

November 25, 1996  
7:00 PM

**Notice to Readers:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance** - Boy Scout Troop #385
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
  - A. AmeriCorps National Civilian Community Corps Recognition
5. **Citizen Communication (5 minutes or Less in Length)**
  - A. CDOT Representative Bill Davis re Winter Safe Driving Tips
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. Change Date for December Council Meeting
  - B. CB No. 76 re AMC Assistance Package
  - C. CB No. 77 re VALE Grant Appropriations
  - D. CB No. 78 re Little Dry Creek Trail
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
  - A. TABLED - Land Trade with Bruchez Farms
  - B. Intergovernmental Agreement for Animal Control Outsourcing
  - C. Big Dry Creek Open Space Purchase
  - D. Special Bond Counsel for W&WW Utility Enterprise Bond Issue
  - E. 92nd Avenue Amended Engineering Design Contract
  - F. Councillor's Bill No. 79 re 112th & 128th Avenues Projects
  - G. Councillor's Bill No. 80 re Cost Recovery for Navajo St Sewer
  - H. Councillor's Bill No. 81 re Fund Transfer to Golf Course Fund
  - I. Northridge Pump Station Replacement & Reclaimed Water Project
  - J. Semper Water Treatment Plant Facility Expansion Project
  - K. Councillor's Bill No. 82 re Diesel Fuel Cleanup Reimbursement
  - L. Councillor's Bill No. 83 re 1997 Appropriations
  - M. Westminster Promenade Assistance Package
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Financial Report for October, 1996
  - B. City Council
  - C. Request for Executive Session
    1. WEDA Policy & Redevelopment Plan Review
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 25, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Boy Scout troop #385 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 Allen, Harris, Scott and Smith. Also present were William Christopher, City Manager; Sharon Widener, Assistant City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Merkel.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of October 28, 1996 with no additions or corrections. The motion carried unanimously.

A motion was made by Allen and seconded by Dixon to accept the minutes of the meeting of November 11, 1996 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil recognized the AmeriCorps National Civilian Community Corps members in attendance for their efforts and commitment in enhancing the open space and parks areas of the City of Westminster. Rod Larsen, Parks Services Foreman and Diane Dynis, Open Space Volunteer Coordinator, gave a brief presentation to Council on the AmeriCorps project completed in Westminster.

CITIZEN COMMUNICATION:

Bill Davis, Colorado Department of Transportation, gave a brief presentation and presented Council with informational material on Winter driving tips.

CITY COUNCIL COMMENTS:

Councillor Allen reported on the 2nd phase of the Boy Scout food drive held last Saturday.

Mayor Heil acknowledged the adults that also assisted in the Boy Scouts food drive.

Mayor Pro Tem Dixon also commented on the success of the food drive. She attended 2 Rocky Flats Local Impacts Initiatives meetings on the 10 year Plan with comments to be received by March and adopted by September, 1997. She stated DARE Colorado will be receiving a Community Award on December 1. She attended a meeting with Standley Lake High School Student Council members requesting an ordinance prohibiting possession of tobacco products by persons under the age of 18. The students were going to look into this matter further.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Change of date for first Council meeting in December from December 9 to December 16; Councillor's Bill No. 76 re AMC Assistance Package; Councillor's Bill No. 77 re VALE Grant Appropriations; and Councillor's Bill No. 78 re Little Dry Creek Trail.

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 Harris and seconded by Dixon to adopt the consent agenda items as presented with the recommendation stated on the Council Agenda Memorandums. The motion carried unanimously.

TABLED - LAND TRADE WITH BRUCHEZ FARMS:

A motion was made by Dixon and seconded by Smith to remove this item from the Table. The motion carried unanimously.

Mayor Heil and Councillors Allen and Harris requested to abstain as they each had received more than \$100 in campaign contributions from parties involved in this land trade.

A motion was made by Dixon and seconded by Scott to allow Mayor Heil and Councillor's Allen and Harris to vote on this issue. After discussion it was determined that the motion was unnecessary and the Council members requesting to abstain could vote on the issue and this motion and second were withdrawn.

A motion was made by Dixon and seconded by Smith to authorize the City Manager to execute the necessary documents for a land exchange between the City and Bruchez Farms Development LLC, per the property descriptions and exhibits. The motion carried unanimously.

ANIMAL CONTROL OUTSOURCING:

A motion was made by Smith and seconded by Scott to authorize the City Manager to enter into an IGA with Jefferson County, Arvada, Lakewood, Golden, Wheat Ridge, Morrison and Mountain View for purposes of sheltering animals at Table Mountain Animal Center. This Agreement would be effective January 1, 1997 with funds allocated in the 1997 budget; authorize payment of the \$60,000 one time buy-in fee to Table Mountain Animal Center; and authorize the City Manager to appoint a representative of the Westminster City government and/or a citizen at large to the Table Mountain Animal Center Board of Directors. Councillor Smith requested that this policy be evaluated after one year. Jane Stanfield, Director of the Table Mountain Animal Center, was present to address Council. The motion carried unanimously.

PURCHASE OF OPEN SPACE PROPERTY ALONG BIG DRY CREEK:

A motion was made by Allen and seconded by Harris to authorize the City Manager to execute the necessary documents to purchase for the Open Space Program approximately 43.3 acres of land at a cost of \$422,000 from James and Stanley Koleski, and charge the expense to the Open Space Fund. The motion carried unanimously.

SPECIAL BOND COUNSEL FOR W&WW UTILITY ENTERPRISE BOND ISSUE:

A motion was made by Harris and seconded by Allen to authorize the City Manager to execute an agreement with Ballard Spahr Andrews & Ingersoll in an amount not to exceed \$12,000 for bond counsel services in connection with the City's anticipated issuance of the City's Water and Wastewater Revenue Enterprise Governmental Agency Bond to the Colorado Water Resources and Power Development Authority. The motion carried unanimously.

92ND AVENUE AMENDED ENGINEERING DESIGN CONTRACT:

A motion was made by Dixon and seconded by Allen to authorize the City Manager to execute an amended engineering design contract with JR Engineering, Ltd. for the preparation of construction bid documents for 92nd Avenue from Marshall Street to Yates Street in a total amount not to exceed \$207,531 (\$157,193 current contract, plus \$50,338 for this addendum); authorize a design contingency of \$20,000; and charge the expense to the appropriate project account in the General Capital Improvements Fund and to make sure that all owners and businesses that might be affected by this project be contacted before this project begins. The motion carried unanimously.

COUNCILLOR'S BILL NO. 79 - 112TH AND 128TH AVENUES PROJECTS:

A motion was made by Allen and seconded by Dixon to pass Councillor's Bill No. 79 on first reading appropriating \$241,698 to the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project from revenues received into the Cash-in-Lieu Future Capital Improvements Project account; and \$259,655 to the 128th Avenue and Huron Street Intersection Improvements Project from revenues received into the Cash-in-Lieu Future Capital Improvements Project account. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 80 - COST RECOVERY FOR NAVAJO STREET SEWER:

A motion was made by Harris and seconded by Dixon to pass Councillor's Bill No. 80 on first reading establishing cost recoveries on the 24-inch storm sewer main in Navajo Street. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 81 - FUND TRANSFER TO GOLF COURSE FUND:

A motion was made by Dixon and seconded by Scott to pass Councillor's Bill No. 81 on first reading authorizing the transfer of \$247,500 from the Reserve Fund to the Golf Course Fund for expenses previously authorized by Council on July 10, 1996. Upon roll call vote, the motion carried unanimously.

NORTHRIDGE PUMP STATION REPLACEMENT & RECLAIMED WATER PROJECT:

A motion was made by Scott and seconded by Dixon to authorize the City Manager to sign an engineering services contract with Burns & McDonnell for design, bidding, and construction inspection and engineering services of the Northridge Pump Station Replacement and Reclaimed Water Standpipe Project in the amount of \$172,285 with a contingency account of \$17,228; and authorize this expenditure from the appropriate project account in the 1996 Utility Fund Capital Improvement Projects Budget. The motion carried unanimously.

