids produced at the Big Dry Creek Water Reclamation Facility to various application sites around the metro area including the City's Strasburg Natural Resource Farm. Funds are available and have been specifically allocated in the 1999 Utilities Wastewater Fund, Public Works and Utilities Budget for this expense.

Summary

The two biosolids tanker trailers will be utilized on a daily basis to transport biosolids to farm fields. Each tanker has a volume of 6,500 gallons and is constructed of aluminum. The units are insulated and equipped with internal heating elements for winter use. With the purchase of the 2600-acre Strasburg Natural Resource Farm (SNRF) in April 1997, additional trailers are necessary to maintain the flexibility to utilize application sites both close in and at the SNRF. The application of biosolids is regulated and approved by the Colorado Department of Public Health & Environment, and allows a beneficial use for the biosolids as a fertilizer and soil conditioner.

Formal bids in accordance with City Charter bidding requirements were obtained for the purchase. Utility and Staff and the City purchasing agent have each reviewed the bids and agree that this is a necessary purchase. The low bid meets all specifications and is being recommended.

The total cost for these pieces of equipment is not within the amount previously approved by City Council for this expense. The amount originally budgeted was \$ 110,000. Additional required funds in the amount of \$15,000 have been identified within the 1999 Utilities Operations Budget and can be transferred for use to supplement the purchase of this equipment.

Staff Recommendation

Award the bid for two biosolids tanker trailers to the low bidder, Beall Trailers Inc. of Commerce City, in the amount of \$125,000 and charge the expense to the appropriate 1999 Public Works and Utilities budget account.

Background Information

City Council previously allocated funds in the 1999 Budget for the purchase of two biosolids tanker trailers to be used for hauling biosolids to farm fields.

Formal bids in accordance with City Charter bidding requirements were solicited from distributors of this type of equipment with the following results:

Beall Trailers of Colorado	\$125,000
Onnen Tank Trailers, Inc	\$142,000
Heil Trailer International	Declined to bid

The SNRF was purchased to compensate for the ongoing loss to development of usable farmland in the areas north and east of the treatment facility. Operation at the SNRF requires a minimum of three tankers to maintain production under optimum circumstances. Currently, the program has three tankers, only two of which are heated for winter use. The ages of these tankers range from 16 to 21 years. If one of the existing units were to fail, the program would be forced to rent a tanker until the failed unit could be repaired or replaced. The availability of a heated tanker for rent is unlikely; thus a heated tanker failure during the winter months would cripple the program.

Alternatives

If these new units are not purchased, the existing trailers will be insufficient for the current needs of the program. Transport of biosolids to the SNRF during the winter months with existing equipment would be extremely difficult due to the need for an additional heated tanker trailer. Due to this limitation, the City is forced to rely on its supply of close-in application fields. As these fields are lost to development, the viability of close in application will continue to diminish, forcing the wintertime use of sites located further from the treatment facility, including the SNRF. Another alternative of contracting out a portion of the hauling duties was examined in 1997 and would result in greater costs and decreased flexibility to the City.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Bids for 2000 Police Motorcycles

Prepared by: Dan Montgomery, Police Chief
Mike Cressman, Police Lt.

Introduction

City Council is requested to approve the purchase of four 2000 Kawasaki KZ 1000 motorcycles. The total cost of the motorcycles is \$31,200. Funds for this purchase were approved by City Council on October 11, 1999, with Resolution No. 75 as part of the upgraded traffic enforcement program.

Summary

City Council previously approved funds at the October 11, 1999, meeting. Formal bids in accordance with City Charter requirement were met through bid access. The cost of the motorcycles is within the amount previously approved for this purpose.

Staff Recommendation

Award the bid for the purchase of four 2000 Kawasaki KZ 1000 motorcycles at a cost of \$31,200 to the lowest bidder, Excel Motorcycles and Watercraft, charging the expense to the appropriate 1999 Police Department budget account.

Background

City Council previously approved funding for an enhanced traffic enforcement effort. This effort includes four new motorcycle officers and motorcycles. The motorcycle the Police Department is interested in purchasing is the Kawasaki KZ 1000. This is a "police package" motorcycle. The cost for each motorcycle is \$7,800 for a total cost of \$31,200. There are several advantages of the KZ 1000 that make this motorcycle the department preference.

From a practical standpoint, the Police Department currently has six Kawasaki KZ 1000's and has ordered Kawasaki's for a number of years. The department has developed trust, confidence, and a familiarity with these motorcycles and has developed a productive and effective relationship with the Kawasaki maintenance shops.