SEMPER WATER TREATMENT FACILITY EXPANSION PROJECT:

A motion was made by Dixon and seconded by Allen to authorize the City Manager to sign a construction project change order in the amount of \$394,516 for the Semper Water Treatment Facility Expansion Project to replace the sludge removal equipment, with the additional project costs to be charged to the Utility Fund Semper Water Treatment Facility Capital Improvement Project account. The motion carried unanimously.

COUNCILLOR'S BILL NO. 82 - DIESEL FUEL CLEANUP REIMBURSEMENT:

A motion was made by Harris and seconded by Allen to pass Councillor's Bill No. 82 on first reading authorizing the deposit of \$11,330 from State of Colorado funds into the Department of PW&U, Water Operations, Professional Services Account. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 83 - 1997 APPROPRIATIONS:

A motion was made by Allen and seconded by Harris to pass Councillor's Bill No. 83 on first reading appropriating funds for the 1997 budget. Upon roll call vote, the motion carried unanimously.

WESTMINSTER PROMENADE ASSISTANCE PACKAGE:

A motion was made by Scott and seconded by Dixon to approve authorizing the City Manager to develop and execute a business assistance agreement with Northpoint LLC pertaining to the Promenade Project as outlined in the Agenda Memorandum with a top set of \$2.84 million. Mr. Gittleman and Mr. Nostrand, developers of the Promenade project, were present to address Council. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for October 1996.

The Mayor stated there would be an Executive Session concerning the WEDA Policy and Redevelopment Plan Review and the City Attorney's evaluation.

ADJOURNMENT:

The meeting was adjourned at 8:05 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 25, 1996

**Subject:** Recognition of AmeriCorps National Civilian Community Corps

**Prepared by:** Rod Larsen, Open Space Foreman  
Diane Dynis, Open Space Volunteer Coordinator

### **Introduction**

City Council is requested to recognize the AmeriCorps National Civilian Community Corps for their enthusiastic and dedicated efforts in improving certain open space and parks areas of the City.

The members, 18-24 years, commit to a 10 month program, and are trained before beginning their community efforts. This group of young people has completed a 60 foot boardwalk in the open space area west of Front Range Community College, (a brief slide show will illustrate their efforts) and has removed over 1,000 feet of barbed wire fencing in that area. Several other improvement projects are planned by the group, to include assisting Park Services Division staff in holiday decorations, and building a split rail fence at 98th Avenue and Old Wadsworth.

### **Summary**

The National Civilian Community Corps (NCCC) is a residential service program, which expands opportunities for young Americans to work in teams to meet critical needs in urban and rural communities. The program focuses on leadership, team building, citizenship, and physical conditioning.

### **Staff Recommendation**

Mayor and City Council recognize the young people of the National Civilian Community Corps for their efforts and commitment in enhancing the open space and parks areas of the City of Westminster.

### **Background Information**

The National Civilian Community Corps is the national service program created by the Congress and President Clinton as part of the National and Community Service Trust Act of 1993. The NCCC is part of AmeriCorps.

NCCC focuses on projects that protect and conserve national resources, promote public safety, and meet the educational and human needs of children, older persons, and others in a community.

City of Westminster staff submitted a proposal in June requesting Americorps' assistance with the open space and parks projects. The proposal was reviewed by NCCC's Regional Program Director and National Office in Washington, D.C. and was selected and approved in August.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** November 25, 1996  
**Subject:** Citizen Communication - Bill Davis  
**Prepared by:** Michael Allen, Deputy City Clerk

**Summary**

Bill Davis, representative from the Colorado Department of Transportation (CDOT), has requested time on Monday night's agenda to address City Council and provide Council with safe driving brochures.

Mr. Davis is making presentations to the Metro area communities regarding highway safety and winter driving tips. Due to the increased traffic on the State's highways and the number of new residents that have moved into the State who may not be familiar with winter driving conditions, the Colorado Department of Transportation has prepared informational material to be presented to Colorado residents. By presenting this information during open meetings, they hope to reach as many citizens as possible.

Mr. Davis has indicated that his presentation will be less than 5 minutes in length and therefore he has been listed on the agenda under item 5A.

Respectfully submitted,

William M. Christopher  
City Manager



**Date:** November 25, 1996  
**Subject:** Change Date for First Council Meeting in December  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to change the date of the first Council meeting in December at this time.

**Summary**

The first City Council meeting of December would normally be held on Monday, December 9th. A majority of the City Council members will be at the National League of Cities meeting and therefore, it is requested to formally change the date of the first Council meeting in December to Monday, December 16th.

**Staff Recommendation**

Change the date of the first Council meeting in December from December 9th to December 16th.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** November 25, 1996

**Subject:** TABLED - Land Trade with Bruchez Farms

**Prepared by:** Richard Dahl, Park Services Manager

### **Introduction**

City Council is requested to remove this item from the Table and take appropriate action regarding the documents for a land exchange between the City of Westminster and Bruchez Farms Development Limited Liability Company (see attached exhibits). This action item will warrant implementation of the recently citizens' approved Charter Amendment on campaign contributions.

### **Summary**

As new Filings are platted around the Legacy Ridge Golf Course, there are opportunities to adjust land boundaries to accommodate additional needs for both the City and the Bruchez Farms Development Company. To date all land exchanges agreed to by Bruchez Farms and the City have resulted in increased public access along trails and related scenic corridors.

One piece of this exchange (Exhibit A) involves a parcel of land that the City owns along the east side of fairway #1. The City will add approximately 10-15' depth to the housing lots that have been already platted. The second piece (Exhibit B) is along fairway #3 and is land the City also owns that will add depth to the housing lots along 111th Drive. The third piece (Exhibit C) is parallel to the tee areas on hole #2. The City needed this land to adequately construct a trail connection from Cotton Creek to Bruchez Parkway. This land trade transaction has been instigated by the City to achieve the trail connection as described above.

Staff also believes this land exchange is a win-win transaction for the two parties, with City residents and trail users accessing the Cotton Creek Subdivision, Cotton Creek Elementary school, and the proposed Cotton Creek Park expansion being the beneficiaries.

After having the benefit of legal research on implementation of the Charter Amendment on contributions or gifts over \$100 in value, City Council will need to address implementation of the Charter Amendment in conjunction with campaign contributions from Bruchez Farms.

### **Staff Recommendation**

1. Remove this item from the Table.
2. Determine implementation of Charter Amendment regarding each Councillor voting on the recommended land swap action.
3. Authorize the City Manager to execute the necessary documents for a land exchange between the City and Bruchez Farms Development Limited Liability Company, per the property descriptions and exhibits.

## **Background Information**

Currently, the City owns property as part of the Legacy Ridge Golf Course adjacent to the east side of hole number one and along the northern boundary of hole number three (attachments). Staff is recommending that a total of 20,129 square feet of these two areas (see Exhibits A & B) be conveyed to Bruchez Farms Development Limited Liability Company in exchange for 23,467 square feet of land (see Exhibit C) to be conveyed to the City by Bruchez Farms Development Limited Liability Company adjacent to Open Space property north of hole number two. This additional land is needed in the Open Space area for trail use and as a way to limit construction in existing wetlands. City Staff and Art Bruchez have agreed that adding 23,467 square feet of land to the Open Space would enhance the desirability of the trail for the users while preserving natural wetlands and wildlife.

The land to be conveyed to Bruchez Farms Development Limited Liability Company would have minimal impact on the playability of the golf course and is well outside of the out-of-bound markers on hole number one and hole number three. The added square footage will make the building lots of Bruchez Farms more marketable, with little impact on the golf operations.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** November 25, 1996

**Subject:** Animal Control Outsourcing

**Prepared by:** Dan Montgomery, Chief of Police; and  
Steve Peterson, Sergeant

### **Introduction**

City Council action is requested to authorize the City Manager to enter into an agreement with the Table Mountain Animal Center for the provision of all animal sheltering functions, effective January 1, 1997, and to appoint a representative from Westminster City Government to the Table Mountain Animal Center Board of Directors. City Council is also requested to authorize payment of the one time \$60,000 buy-in fee related to this agreement. Funds are available in the 1997 Budget for this expense.

### **Summary**

On October 28, City Council Council approved the 1997 Budget which incorporated outsourcing the Animal Shelter function at the Table Mountain Animal Center in Wheat Ridge and incorporated the elimination of two animal control positions. This would be accomplished through an Intergovernmental Agreement (IGA) with seven Jefferson County jurisdictions which would save the City of Westminster approximately \$82,000 per year starting in 1998. Outsourcing would add badly needed space for future police facility expansion, and Animal control resources would be refocused on enhanced enforcement, community interaction, and educational programs.

The cost to enter into this Intergovernmental Agreement is approximately \$21,000 per year plus a one-time buy-in fee of \$60,000. Other jurisdictions involved in this IGA include: Jefferson County, Lakewood, Golden, Arvada, Wheat Ridge, Morrison and Mountain View. Each member of the IGA has a representative on the Table Mountain Animal Center's Board of Directors. Westminster as a participating agency, would be permitted to have one representative on the Table Mountain Board of Directors.

### **Staff Recommendation**

Authorize the City Manager to enter into an Intergovernmental Agreement with Jefferson County, Arvada, Lakewood, Golden, Wheat Ridge, Morrison and Mountain View for purposes of sheltering animals at Table Mountain Animal Center. This Agreement would be effective January 1, 1997 with funds allocated in the 1997 budget; authorize payment of the \$60,000 one time buy-in fee to Table Mountain Animal Center; and authorize the City Manager to appoint a representative of the Westminster City government to the Table Mountain Animal Center Board of Directors.

**Background Information**

Staff has spent many hours researching the pros and cons of this IGA approach with Table Mountain, and has prepared four prior reports for Council, all of which are attached for historical purposes (September 6; October 7; October 11 (2)).

At the October 28 City Council meeting, the 1997 Budget, which included funds for the IGA and which also reduced staffing by 2.0 FTE in the Animal Control Section, was adopted, setting the stage for City Council to take action on the IGA. With regard to the two positions eliminated, one has effectively resigned and the other will be given an employment opportunity in another City department in 1997.

On October 30, the Table Mountain Board of Directors passed a resolution (5-0), supporting the inclusion of Westminster in the Table Mountain Animal Center IGA.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** November 25, 1996  
**Subject:** Purchase of Open Space Along Big Dry Creek  
**Prepared by:** Bob Lienemann, Open Space Coordinator

### **Introduction**

City Council action is requested to authorize the City Manager to execute closing documents to purchase approximately 43.3 acres of land from James and Stanley Koleski. This property is located along and includes Big Dry Creek just north of 120th Avenue and Federal Boulevard (see attached map). Funds for this purchase are available within the Open Space Fund land acquisition account.

### **Summary**

This approximately 43.3 acre property is a key link in the Big Dry Creek open space, trail and wildlife corridor. It includes many trees, a pond, wetlands, and some of the best wildlife habitat in the City. The Big Dry Creek trail will be extended through this area. The property is recommended for acquisition by the Open Space Advisory Board.

This property was formerly held in a trust, and Staff efforts in recent years to purchase the land along Big Dry Creek were not successful. The land has now passed to the heirs, who propose to sell to the City approximately 43.3 acres of their property at a cost of \$422,000. This offer represents an excellent value.

### **Staff Recommendation**

Authorize the City Manager to execute the necessary documents to purchase for the Open Space Program approximately 43.3 acres of land at a cost of \$422,000 from James and Stanley Koleski, and charge the expense to the Open Space Fund.

### **Alternatives to the Proposed Action**

An alternative to the proposed action would be to not approve the purchase of this property now. No Official Development Plan is currently being processed. However, the combination of willing sellers and low price are extremely favorable.

With future development of this property, it is likely that a portion of the area along Big Dry Creek could be acquired as Public Land Dedication (PLD) - though any required PLD or cash in lieu of PLD might be better used to serve active park needs for the area. The proposed purchase would provide a wider open space corridor than dedication would accomplish, and at a very favorable price.

### **Background Information**

The land proposed for purchase fits the criteria for the selection of Open Space properties very well, as follows:

- < **AESTHETICS:** This property lies along and includes Big Dry Creek. Acquisition would protect this natural view corridor, which is readily enjoyed from 120th Avenue and from Federal Boulevard as well as from on the site. Natural features include the stream, pond and wetlands, many trees and a variety of native plants and wildlife species.
- < **PROTECTION AND PRESERVATION:** This acquisition would protect the environmentally sensitive features of the stream, wetlands, trees, other plants and wildlife, and avoid encroachment into the flood plain.
- < **LOCATION:** This property along Big Dry Creek is an important link in a central natural corridor intended to connect many parks, schools, and open spaces throughout the City. Acquisition would provide open space enjoyment to residents and business park employees in this area.
- < **USE POTENTIAL:** This land along Big Dry Creek provides an important connection in the City-wide trail corridor which will link Standley Lake, City Park, Front Range Community College, and many other local parks and trails, and would provide many opportunities for nature study, photography or solitude. The proposed acquisition would also protect this watershed, would minimize need for expensive storm drainage improvements by generally maintaining the channel in a natural condition with room to meander, and would avoid flood plain encroachment. A substantial portion of this corridor is intended for wildlife habitats and movements.
- < **NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATION:** Though there does not appear to be immediate pressure to develop this property, there is considerable activity underway in Park Centre Business Park to the east, and various construction in Broomfield to the north and west. The owners are actively marketing the property. Purchase from willing Sellers at a very favorable price is the primary motivation, and would guarantee wildlife habitats and trail use at this location.

This proposed acquisition is supported by the Open Space Advisory Board, as part of the Big Dry Creek corridor. While this property was not considered an immediate priority when Open Space funding was limited to five years and "pay as you go", the extension of the program for 20 years allows the City to take advantage of this special opportunity now. The Adams County Open Space and Trails Foundation is also supportive of this acquisition.

A portion of the proposed purchase will be needed for street right of way in the future, if Federal Boulevard is extended to the north at this location. If that is the case, the Open Space Fund will be reimbursed the value of the necessary right of way at that time.

Similarly, the City of Broomfield is currently requesting an easement across a small part of the proposed purchase. The present owners of property have deferred this detail to the City of Westminster because of our negotiations, rather than moving ahead with selling an easement themselves. If such an easement from Westminster to Broomfield is granted, the value of the easement will be reimbursed into the Open Space Fund.

The standard Purchase and Sale Agreement used by the City of Westminster includes language that prevents the seller from forcing a sale on the City if the City breaches the purchase agreement.

The City, however, may force a sale through its power of condemnation if the seller refuses to close on the acquisition. The Koleski's specifically have required that this purchase agreement include the right to obtain "specific performance" (force the City to acquire the property) in the event that the City wants to back out of the deal. The reason for this is that the Sellers have taken their property off the market for a time to allow these negotiations to take place. If City Council does authorize the purchase of the property, and if the Agreement is then executed by the City Manager, the Sellers will also have the right to enforce completion of the purchase by the City. If approved by City Council, Staff certainly supports closing the purchase due to the excellent value it represents.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**Date:** November 25, 1996

**Subject:** Special Bond Counsel for Proposed Water and Wastewater Utility Enterprise Bond Issue

**Prepared by:** Marty McCullough, City Attorney

### **Introduction**

City Council is requested to authorize the City Manager to execute a negotiated special legal counsel contract with Ballard Spahr Andrews & Ingersoll for bond counsel services in connection with the proposed Water and Wastewater Enterprise Bond Issue in conjunction with the Colorado Water Resources and Power Development Authority.