From a training perspective, these motorcycles offer consistency for both the trainers and riders. The motorcycles all perform and handle the same way, therefore, allowing greater concentrated training efforts. If a motorcycle is down for repair, a rider may easily borrow another officers' motorcycle for a shift without encountering familiarity problems.

From an engineering standpoint, the advantages are numerous. The KZ 1000 rides higher off the ground, thus allowing operation off road, i.e., parks and trails. The turning radius is less than other police production motorcycles allowing easy "U-turns" on city streets.

The other popular police motorcycle, Harley Davidson, has a magneto starting system. This delays the start of the engine by five seconds, thus increasing the distance a violator travels before an officer can initiate contact. Another important feature of the KZ 1000 is the acceleration. The KZ 1000 reaches travel speeds much faster than the other comparable police motorcycles.

The KZ 1000 is not part of the State award process. An independent bid process was initiated and bids were obtained from the following three dealers:

<u>Dealer</u>	<u>Bid</u>
Excel Motorcycles & Watercraft	\$7,800.00 each
Cycles of Boulder	\$7,949.50 each
Sun Enterprises	\$8,069.00 each

The low bidder for the KZ 1000 was Excel Motorcycles and Watercraft. With most proposed actions, there are alternative courses of action. In 1993 the department purchased several Harley Davidson police motorcycles and found they did not meet City needs. In this case the KZ 1000 motorcycle is one of the least expensive police motorcycles in production. It meets all of our requirements

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Lobbyist Services Contract Renewal for 2000

Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council action is requested to authorize the City Manager to sign a contract renewal with Danny Tomlinson and Robert Ferm to provide lobbyist services for the 2000 calendar year. Funds for this expense are available in the 2000 General Fund budget in Central Charges.

Summary

The City Council authorized in the 2000 Budget funds for the contracting of a professional lobbyist to advocate the City's position on state and federal issues. The 2000 State Legislative Session commences January 5. In the fall of 1998, a selection committee prepared a request for proposals and interviewed candidates to represent the City; the lobbying team of Danny Tomlinson and Robert Ferm were unanimously selected based on their experience and reputation as professional lobbyists. Their combined experience on legislative and regulatory representation and matters is 40 years; Mr. Tomlinson has 25 years experience and Mr. Ferm has 16 years. Their representation during the 1999 Legislative Session and work with the City during the year on various issues involving the State government has been valuable and effective. Therefore, Staff recommends renewing their contract for 2000. The proposed contract is virtually the same as the current contract.

Staff Recommendation

Authorize the City Manager to execute a contract with Danny L. Tomlinson and Robert M. Ferm to provide lobbying services for calendar year 2000 for \$30,000 and charge the expense associated for the services to the appropriate 2000 General Fund Central Charges account.

Background Information

In discussions with the City Council during the 1999 budget development process, it became evident a need existed for contracting for the services of a professional lobbyist to represent the City on issues of concern at the state and federal level. For the 2000 Budget, the City Council re-authorized \$30,000 for the purposes of contracting a professional lobbyist.

Although the primary focus of the lobbyist will be at the state level, the contract will allow for assistance when lobbying at the federal level, if needed. Should travel to Washington, DC, be necessary to lobby on the City's behalf, the City will reimburse Tomlinson and Ferm to commensurate the travel, lodging and meal expenses associated with the trip in addition to their set annual fee of \$30,000. Tomlinson and Ferm agreed to maintain their 1999 contract fee of \$30,000 for the 2000 calendar year.

Staff recommends renewing the contract for lobbying services with Danny Tomlinson and Robert Ferm because they have the best combination of skill and the experience that is needed by the City. Additionally, with one year of experience with City issues and working with City Council and Staff, Staff believes this experience increases the value of the lobbying team to the City and therefore believes it is in the best interest of the City to choose this experienced and reputable lobbying team.

Alternative actions would include (1) circulate a new request for proposals and interview candidates or (2) drop any professional lobbying services. Staff would submit that neither option is the most cost effective approach to select.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Date: November 22, 1999

Subject: Butterfly Pavilion Board of Directors Appointment

Prepared By: Bill Christopher, City Manager

Introduction

City Council is requested to appoint one Westminster citizen to the Butterfly Pavilion Board of Directors.

Summary

City Council has previously solicited applications from Westminster citizens for the vacancies on the Butterfly Pavilion Board of Directors, which the City of Westminster has available. Three residents responded by the stated deadline and were interviewed. Based on City Council's deliberations, Bill West is to be appointed.

The City of Westminster is entitled to one Board seat for every five Board Members that are currently serving. Presently nine individuals are serving on the Butterfly Board, which provides one seat for the City to fill. The term of office is for a two-year appointment.