### **Summary**

- > The City of Westminster, acting by and through its Water and Wastewater Utility Enterprise, and pursuant to a Loan Agreement with the Colorado Water and Power Authority, plans to borrow \$13 million for the purpose of funding the design and construction of the Water and Wastewater Enterprise's Reclaimed Water Pipeline Project.
- > The \$13 million in funds will be financed through the Colorado Water and Power Authority and will be secured by the Enterprise's Government Agency Bond which in turn is secured by Water and Wastewater Fund revenues.
- > Prior to issuing this bond, it is necessary to obtain the services of special bond counsel to assist in negotiating the Loan Agreement with the Authority, and render an opinion to the Authority concerning the enforceability of this bond.
- > The law firm of Ballard Spahr Andrews & Ingersoll has offered to provide bond counsel services for this financing for an amount not to exceed \$12,000.

### **Staff Recommendation**

Authorize the City Manager to execute an agreement with Ballard Spahr Andrews & Ingersoll in an amount not to exceed \$12,000 for bond counsel services in connection with the City's anticipated issuance of the City's Water and Wastewater Revenue Enterprise Governmental Agency Bond to the Colorado Water Resources and Power Development Authority.

### **Background Information**

Prior to issuing this bond, it is necessary for the City to retain bond counsel to assist in structuring the loan evidenced by the Governmental Agency Bond. The Colorado Water and Power Authority requires an opinion from nationally rated bond counsel concerning the enforceability of the Enterprise's bond. Bond counsel will also review on behalf of the City and the Enterprise the secondary market disclosure required by the Authority and the information relating to the City and the Enterprise contained in the official statement of the Authority.

The Authority issues its own bonds to obtain the funds it then makes available for local water and wastewater utilities to apply for to fund local projects such as the Effluent Pipeline Project.

City Charter section 4.14 requires City Council approval of all agreements with outside legal counsel.

Ballard Spahr's proposed fee of \$12,000 is reasonable for this bond issue. In the past, the City has paid from \$12,000-\$20,000 for similar bond issues. For example, the City paid \$18,000 for bond counsel services in connection with the City's Sales and Use Tax/G.O. Water Bond Issues (1992), \$12,000 in connection with the City's 104th Avenue SID Refunding (1995), \$12,000 for the City's first Enterprise Bond Issue in the amount of \$20 million for water acquisitions (1994), and, through a competitive bidding process, \$15,000 for the proposed Streets, Trails, and Library Bond Issue (1992).

Based on past bond issues in which Ballard Spahr Andrews & Ingersoll has represented the City, this firm possesses the desired background and knowledge to meet the City's needs in terms of timing and marketing of this issue.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** November 25, 1996

**Subject:** 92nd Avenue Amended 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 amended engineering services contract with JR Engineering, Ltd. (JR) in the total amount of \$207,531 (\$157,193 current contract, plus \$50,338 for this addendum) for the preparation of construction bid documents for the widening of 92nd Avenue from Marshall Street (Price Club entrance) to Yates Street/City Center Drive and authorize a design contingency in the amount of \$20,000. Funds for this expense are available in the U.S. 36/Sheridan Boulevard/92nd Avenue Interchange project budget of the General Capital Improvement Fund.

### **Summary**

- > Improvements to 92nd Avenue between Marshall Street and Yates Street were identified as one of the top priorities in the U.S. 36/Sheridan Boulevard/92nd Avenue prioritization study prepared by Felsburg, Holt & Ullevig and completed earlier this year.
- > City Council authorized hiring JR Engineering to perform the engineering design of 92nd Avenue on August 12, 1996.
- > The additional fees requested by JR Engineering are for design efforts mostly relating to the construction of a "loop" ramp at the northeast corner of the U.S. 36 and 92nd Avenue intersection (behind Denver Sports North) which was not part of their original scope of work. (See attachment drawing)
- > The addition of this "loop" ramp is in response to concerns expressed by the tenants of the building at the southwest corner of 92nd Avenue and Sheridan Boulevard. This ramp will allow patrons of this building to exit onto southbound Sheridan Boulevard, enter the westbound U.S. 36 ramp, then use the "loop" ramp to proceed west on 92nd Avenue. This will have the effect of reducing the "weaving" from the U.S. 36 exit ramp to the northbound Sheridan Boulevard to the westbound 92nd Avenue left-turn movement. The additional benefit of installing this loop ramp is that it will provide an alternative to get to the Westminster Mall when work on the Sheridan Boulevard bridge over U.S. 36 is being constructed in the future.

As Council is aware, citizens approved the \$15 million bond issue which will provide funds to construct this project.

### **Staff Recommendation**

Authorize the City Manager to execute an amended engineering design contract with JR Engineering, Ltd. for the preparation of construction bid documents for 92nd Avenue from Marshall Street to Yates Street in a total amount not to exceed \$207,531 (\$157,193 current contract, plus \$50,338 for this addendum); authorize a design contingency of \$20,000; and charge the expense to the appropriate project account in the General Capital Improvements Fund.

## **Background Information**

In January, 1995, the City hired Felsburg, Holt & Ullevig (FHU) to identify specific improvements in the area generally bounded by Sheridan Boulevard on the east, Harlan Street on the west, 92nd Avenue on the north and 88th Avenue on the south.

Based upon this study, several improvements were recommended for 92nd Avenue as follows:

- Widen 92nd Avenue to provide for three through lanes in both directions; providing double left-turn lanes for the Mervyn's access and at Harlan Street; providing acceleration and deceleration lanes at all intersections; and widening the bridge over U.S. 36 to accommodate these improvements as well as any potential interchange at this location.
- Convert the bank entrance west of Sheridan Boulevard to right-in, right-out movement only.
- Convert the Albertson's entrance east of Sheridan Boulevard to a right-in, right-out movement only.
- Construct a double left-turn lane into the Mervyn's entrance (approximately 900-feet west of U.S. 36).
- Construct double left-turn lanes for westbound 92nd Avenue to southbound Harlan Street.
- Lengthen the left-turn vehicle waiting area of the eastbound to northbound double left-turn lanes at Sheridan Boulevard.

The subject of this Agenda Memo is the addition of a "loop" ramp from northbound U.S. 36 to westbound 92nd Avenue (behind Denver Sports North). This ramp will provide a means for patrons of the bank building at the southwest corner of 92nd Avenue and Sheridan Boulevard to drive west on 92nd Avenue once the median on 92nd Avenue is closed, which will eliminate the left-out movements from their north access. In addition, this loop ramp will lessen traffic at the 92nd Avenue and Sheridan Boulevard intersection by providing an "alternative" ramp to access 92nd Avenue directly instead of using the Sheridan Boulevard ramp and turning left from northbound Sheridan Boulevard to westbound 92nd Avenue. The addition of this ramp would also provide alternative routes to the Westminster Mall while construction of the Sheridan Boulevard widening occurs in the future.

The proposed total fee requested by JR for all design services (\$207,531) is approximately five percent (5%) of the anticipated construction cost. This percentage compares very favorably with other capital improvement projects where design fees range from five to eight percent (5-8%). Staff believes that the additional design fees requested by the consultant are reasonable and will result in a high quality project.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Map

**Date:** November 25, 1996

**Subject:** Councillor's Bill No. re 112th Avenue, Sheridan to Federal Boulevard and 128th Avenue and Huron Street Projects

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

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading which appropriates \$241,698 to the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project; and \$259,655 to the 128th Avenue and Huron Street Intersection Improvement Project. The appropriation for the 112th Avenue project represents a cash-in-lieu of construction of improvements payment made by the developer of the Green Acres Commercial Development at the northeast corner of 112th Avenue and Sheridan Boulevard. The appropriation for the 128th Avenue and Huron Street Project represents a cash-in-lieu of construction of improvements payment made by the developer of the Home Farms Subdivision at the southwest corner of 128th Avenue and Huron Street. These funds were placed into a cash-in-lieu "receiving" account and should now be transferred to the appropriate project account in the General Capital Improvement Fund.

### **Summary**

The requested appropriations are not an increase in the project costs, but a mechanism to transfer funds that were "earmarked" for these projects from a "receiving" account into the appropriate project accounts.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading appropriating \$241,698 to the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project from revenues received into the Cash-in-Lieu Future Capital Improvements Project account; and \$259,655 to the 128th Avenue and Huron Street Intersection Improvements Project from revenues received into the Cash-in-Lieu Future Capital Improvements Project account.

### **Background Information**

The 112th Avenue project appropriation represents a payment of "Cash-in-Lieu" of construction made by the Green Acres Commercial Subdivision developer. Rather than having the developer install these improvements, which is normally the requirement, the City accepted \$241,698 as the developer's share of constructing improvements to 112th Avenue adjacent to their development. Staff reasoned that a much more desirable final product would be achieved with the construction of 112th Avenue improvements under a single contract rather than "piecemeal" construction by a variety of sponsors. These funds should be appropriated into the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project account.

The first phase of construction of the 112th Avenue project includes the widening of 112th Avenue from Sheridan Boulevard to Stuart Street to arterial street standards (two-through lanes in both directions). The project also includes a new bridge crossing at Big Dry Creek, similar to the bridge recently constructed on Sheridan Boulevard at Big Dry Creek. This work is currently listed on the City's Five-Year Capital Improvement Plan as a 1999 project.

The 128th Avenue and Huron Street project appropriation represents a payment of "Cash-in-Lieu" of construction made by the Home Farm Subdivision developer for their portion of these two, adjacent arterial streets. These funds now need to be appropriated into the 128th Avenue and Huron Street Project Account in preparation for construction of these improvements in early 1997.

The 128th Avenue and Huron Street project includes the widening of Huron Street from 123rd Avenue to a point 400 feet north of 128th Avenue, providing two through lanes in both directions and "free flow" right-turn movements at all corners of the 128th Avenue and Huron Street Intersection. 128th Avenue will be widened to two through lanes in both directions for a distance of 400 feet east and west of the intersection. Other features include a new mast-arm signal, installation of the reclaimed water line through the intersection, and substantial drainage improvements. Construction of these improvements are scheduled to begin in early 1997.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Councillors Bill

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1996

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

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the General Capital Improvements Fund initially appropriated by Ordinance No. 2385 in the amount of \$14,590,129 is hereby increased by \$501,353 which, when added to the fund balance as of the City Council action on November 25, 1996, will equal \$21,126,683. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of cash-in-lieu funds received from the developer of the Green Acres Commercial Subdivision and the developer of the Home Farm Subdivision.

Section 2. The \$501,353 increase in the General Capital Improvement 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>			
75-0955-751			
Cash-in-lieu	\$0	<u>\$501,353</u>	\$501,353
<u>EXPENSES</u>			
75-30-88-555-039			
112th Sheridan to Federal	\$625,000	\$241,698	\$866,698
75-30-88-555-369			
128th & Huron	\$722,000	<u>\$259,655</u>	\$981,655
Total changes to Expenses		<u>\$501,353</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. 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 25th day of November, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this  
day of December, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 25, 1996

**Subject:** Councillor's Bill No. re Cost Recovery for Navajo Street Storm Sewer

**Prepared by:** Kevin L. Berryhill, Senior Civil Engineer

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill regarding the establishment of cost recoveries due to the City for City participation in the installation of a storm sewer within the Navajo Street right-of-way beginning at West 112th Avenue and terminating at West 113th Avenue. Navajo Street is located between Pecos Street and Huron Street (see attached map).

### **Summary**

- > On June 10, 1996, City Council authorized the expenditure of \$10,000 of City funds for the installation of a storm sewer within the Navajo Street right-of-way. City participation in the construction of this storm drain was offered as a compromise to settle a disagreement between the developer of Park Vistas Subdivision in the City of Northglenn and land owners in the City of Westminster.
- > Ordinance No. 2429, which was adopted on June 24, 1996, reserved the right to establish a recovery agreement to collect the City's share of the funding for this project from future developers of the adjacent properties to the west of the main.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading establishing cost recoveries on the 24-inch storm sewer main in Navajo Street.

### **Background Information**

Early this summer, Council approved a settlement of a dispute between Crescent Realty Investment Fund II, L.P., the developer of Park Vistas Subdivision in the City of Northglenn, and certain owners of property located on the north side of 112th Avenue in the City of Westminster. This dispute revolved around drainage from Park Vistas that was to discharge onto undeveloped property in Westminster. The settlement involved the installation of a 24-inch storm sewer to divert runoff around the undeveloped land.

Crescent Realty paid \$20,000 of the cost of this storm sewer and the City funded \$10,000 of the cost. the terms of the settlement specified that the City could recover the \$10,000 contribution from future developers of the undeveloped, adjacent land.



With the adoption of Ordinance No. 1430, Series 1988, the City Code requires that cost recoveries be established by ordinance. Therefore, City Council action is requested on the attached Councillor's Bill regarding the establishment of cost recoveries for the project mentioned above.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Councillors Bill, Map

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1996

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

A BILL

FOR AN ORDINANCE ESTABLISHING RECOVERIES DUE THE CITY FOR CITY PARTICIPATION ON A NEW DEVELOPMENT CAPITAL IMPROVEMENT PROJECT

THE CITY OF WESTMINSTER ORDAINS

Section 1. Improvements for Navajo Street Storm Sewer.

A. "Schedule of Construction Costs" shall be:

<u>Item</u>	<u>Quan.</u>	<u>Unit</u>	<u>Description</u>	<u>Unit Cost</u>	<u>Extension</u>
1.	1	L.S.	24-Inch Reinforced Concrete Pipe Sewer	\$10,000.00	\$10,000.00
TOTAL CONSTRUCTION COSTS					\$10,000.00

B. "Basis of Recoverable Costs" shall be \$16.00 per linear foot abutting the west side of the 24-inch line plus interest at the rate established annually by City Council. See Exhibit A, attached hereto and incorporated herein by reference.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of November, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 25, 1996

**Subject:** Councillor's Bill No. re Reserve Fund Transfer to Golf Course Fund

**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries  
Nancy Alberts, Accounting Manager

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading authorizing a transfer in the amount of \$247,500 from the Reserve Fund to the Golf Course Fund.

### **Summary**

On July 10, 1996, Council authorized the expenditure of \$247,500 for a contract with Michael Hurdzan, golf course architect, for the Countrydale Golf Course. The expense was recorded in the Reserve Fund. Since that time, Staff concluded that the most appropriate place for the recording of the expense is in the Golf Course Fund. When financing for the Countrydale Golf Course project is finalized, the Reserve Fund will be reimbursed for this temporary transfer.

### **Staff Recommendation**

Pass Councillors Bill No. authorizing the transfer of \$247,500 from the Reserve Fund to the Golf Course Fund for expenses previously authorized by Council on July 10, 1996.