Recommendation

Appoint Bill West to the Butterfly Pavilion Board of Directors.

Background Information

The City of Westminster has had a long-standing relationship with the Butterfly Pavilion and Insect Zoo since it became a reality at 104th Avenue and Westminster Boulevard (Pierce Street). The City was instrumental in providing financial assistance and conveyed the site on which the facility is located at no cost to the organization to help them get started. As part of the master agreement between the City and the Butterfly organization, the City of Westminster was granted one Board seat for every five Board Members that serve on the Board of Directors. Previously, Director of Parks, Recreation and Libraries Bill Walenczak and City Manager Bill Christopher were appointed and represented the City. Mr. Walenczak served from 1994 until August 1999 and Mr. Christopher was appointed in February 1998 until his resignation at the same time as Mr. Walenczak's.

City Council solicited applications from interested residents through "City Edition" and other means and three Westminster citizens have responded expressing interest in serving on the Board of Directors. The City was fortunate to receive three exceptional applications from Bill Given, Larry Augsbury and Bill West.

City Council selected Bill West. A copy of his letter of interest is attached. The other two candidates' applications will be forwarded to the Butterfly Pavilion Board for their consideration.

The Board of Directors meets once a month and operates under a well thought out set of bylaws. The Board is responsible for policy direction and works through the full-time Executive Director, who currently is Bob Bonacci.

The organization is currently embarking upon expansion of the existing facility, which will provide more programming opportunities and accommodate increased attendance at the Butterfly Pavilion and Insect Zoo. This is an important time in the history of the Pavilion given its expansion plans and increasing competition with other metro area attractions.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: November 22, 1999

Subject: Resolution No. 89 re Westminster Boulevard Extension Right-of-Way Acquisition

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to adopt the attached Resolution, authorizing acquisition of property interests necessary to construct street and drainage improvements for the Westminster Boulevard Extension project, using eminent domain proceedings, if necessary. Funds for the right-of-way acquisition activities are available in the General Capital Improvement Fund.

Summary

Final design of the Westminster Boulevard Extension is well underway. The project will extend Harlan Street north from its existing dead end at 96th Avenue, crossing over US 36 and connecting to Westminster Boulevard just south of West 104th Avenue near the Butterfly Pavilion. The initial project, scheduled to start construction in summer of 2000 and finish in late 2001, will consist of a two-lane facility and the major structures only. A connection to Westcliff Parkway west of US-36 will also be made. The road is planned to eventually be expanded to four lanes with a landscaped median if future traffic demands warrant it.

There are eight separate ownerships affected by the improvements, requiring the acquisition of right-of-way and easements and remainder parcels. Funding for right-of-way acquisition is a component of the \$12 million project budget for which Certificates of Participation (COP's) were issued in August of this year.

The attached Resolution will allow City Staff to pursue all legal and appropriate activities necessary to acquire the necessary right-of-way and remainder parcels, if necessary. This includes filing condemnation actions using the City's right of eminent domain if negotiations with the property owners do not result in timely possession of the parcels to facilitate the start of construction in a timely manner.

The Westminster Boulevard extension ties together two important activity centers in the City – the Westminster Center and the Westminster Promenade. A component of the City's Comprehensive Roadway Plan, it is a necessary north-south link between West 104th Avenue and 92nd Avenue, filling in the transportation grid between Sheridan Boulevard and Wadsworth Parkway. In combination with other improvements planned for the Westminster Mall area, it is expected to improve the level of service for traffic on Sheridan Boulevard, including the 92nd Avenue intersection.

Staff Recommendation

Adopt Resolution No. 89 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the Westminster Boulevard Extension project, through proceedings in eminent domain, if necessary; authorize the City Manager to contract with Western States Land Services Inc for acquisition and negotiation services; and authorize the necessary expenditures for acquisition costs and all related expenses, which shall be charged to the appropriate capital project account in the General Capital Improvement Fund.

Background

Final design of the Westminster Boulevard Extension has been underway since mid-summer of 1999 under a contract between the City and MK Centennial, Inc. (MKC). The project will extend Harlan Street north from its present dead-end at the 96th Avenue alignment to the short reach of Westminster Boulevard just south of West 104th Avenue (see attached project map). An overpass structure for crossing US 36 and a bridge over Big Dry Creek are two significant structures necessary for the Extension. The budget will not allow the construction of the fully improved four-lane facility. Certificates of Participation were issued in August of this year and approximately \$12 million has been appropriated to the Westminster Boulevard Extension. At a minimum, the Extension will consist of a two-lane roadway between the terminal points described above with a tee connection to Westcliff Parkway. A future connection with 98th Ave will be incorporated, but not built under the present budget. The design effort will identify improvements which can be easily expanded in the future to the ultimate four-lane roadway.