### **Background Information**

On July 10, 1996 City Council authorized a contract in the amount of \$247,500 with Michael Hurdzan for the purpose of providing golf course design and specification services for the proposed Countrydale Golf Course project. At the time, the expense was recorded in the Reserve Fund. After review of generally accepted accounting practices, Staff concluded that this expense should be recorded as part of the Golf Course Fund. By moving this expense, all expenses associated with the building of this golf course will be recorded in one fund, the Golf Course Enterprise Fund. This will allow the proper tracking of expenses associated with the project.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Councillors Bill

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 1996

COUNCILLOR'S BILL NO. \_\_\_\_\_  
INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GOLF COURSE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the Golf Course Fund, initially appropriated by Ordinance No. 2385 in the amount of \$1,650,000 is hereby increased by \$247,500 which, when added to the fund balance as of the City Council action on November 25, 1996, will equal \$1,897,500. The actual amount in the Golf Course Fund Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a transfer from the Reserve Fund which will provide funding for items relating to the design of the Countrydale Golf Course.

Section 2. The \$247,500 increase in the Golf Course Fund Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Transfer from Reserve Fund		
22-9999-513	\$-0-	<u>\$247,500</u>
\$247,500		
<u>EXPENSES</u>		
Project #227		
22-50-88-555-227	\$-0-	<u>\$247,500</u>
\$247,500		

Section 3. The Reserve Fund total will not change but is included here for clarification purposes only. The \$247,500 transfer 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>EXPENSES</u>			
Contingency			
11-10-99-999-000	\$2,550,000	\$(247,500)	\$2,302,500
Transfer to Golf Course Fund			
11-10-95-990-922	-0-	<u>247,500</u>	247,500
		\$-0-	

Section 4 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance.

The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of November, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of December, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 25, 1996  
**Subject:** Northridge Pump Station Replacement and Reclaimed Water Standpipe Project  
**Prepared by:** Judy Ding, Utilities Projects Engineer

**Introduction**

City Council action is requested to authorize the City Manager to sign an engineering services contract with Burns & McDonnell for design, bidding, and construction inspection and engineering services for the Northridge Pump Station Replacement and Reclaimed Water Standpipe Project in the amount of \$172,285 with a contingency account of \$17,228; and authorize this expenditure from the appropriate project account in the 1996 Utility Fund Capital Improvement Projects Budget.

**Summary**

This project includes the design and construction of a replacement pump station for potable water located at the Northridge Tanks, located south of City Hall. The purpose of the Northridge Pump Station is to receive and store potable water from Semper Water Treatment Facility (Pressure Zone 1) and provide volume fire flows and pressure to Pressure Zone 3 which serves approximately a 13 square mile area, including Westminster Center. As the Zone 3 building development and water demands have increased, the existing pumping capacity requirements have been exceeded.

This project also includes the installation of a 110,000 gallon standpipe, which is a component of the Westminster Reclaimed Water System (WRWS). Storage at the Northridge site is essential to limit pressure swings in the WRWS and provide reclaimed water pump control. The standpipe will have architectural features compatible with the existing Northridge tanks.

Burns & McDonnell will provide preliminary design, final design, bidding services, construction engineering, and construction inspection services for both the Northridge Pump Station Replacement and the Reclaimed Water Standpipe.

A request for proposal (RFP) was sent to five qualified engineering firms to solicit professional engineering services and fees for this project. Two of the five firms respectfully declined to propose. Following is a summary of the engineering fees proposed.

<u>FIRM</u>	<u>AMOUNT</u>
Burns & McDonnell	\$172,285
Black & Veatch	\$202,301
Richard P. Arber Associates	\$238,942

**Staff Recommendation**

Authorize the City Manager to sign an engineering services contract with Burns & McDonnell for design, bidding, and construction inspection and engineering services of the Northridge Pump Station Replacement and Reclaimed Water Standpipe Project in the amount of \$172,285 with a contingency account of \$17,228; and authorize this expenditure from the appropriate project account in the 1996 Utility Fund Capital Improvement Projects Budget.

**Background Information**

The existing Northridge Pump Station, located due south of City Hall and between the Northridge Water Storage Reservoirs, was originally constructed in 1971 and delivers potable water from the Main Pressure Zone 1 to High Pressure Zone 3. As the City has experienced rapid growth and development within Zone 3, which includes City Center and the 92nd Avenue and Sheridan Boulevard development, water demands have also increased and the existing pump station's capacity has been exceeded. The pumps and ancillary equipment are now 25 years old and are at the end of their anticipated useful life.

The new pump station will include new, energy-efficient pumps. This project also includes new inlet and outlet piping to the tanks to improve delivered water quality by creating better circulation and turnover and minimizing non-operational storage. A new emergency generator dedicated to the pump station will be designed and installed, which will increase emergency power reliability for the pump station and City Hall.

This project also includes the installation of a 110,000 gallon standpipe, which is a component of the Westminster Reclaimed Water System (WRWS). Storage at Northridge is essential to limit pressure swings in the WRWS and provide reclaimed water pump control. The standpipe will have architectural features compatible with the existing Northridge tanks.

The two elements (pump station and standpipe) are combined into a single project to save duplicated staff and consultant effort; and approximately \$50,000 in design, bidding, and construction costs. Further, the disruption to Victory Church and other neighbors will be minimized with a single construction project rather than two separate contractor mobilizations and a longer duration of inconvenience.

The estimated project schedule is as follows:

Design phase	December, 1996 through March, 1997
Construction phase	May, 1997 through December, 1997
Pump Station Operational	November, 1997
Standpipe complete	December, 1997

If the Northridge Pump Station Replacement and Reclaimed Water Standpipe project is not approved, the repair and maintenance costs of the existing pumps and piping will continue to rise beyond cost effective operation due to age and condition. High Pressure Zone 3 will not be able to reliably support water supply and fire flow for the desired economic development and building growth.



The standpipe will not be in service by 1999, the desired date of implementation for the WRWS. Further, we could separate the two elements (pump station and standpipe) into two separate projects but will incur additional costs to manage and to design and construct each separately.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** November 25, 1996

**Subject:** Semper Water Treatment Facility Expansion Project

**Prepared by:** Judy Ding, Utilities Projects Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to sign a construction project change order for the Semper Water Treatment Facility Expansion project for the replacement of sludge removal equipment. The 3.6% change order will increase the total construction project cost by \$394,516 and will increase the contractual construction finish date by 99 calendar days. Funds for this change order are available in the 1996 Capital Improvement Budget of the Water and Wastewater Fund.

### **Summary**

A change order has been negotiated with the contractor, Centric-Jones Constructors, and reviewed by the construction engineering and inspection firm, HDR Engineering. City Staff recommends that this additional construction work be added to the current construction contract with Centric-Jones for the Semper Water Treatment Facility Expansion.

### **Staff Recommendation**

Authorize the City Manager to sign a construction project change order in the amount of \$394,516 for the Semper Water Treatment Facility Expansion Project to replace the sludge removal equipment, with the additional project costs to be charged to the Utility Fund Semper Water Treatment Facility Capital Improvement Project account.

### **Background Information**

The existing sludge removal equipment installed in the six sedimentation basins 10 years ago at the Semper Water Treatment Facility (WTF) are reaching the end of their useful and efficient operating life. At this time, it is more cost effective to replace them with updated advanced technology than to continue to invest maintenance, repair, and labor costs, as well as endure the downtime required to maintain them. In fact, some of the equipment was beyond repair and has already been removed. When a sedimentation basin is out of service, the WTF loses 5 MGD treatment capacity. The sludge must then be manually removed in batches. Creating these large volume slugs of sludge for release to the sanitary sewer leading to the Metro Wastewater Reclamation District (Metro) interceptor system is not desirable, as evidenced by the recent sludge overflow at the manholes in 88th Avenue and the railroad tracks, which created a driving and health hazard and exposed the City to liability.

The new sludge removal equipment will provide reliable, "continuous" sludge removal to eliminate the large volume slugs of sludge released to Metro. Metro has requested that the City eliminate the large volume slugs to lessen the impact on their Regional treatment plant.