Eight ownerships are directly affected by the alignment, requiring the acquisition of over 22 acres of right-of-way in fee simple along with temporary easement rights for construction. The alignment divides some ownerships, creating several remainder parcels which may have reduced value—a circumstance that may lead to their purchase by the City to avoid unnecessary payment of damages. At least three of these ownerships are expected to require a total acquisition, which will bring up the question of the City providing relocation benefits to the affected residents, tenants and businesses. City Staff is developing a project-specific relocation program which will require Council consideration. Possession of the necessary right-of-way is a prerequisite to advertising the project for bid. At this point, the schedule calls for construction to begin in the summer of year 2000. The acquisition activities need to result in a negotiated settlement or voluntary agreement for possession of the property necessary for construction by March of next year. If neither can be accomplished, it will be necessary to file suit using the City's right of eminent domain to secure court-ordered possession before award of the construction contract.

The attached resolution authorizes Staff to carry out the activities necessary to acquire property for the project. This includes the hiring of an acquisition agent to negotiate and settle the purchase of property on behalf of the City. A proposal for such services has been received from Western States Land Services, Inc. and Staff is recommending a contract be signed. The appraiser will likely find that some of the right-of-way acquisitions result in uneconomic remainders, i.e.; parcels of property that are not developable by the private owner. The City Code authorizes acquisition of such remainders in connection with public projects and such authorization has been included in the attached resolution.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **89**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the Westminster Boulevard Extension Project shown on the attached Exhibit A; and

WHEREAS, property appraisals have been prepared by a professional appraisal company experienced in performing appraisals to determine the fair market value of the property rights being acquired in each of the parcels; and

WHEREAS, the City will make an earnest good faith offer to purchase each of the subject parcels; and

WHEREAS, a delay in the acquisition of any of these parcels could result in a delay of the Westminster Boulevard Extension Project, thus creating a hardship on the general population of the City of Westminster and Jefferson County wishing to utilize the proposed project; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the Westminster Boulevard Extension Project on the desired schedule.

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

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the Westminster Boulevard Extension Project in the area shown in Exhibit A.

2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests in the area shown on Exhibit A, including remainders pursuant to W.M.C section 15-1-11, on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation.

3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.

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

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, contractual services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filings fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The cost shall be charged to the Westminster Boulevard Extension Project Account of the General Capital Improvement Project Fund.

6. The Assistant City Engineer is hereby authorized to call for amendment of the legal descriptions of the parcel interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of the project.

Passed and adopted this 22nd day of November, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Resolution No. 90 re the Crowder Property Annexation Petition

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petitions requesting annexation of the Crowder property and establishing a hearing date. The proposed annexation consists of two (2) acres located on the north side of 108th Avenue and east of Dover Street.

Summary

Mark Crowder is requesting annexation of two (2) acres to the City. The property is currently improved with a single family residence and no further improvements are requested.

The property is currently served by City Sanitary Sewer and the applicant wishes to connect to City water as well. An annexation agreement is proposed that permits the applicant to pay in-City rates at this time on the condition that the property be annexed. This petition is in response to that agreement.

Staff Recommendation

Adopt Resolution No. 90 accepting the annexation petition submitted by Mr. Crowder and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of January 10, 2000 for the annexation hearing.

Background

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. (In this case, Mr. Crowder, signer of the petition, owns 100 percent of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **90**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

WHEREAS, there has been filed with the City Clerk of the City of Westminster, petitions, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes January 10, 2000, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 22nd day of November, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Resolution No. 91 Re the RTD Park and Ride

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petition requesting annexation of the proposed RTD Park and Ride property and establishing a hearing date. The proposed annexation consists of five (5) acres located at the southwest corner of Church Ranch Boulevard and U.S. Highway 36.

Summary

The Regional Transportation District (RTD) purchased the subject site for the purpose of constructing a park and ride site. The City of Westminster contributed a portion of the money required to make the purchase. RTD is requesting that the property be annexed to the City and that a combination Preliminary Development Plan/Official Development Plan (PDP/ODP) be approved that would allow for the construction of over 200 parking spaces and bus facilities. This is a use which was specified in the Northeast Comprehensive Development Plan.

Staff Recommendation

Adopt Resolution No. 91 accepting the annexation petition submitted by the Regional Transportation District and make the findings required by State Statute on the sufficiency of the petition; and setting the date of January 10, 2000, for the annexation hearing.