Semper Facility Staff installed new equipment in Sedimentation Basin No. 6 to gain some experience and confidence in this new technology and equipment before requesting this equipment replacement for the remaining five basins.

The change order to replace the sludge removal equipment as part of the Semper WTF Expansion will increase the total construction project cost by \$394,516 or 3.6% with a cumulative cost increase of 21.6%. The contractual construction finish date will be extended by 99 calendar days. Total construction project change orders that exceed 10 percent of the original project agreement require City Council approval. The original project price was \$11,057,000 and the total of approved change orders to-date is \$2,392,031, which is a 21.6 percent increase over the original project contract. The major enhancement to the Semper WTF Expansion Project included was the addition of 6 new filter basins, which were required by the Colorado Department of Public Health and Environment. These 6 filter basins, alone, represented an 18% increase in the construction contract. All change orders are funded from the Utilities Fund Capital Improvement Project Account.

The change order has been negotiated by Staff with the contractor, Centric-Jones, and reviewed by the engineer, HDR Engineering. If there is a delay in authorization of this work beyond the end of the 1996 calendar year, or if this work is done separately from the current expansion construction contract, it is estimated the project costs would increase by \$25,000 to \$40,000 due to inflation and additional bidding and contract costs.

It is important to authorize this change order as soon as possible in order to maintain the aggressive construction schedule to assure completion by the 1997 summer high water demand season. The current contractual finish date is January 1, 1997. The 99 day extension will amend the contractual finish date to April 10, 1997. This time extension will coincide with the additional days and extended overhead costs requested by the contractor to complete the Semper WTF Expansion project.

If an alternative action is pursued for the sludge removal equipment replacement, and the change order is not approved for Centric-Jones, the City would incur the following estimated additional construction costs to re-bid the work:

Repackage of plans and specifications	\$3,000 to \$5,000
Re-bid of equipment replacement	\$2,000 to \$3,000
Mobilization	<u>\$20,000 to \$32,000</u>
Estimated cost to re-bid work	\$25,000 to \$40,000

The bids received typically are not lower than the price of the negotiated change order, due to the mobilization and re-bidding costs. Also, the City would lose time, due to having two contractors working concurrently in the very confined area available at the Semper WTF site. In addition, costs for engineering inspection and assistance would be incurred by the City if we proceeded with the sludge removal equipment replacement as a separate project from the current Expansion Project.

Centric-Jones is a proven and skilled contractor that has performed on a number of previous City projects. Currently, they are constructing the Big Dry Creek Water Reclamation Facility (BDCWRF) expansion, as well as the current Semper WTF Expansion.

Incorporating this change order into the Expansion Project will enable the City to obtain needed improvements for a fair and reasonable price. Centric-Jones is a specialty contractor with hands-on working knowledge of the Semper WTF and can successfully and efficiently complete the sludge removal equipment replacement installation.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** November 25, 1996

**Subject:** Councillor's Bill No. re Diesel Fuel Cleanup Reimbursement

**Prepared by:** Robert L. Booze, Utilities Services Supervisor

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading authorizing the deposit of \$11,330 into the Department of Public Works and Utilities, Water Operations, Professional Services Account. These funds were received from the State of Colorado as reimbursement for services provided by the Utilities Division to clean up the underground diesel fuel tank at the Countryside Water Storage Facility located at 100th Avenue and Simms Street.

### **Summary**

In 1994, a routine pump station inspection at the Countryside Water Storage Facility diesel fuel was discovered in the sump pump pit. It was determined the fuel was coming from the abandoned 560 gallon underground diesel fuel storage tank.

The tank was originally utilized as a backup fuel supply for the Countryside Pump Station emergency standby generator. It was installed during the 1980's by the developer, and became the responsibility of the City at the end of the warranty period.

Since the fuel tank was in close proximity to the water storage tanks, it was necessary to remove the deteriorating fuel tank from the facility site. Applied Eco-Systems was hired as a consultant to assist with the proper State regulated procedures for the clean up. Applied Eco-Systems worked with City Staff on the proper procedures for the application for reimbursement in connection with the clean up which was submitted to the State of Colorado, Department of Labor and Employment, Oil Inspection.

The clean up site was accepted by the State. The City submitted a total reimbursement request of \$22,591 and was awarded \$11,330 during a hearing on July 26, 1996.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading authorizing the deposit of \$11,330 from State of Colorado funds into the Department of Public Works and Utilities, Water Operations, Professional Services Account.

### **Background Information**

During the 1980's the Countryside Pump Station located at 100th Avenue and Simms Street was installed by the developer to increase the water pressure to one-third of the Countryside Subdivision where the water pressure was below City specifications. As part of the installation, a standby generator was required for use during electrical power failures. A 560 gallon diesel fuel tank was installed to power the generator.

## Diesel Fuel Cleanup Reimbursement

Page 2

The Utilities Division policy on maintaining generators includes utilizing an 8-hour fuel skid tank, and refilling the fuel tank if the electrical power failure should extend beyond 8-hours. The 560 gallon diesel fuel tank was abandoned since it was not cost-effective to store such a large quantity of diesel fuel for short-term emergency use only.

Once the contractor removed the fuel tank from the ground, numerous miniature holes were discovered and were leaking diesel fuel product. As a result, Applied Eco-Systems coordinated efforts for soil testing, destruction of the contaminated soil, and drilling test holes in the soil to determine the level of contamination and off-site leaching. Applied Eco-System monitored the underground water, provided a Corrective Action Plan, assisted with the site closure, and provided the documentation necessary for the reimbursement request.

During February 1996, the Countryside Water Storage Facility site was officially accepted by the State of Colorado as environmentally safe. A total reimbursement request of \$22,591 was submitted to the State of Colorado, Department of Labor and Employment, Oil Inspection Section.

On July 26, 1996, the reimbursement request was reviewed at a hearing at the State of Colorado, Department of Labor and Employment, Oil Inspection Section. The hearing was attended by the Utilities Services Supervisor. The State levied a \$10,000 deductible because the fuel storage tank had not been registered with the State by the contractor, and determined \$1,261 were not allowed expenses. The City was awarded \$11,330 for reimbursement of allowed expenses.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Councillors Bill

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1996

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

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2385 in the amount of \$18,276,156 is hereby increased by \$11,330 which, when added to the fund balance as of the City Council action on November 25, 1996, will equal \$27,706,153. The actual amount in the Water Portion of 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 a reimbursement award from the State of Colorado for the cleanup of the underground diesel fuel tank at the Countryside Water Storage Facility.

Section 2. The \$11,330 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>Final Budget</u>			
<u>REVENUES</u>			
General Miscellaneous			
20-1072-400	\$50,000	\$11,330	\$61,330
<u>EXPENSES</u>			
Professional Services			
20-35-50-209-000	\$10,000	\$11,330	\$21,330

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 25th day of November, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of December, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 25, 1996  
**Subject:** Councillor's Bill No. re 1997 Appropriations  
**Prepared by:** Mike Simmons, Management Assistant

### **Introduction**

City Council action is requested to pass on first reading the Appropriations Ordinance for 1997, which sets forth the amounts of estimated revenue and expenditures by each separate fund of the City for calendar year and fiscal year 1997. This action is in compliance with the City Charter Budget Provisions and is consistent with the 1997 Budget documents previously adopted by City Council on October 28, 1996.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading appropriating funds for the 1997 budget.

### **Background Information**

The 1997 Appropriations Ordinance reflects the budget adopted by City Council on October 28, 1996 plus \$300,000 that is estimated to be received from Jefferson County as part of the loan for the Countrydale Golf Course development. The Appropriations Ordinance does not reflect funds for those capital projects that will be financed through the voter approved \$15 million street improvement bond issue, or other debt funded projects such as the Promenade Ice Arena, City Park Fitness Center and Reclaimed Water Project. Funds for these projects will be appropriated when the bonds are issued and funds become available.