Background

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, RTD, signer of the petition, owns 100% of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **91**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

WHEREAS, there has been filed with the City Clerk of the City of Westminster, petitions, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes January 10, 2000, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 22nd day of November, 1999.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: November 22, 1999

Subject: Resolution No. 92 re Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Agreement with the Colorado Department of Transportation (CDOT) addressing the City's financial obligation for the Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements Project. Funds have been allocated and are available in the General Capital Improvements Fund for this project.

Summary

- The Sheridan Boulevard, 113th Avenue to 119th Avenue widening project is one of the City's projects eligible for federal funds under the Transportation Equity Act for the 21st Century (TEA-21) Program.
- This requested action is necessary to secure the \$1,011,000 of 2000 federal participation funds for this project, which will allow for the purchase of right-of-way, final design and preparation of construction documents for this intersection in anticipation of construction in 2001.
- The City's matching fund obligation in 2000 for this project is \$216,907.

Staff Recommendation

Adopt Resolution No. 92 authorizing the City Manager to execute the Sheridan Boulevard, 113th Avenue to 119th Avenue Project Agreement with the Colorado Department of Transportation.

Background

During the past several years, Sheridan Boulevard between 113th Avenue and 119th Avenue has increasingly become a problem in terms of its traffic carrying capabilities. As a result, funds were appropriated by City Council in the General Capital Improvements Fund for the final design of the improvements to this section of roadway. In addition, the City was able to secure Federal participation funds through the TEA-21 program.

The proposed improvements generally consist of widening Sheridan Boulevard to provide for two through lanes in both directions as well as auxiliary lanes at all major intersections. The project also includes eight-foot wide detached sidewalks and raised, landscaped medians. Once complete, the project will look very similar to the section of Sheridan Boulevard between 104th Avenue and 112th Avenue.

\$1,011,000 of TEA-21 funds have been allocated in 2000 to the Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements for final design and right-of-way acquisition. The total cost for the final design and right-of-way acquisition for this project is estimated to be \$1,222,907, of which 1,011,000 is the amount of federal participating funds and \$216,907 is the local match. Of this \$216,907, \$6,745 are identified as "indirect costs" in the CDOT contract and \$210,162 are identified as the "Local Agency Participating Funds."

TEA-21 funds for the construction of this project will be available in 2001. Future City Council action will be required in late 2000 to secure these future funds and to execute an amended contract with CDOT.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **92**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A resolution of the City Council of the City of Westminster defining responsibility in the State contract for improvements to Sheridan boulevard between 113th Avenue and 119th Avenue.

WHEREAS, the City of Westminster is vitally interested in improving traffic flow on Sheridan Boulevard between 113th Avenue and 119th Avenue; and

WHEREAS, the City has authorized the amount of \$210,162 for the local match plus \$6,745 for indirect costs for the design of improvements to Sheridan Boulevard between 113th Avenue and 119th Avenue; and

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

1. The City of Westminster shall enter into an agreement with the Colorado Department of Transportation on the state contract for said modification on Sheridan Boulevard between 113th Avenue and 119th Avenue.
2. The City of Westminster shall be responsible for its share of these costs in the amount of \$216,907 (210,162 local match plus \$6,745 indirect costs) for the design of improvements to Sheridan Boulevard between 113th Avenue and 119th Avenue.

Passed and adopted this 22nd day of November, 1999

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Resolution No. 93 re Acquisition of Temporary Construction Easement and Permanent Property for Semper Clearwell Replacement

Prepared by: George Bosser, Semper Water Treatment Facility Supervisor
Diane Phillips, CIP Coordinator

Introduction

City Council action is requested to adopt the attached Resolution authorizing acquisition of real property as well as a temporary construction easement using eminent domain powers, if necessary. The temporary easement would start February 1, 2000, through October 1, 2001, in connection with the replacement of the clearwell at the Semper Water Treatment Plant.

Summary

The construction of the new 5 million gallon (MG) clearwell is scheduled to begin in February 2000, with the completion expected by September 2001. The site must be excavated in order to remove the defective clearwell, requiring a temporary easement on adjacent land in order to store the excavated soil. Access is required from Marshall Court to the construction site across Lot 3 of the Lake Arbor Industrial Park and access from the construction site to 91st Avenue is also required.

The proposed permanent property acquisition covers a one acre parcel (Parcel 1) on the southeast corner of West 91st Avenue and Pierce Street and the proposed temporary construction easement is a 3.25 acres parcel on Block 3, Lot 3 in the Lake Arbor Industrial Park (see attached map). The Lot 3 easement is needed for storage; stockpiling and access during clearwell construction. The one-acre parcel will be used for construction trailers and equipment storage and excavation that will expose the north side of the existing clearwell. Permanent ownership of this parcel is highly desirable to preserve sufficient working room for clearwell operations, major maintenance and repair in the future.

Negotiations are underway between the City and the owners' representative. It is expected that the City will pay an annual rental on one of the parcels that is based on current market value of the land. The easement rental will be paid with funds available in the Utilities Capital Project account in the Utility Fund. It is recommended that the City purchase the other parcel.

Staff Recommendation

Adopt Resolution No. 93 authorizing the City Manager and the City Attorney to execute the necessary documents to acquire a temporary construction easement for 20 months, with extensions as needed, on Block 3, Lot 3 of the Lake Arbor Industrial Park, using the City's power of eminent domain if necessary and to acquire fee title to the approximately one acre parcel on the southeast corner of West 91st Avenue and Pierce Street using eminent domain authority, if necessary.

Alternative

Do not acquire the property interests. Try to find an alternative method for construction alongside Parcel 1 and for storing dirt on Lot 3.

Background

In April 1999, City Council action authorized the City Manager to sign a contract with Black and Veatch Consulting Engineers to prepare alternative layouts for replacing the existing 5 million gallon treated water storage clearwell, located near the Semper Water Treatment Facility. City Staff has concluded that the buried post-tension concrete structure founded on highly expansive soils has been damaged beyond repair, after only a few months of service, and that a new clearwell must be constructed.

Assisting Black and Veatch as engineering sub-consultants for this project are Greiner Woodward Clyde and Wiss, Janney, and Elstner Associates, Inc., who has provided advice on the post-tension concrete structural systems.

The clearwell is necessary to provide current and future fire flows, water storage, adequate chlorine contact time and future water demands.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **93**

INTRODUCED BY COUNCILMEMBERS

SERIES OF 1999

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain a temporary construction easement on the land described in Exhibit A and fee title to the land described in Exhibit A to accommodate the construction of a 5,000,000 gallon clearwell adjacent to the Semper Water Treatment Facility; and

WHEREAS, an appraisal has been performed by a professional company experienced in performing appraisals to determine the fair market value for these property interests; and

WHEREAS, the City will make an earnest good faith offer to purchase the property interests for each of the subject parcels during the construction period; and

WHEREAS, a municipal public purpose exists to acquire the property interests and delay in the acquisition could result in serious adverse impacts on the clearwell construction schedule, thus creating a hardship on the general population of the City of Westminster; and

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

WHEREAS, the City finds that if acquisition by condemnation of any easement or permanent property acquisition described in this resolution is commenced, immediate possession by the City will be necessary for the public health, safety and welfare due to construction deadlines.

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

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

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

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

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

5. The City Manager is hereby authorized to amend the legal descriptions of the easement and fee property interests to be acquired and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of construction.

PASSED AND ADOPTED this 22nd day of November, 1999.

Mayor

ATTEST:

City Clerk

Exhibit A

LEGAL DESCRIPTIONS OF FEE PARCEL AND TEMPORARY CONSTRUCTION EASEMENT REQUIRED FOR SEMPER CLEARWELL

FEE PARCEL NO. 1:

The unplatted lot ("Parcel 1") that is the frontage property south of West 91st Avenue, east of Pierce Street and is approximately 130 ft. by 333 ft.; as described in the records of the clerk and record of Jefferson County at Reception No. 90075391, southwest quarter of Section 24, Township 2 South, Range 69 West, Jefferson County, Colorado.

TEMPORARY CONSTRUCTION EASEMENT NO. 2:

Lot 3, Block 3, Lake Arbor Industrial Park, Filing No. 2, a part of the southwest quarter of Section 24, Township 2 South, Range 69 West, of the 6th Principal Meridian, Jefferson County, Colorado.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999
Subject: Councillor's Bill No. 77 re Voting by Board and Commission Members
Prepared by: Leslie Annand, Assistant City Attorney

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill amending the Westminster Municipal Code concerning voting by Board and Commission members.

Summary

The proposed amendment to the Westminster Municipal Code requires City Board and Commission members to vote on all questions put to vote unless the Board or Commission member has a financial conflict of interest.

Staff Recommendation

Pass Councillor's Bill No. 77 on first reading amending the Westminster Municipal Code concerning voting by Board and Commission members.

Background Information

Currently, City Council members are required by City Charter § 7.7 to vote on all questions except where the member has a financial conflict of interest. No similar requirement exists for the City's Board and Commission members. Recently, some Board members have abstained from voting, which in one case resulted in a tie vote. Staff believes that it is in the best interest of the City's citizens to require all Board and Commission members to vote excepting only where there is a financial conflict of interest. The proposed amendment is mirrored after City Charter § 7.7(c) applying to City Council members.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **77**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING VOTING BY BOARD AND COMMISSION MEMBERS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-1-6 of the Westminster Municipal Code is hereby amended BY THE ADDITION OF A NEW SUBSECTION (D) to read as follows:

2-1-6: CONDUCT OF MEETINGS:

(A) The Boards and Commissions of the City shall conduct closed executive sessions pursuant to the standards adopted in 1-11-3(C), (D), (E), and (F) of this Code, and only for the purposes stated therein. No final action may be taken in a closed executive session.

(B) Notice to the public of the meetings of Boards and Commissions shall be given as may be required by the individual by-laws adopted by each Board or Commission.

(C) Any Board or Commission which conducts a public hearing shall record such hearing stenographically or electronically. The Board or Commission may choose stenographic or electronic recording at its sole discretion. A written transcription of the record shall be made upon the request of any person and payment in advance of the estimated cost of production of the transcript. The action of a Board or Commission shall not be invalidated by any mechanical or other malfunction in the recording process.

(D) NO MEMBER OF A BOARD OR COMMISSION SHALL VOTE ON ANY QUESTION IN WHICH HE HAS A CONFLICT OF INTEREST, OTHER THAN THE COMMON PUBLIC INTEREST. ON ALL OTHER QUESTIONS PUT TO VOTE, EACH MEMBER WHO IS PRESENT SHALL VOTE EITHER "YES" OR "NO," UNLESS EXCUSED BY THE UNANIMOUS CONSENT OF THE REMAINING MEMBERS PRESENT. APPLICATION TO BE EXCUSED FROM VOTING MUST BE MADE BEFORE THE VOTE IS CALLED BY THE PRESIDING OFFICER. THE MEMBER SHALL BRIEFLY STATE THE REASON FOR HIS REQUEST TO BE EXCUSED AND THE DECISION THEREON SHALL BE MADE WITHOUT DEBATE.

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 22nd day of November, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of December, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Resolution No. 94 re Big Dry Creek Trail GOCO Grant Application

Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to adopt the attached Resolution to authorize the submittal of a trails grant to Great Outdoors Colorado (GOCO) and Colorado State Parks for the Big Dry Creek Trail.

Summary

Great Outdoors Colorado and Colorado State Parks are supporting the annual trails grant cycle. The grant application is for the construction of Big Dry Creek Trail from the Railroad Underpass and Big Dry Creek to the approximately 99th Avenue and Old Wadsworth Boulevard. This portion of the trail was also funded by Jefferson County Open Space (JCOS) Trails 2000 program for \$100,000 in 1998. This project includes the railroad underpass, a 10-foot wide concrete trail along 99th Avenue, and a mid-block pedestrian crossing just south of 99th Avenue and Old Wadsworth Boulevard. The construction cost of the project is anticipated to be \$735,000 and Staff is recommending a 6.8% match from GOCO totaling \$50,000 for this project. Matching funding is available in the 2000 CIP Budget for this project. This \$50,000 grant amount is anticipated to be used to upgrade the trail from a soft trail, as presently budgeted, to a concrete trail.

Alternatives

City Council could have Staff apply for a different trail project like the Walnut Creek Trail. However, City Council has established that the Big Dry Creek Trail is one of the City's goals to complete for the year 2000.

Staff Recommendation

Adopt Resolution No. 94 authorizing the submittal of a trails grant application to Great Outdoors Colorado (GOCO) and Colorado State Parks for the construction of the Big Dry Creek Trail from the Railroad Underpass to approximately 99th Avenue and Old Wadsworth Boulevard.

Background Information

Westminster has benefited from the GOCO and Colorado State Parks trails grants. Over the past five years, Westminster has been successful in receiving trails grants for four out of five grant cycles.

Big Dry Creek Trail GOCO Grant Application
Page 2

These projects include Big Dry Creek Trail from Sheridan Boulevard to 128th Avenue for \$45,000, Big Dry Creek trail from 128th Avenue to Huron Street and Amherst Elementary School for \$40,000, Little Dry Creek Trail from Federal Boulevard to Zuni Street for \$50,000, and Big Dry Creek Trail from Walnut Creek to 104th Avenue for \$50,000.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution and Map

RESOLUTION

RESOLUTION NO. **94**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A TRAILS GRANT REQUEST WITH COLORADO STATE PARKS AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND

WHEREAS, Colorado State Parks and the State Board of the Great Outdoors Colorado Trust Fund has established a Trails Grant application process to assist with development of trails to cities, counties, recreation agencies, and nonprofit organizations in Colorado; and

WHEREAS, the City of Westminster supports the completion of Big Dry Creek Trail Project from Big Dry Creek and Railroad Underpass to the approximately 99th Avenue and Old Wadsworth Boulevard;

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a trails grant application to Great Outdoors Colorado and Colorado State Parks, requesting funding of \$50,000 for a combined Great Outdoors Colorado (GOCO), Jefferson County Open Space, and Westminster 6.8%/13.6%/79.6% split toward the cost of construction of the Big Dry Creek Trail from Big Dry Creek and Railroad Underpass to the approximately 99th Avenue and Old Wadsworth Boulevard.

Passed and adopted this 22th day of November, 1999.

ATTEST:

Mayor

City Clerk



Agenda Item 10 I

WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 22, 1999
Subject: Change Date for Regular City Council Meeting
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to change the date of the regular City Council meeting scheduled for Monday, December 27th.

Summary

The last regular meeting of December would normally be held on Monday, December 27th. Since this is right after the Christmas Holiday, it is suggested that the date be changed to Monday, December 20th.

Staff Recommendation

Change the date of the last City Council Meeting of December from December 27th to December 20th.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 22, 1999

Subject: Financial Report for October 1999

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1999 transactions through October 1999.

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 91% of the total budget estimate while General Fund expenditures and encumbrances represent 81% of the 1999 appropriation.

Utility Fund revenues represent 112% of the total budget estimate. Utility fund expenditures and encumbrances represent 65% of the 1999 appropriation. The City is receiving reimbursements from the Colorado Water Power Authority, which is reflected in the Inter-governmental line item. These funds were appropriated in prior years.

The Sales and Use Tax Fund revenues represent 90% of the total budget estimate, while expenditures and encumbrances in that fund represent 84% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 11% from the same period last year and increased 8% year-to-date.

The Open Space Fund revenues represent 144% of the total budget estimate while expenditures and encumbrances in that fund represent 80% of the 1999 appropriation. The revenues reflect the issuance of \$2,650,000 of POST bonds. The appropriation of the bond proceeds was completed in November.

The Legacy Ridge Golf Course Fund operating revenues represent 92% of the total budget estimate while operating expenditures and encumbrances represent 57% of the 1999 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 181% of the total budget estimate while operating expenditures and encumbrances represent 63% of the 1999 appropriation. The Heritage at Westmoor Golf Course operating revenues reflects a grant from Jefferson County that was appropriated in prior years. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 84% of revenues and expenditures should be realized after ten 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

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

Attachment

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, November 22, 1999.

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

The minutes of the meetings of November 8, 1999 were approved with no additions or corrections.

Mayor Heil and Council members presented service pins and certificates of appreciation to employees celebrating 10, 15, 20, 25 and 30 years of service with the City, and presented City Council Service Recognition pins to Mayor Pro Tem Dixon and Councillors Atchison, Merkel and Smith. City Manager Bill Christopher presented a City Council Service Recognition pin to Mayor Heil.

Council appointed Bill West to the Butterfly Pavilion Board of Directors.

Council approved the following: Bids for 2 Biosolids Tanker Trailers and 4 Police Motorcycles; Lobbyist Services Contract Renewal for 2000; and changed date of the December 27 City Council meeting to December 20, 1999.

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING VOTING BY BOARD AND COMMISSION MEMBERS. Purpose: Require members to vote unless there is a conflict of interest.

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

A BILL FOR AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE OF TRUST, A FIRST SUPPLEMENTAL LOAN AGREEMENT AND A TAX EXEMPTION CERTIFICATE AND AGREEMENT RELATING TO THE VARIABLE/FIXED RATE DEMAND REVENUE REFUNDING BONDS, SERIES 1993 (BALL CORPORATION PROJECT) OF THE CITY OF WESTMINSTER, COLORADO; AND AUTHORIZING OTHER RELATED MATTERS PERTAINING TO SAID BONDS.

The following Resolutions were adopted:

Resolution No. 89 – Westminster Boulevard Extension Right-of-Way Land Acquisition.

Resolution No. 90 – Crowder Property Annexation Petition.

Resolution No. 91 – RTD Park and Ride Property Annexation Petition.

Resolution No. 92 – Sheridan Boulevard, 113th to 119th Avenue Improvements.

Resolution No. 93 – Semper Clearwell Property Acquisition/Temporary Easement.

Resolution No. 94 – Big Dry Creek Trail GOCO Grant Application.

At 7:45 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window December 2, 1999.