The 1997 appropriated City Budget totals \$101,256,495 including contingencies. All capital improvements, services and programs previously discussed with City Council are reflected in the budget. These include any adjustments made by City Council which were discussed at the Budget Retreat and at the various budget public hearings.

Copies of the final printed budget will be distributed to City Council and available to others on or before December 31.

In order to have the ordinance effective January 1, 1997, the first reading of this bill should take place at this time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Councillors Bill



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 1997 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW.

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Non-emergency reserve as of December 31, 1996, along with revenue for the calendar and fiscal year 1997 are combined and reflected as the total in each of the following funds:

NON-EMERGENCY RESERVE AND NEW REVENUE

a.	General Fund	\$45,234,000
b.	Utility Fund	33,534,034
c.	Capital Improvement Fund	11,285,000
d.	Fleet Maintenance Fund	998,235
e.	General Debt Service Fund	5,835,461
f.	Conservation Trust Fund	760,000
g.	Sales and Use Tax Fund	40,735,000
h.	Open Space Fund	3,276,000
i.	Reserve Fund	2,700,000
j.	Golf Course	1,970,000
	Total Funds Available	\$146,327,730
	Less Transfers	<u>-45,071,235</u>
	GRAND TOTAL	\$101,256,495

Section 3: The following amounts are hereby appropriated for expenditure by fund to be expended by the City Manager in accordance with the City Charter.

a.	General Fund	\$45,234,000
b.	Utility Fund	33,534,034
c.	Capital Improvement Fund	11,285,000
d.	Fleet Maintenance Fund	998,235
e.	General Debt Service Fund	5,835,461
f.	Conservation Trust Fund	760,000
g.	Sales and Use Tax Fund	40,735,000
h.	Open Space Fund	3,276,000
i.	Reserve Fund	2,700,000
j.	Golf Course	1,970,000
	Total Funds Available	\$146,327,730
	Less Transfers	<u>-45,071,235</u>
	GRAND TOTAL	\$101,256,495

This ordinance shall become effective January 1, 1997.

INTRODUCED AND PASSED on first reading this 25th day of November, 1996.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of December, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 25, 1996

**Subject:** Westminster Promenade Assistance Package

**Prepared by:** Susan Grafton, Economic Development Manager

### **Introduction**

City Council is requested to pass a motion authorizing the City Manager to negotiate and execute an assistance package for the Westminster Promenade project.

### **Summary**

The Northpoint LLC plans to develop a unique entertainment/retail center at the northeast corner of 104th Avenue and US 36. This new development, to be called Westminster Promenade, will be a pedestrian oriented, family entertainment and business complex. Because of special site planning, design, and architectural upgrades being requested of them by the City, the project costs are estimated to be significantly above normal project development cost.

The attached "Respective Obligations and Agreements, Westminster Promenade," outlines the key points currently agreed to by both parties. If approved by Council, Staff would formalize these obligations into a business assistance package with Northpoint LLC. It is estimated that the assistance package would constitute a \$2.84 million agreement.

### **Staff Recommendation**

Approve a motion authorizing the City Manager to develop and execute a business assistance agreement with Northpoint LLC pertaining to the Promenade Project as outlined with a top set of \$2.84 million.

### **Background Information**

Staff has been working with the owners of Northpoint Center (now being called Westminster Promenade) for the past year and a half to design and implement a unified development plan for the entire area from Pierce Street to U.S. 36. The goal has been to establish specific high-quality architectural guidelines, types of uses, and to make sure that unique design features were incorporated into the site plan. It was agreed that the City and Northpoint LLC would work together to develop a unique development that would serve more as a destination entertainment/retail center than the typical strip retail project.

Out of these discussions, has grown the Westminster Promenade project. Anchored on the west end by a proposed 24-screen AMC Theatre, the balance of the project is focused on, and developed around a pedestrian walkway or promenade. The promenade extends from the theatre east through a village-type setting of restaurants and retail shops across the to-be-built Westminster Boulevard (formerly known as Pierce Street) via a pedestrian bridge to the east side of the project.

The east side, still in concept review and to include the planned two sheet ice arena, offices, retail, and the proposed plant conservatory--all facing or easily accessible to the extension of the promenade.

Architectural guidelines for the Promenade west of Westminster Boulevard have been developed that call for numerous architectural upgrades. Project upgrades include:

- > increased landscaping
- > unique signage and lighting fixtures
- > unique architecture with "360 degree" finish
- > fountains
- > pedestrian bridge
- > upgraded paving materials
- > gazeboes

As part of the current budget and with the recent passage of the authorization for the Transportation Improvements Bond issue by Westminster citizens, Westminster Boulevard (Pierce Street) will be constructed from just south of 104th Avenue to 112th Avenue. This new arterial street will improve traffic flow in the area and will serve as major access to the Westminster Promenade project. All of the funds needed for the Westminster Promenade, west of Westminster Boulevard are already contained in the approved 1996 and 1997 budgets.

### **Assistance Package**

Because of the uniqueness of this project, it is Staff's recommendation that the City provide financial assistance to this project to assure the desired quality is obtained. In the process of developing the project and negotiating project responsibilities, the attached "Respective Obligations and Agreements, Westminster Promenade" was formulated. Many of the responsibilities outlined, such as sharing in the cost of turn lanes, traffic signals, arterial street construction, and medians would be "normal" City obligations anyway. The recommended specific assistance to be provided to the Westminster Promenade project would include:

- > design and building the pedestrian walkway and the associated streetscape including the pedestrian overpass (approximately \$1.8 million)
- > designing and constructing identity sign poles (approximately \$120,000)
- > assuming the obligation of the existing 104th Avenue SID assessment against Northpoint Center (approximately \$925,000 over eight years)

### **Potential Revenue**

The 5-year tax revenue projected for the west side of the Westminster Promenade project is estimated to be between \$8 to \$10 million. Of that amount, the City has already obligated \$2.85 million to AMC Theatres, leaving between \$5.15 and \$7.15 million in tax revenue during the first 5 years of the project life. The cost of Westminster Promenade assistance package is estimated to be \$2,845,000, leaving approximately \$2.3 million to \$4.3 million in tax revenue to the City during the first 5 years. Approximately \$1.5 million in new tax revenue would be generated to the City annually thereafter.

**Conclusion**

The City of Westminster has the opportunity through a partnership on the Westminster Promenade project to have a development built that is very unique in the metro Denver area. This development concept is expected to bring an upscale, pedestrian-oriented experience to this City.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** November 25, 1996  
**Subject:** Financial Report for October 1996  
**Prepared by:** Barb Dolan, Interim Finance Director

## **Introduction**

City Council is requested to review the attached financial statements which reflect 1996 transactions through October, 1996.

## **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 86% of the total budget estimate while General Fund expenditures and encumbrances represent 83% of the 1996 appropriation.

Without the one-time reimbursement from DOE in the amount of \$8,147,000 for the creation of the Standley Lake Authority, Utility Fund revenues represent 104% of the total budget estimate while expenditures and encumbrances in that fund represent 73% of the 1996 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 93% of the total budget estimate, while expenditures and encumbrances in that fund represent 84% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 13% from the same period last year and increased 13% year-to-date.

The Open Space Fund revenues represent 96% of the total budget estimate while expenditures and encumbrances in that fund represent 93% of the 1996 appropriation.

The Golf Course Fund revenues represent 90% of the total budget estimate while expenditures and encumbrances in that fund represent 67% of the 1996 appropriation. Expenditures are fairly low because the annual principal and interest payments on the bonds which were used to build the course will not be paid until December. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$103,908 while expenditures and encumbrances in that fund consist of \$240,650. These expenses are for architectural design relating to the Country Dale Golf Course. These expenses are being transferred to the Golf Course Fund in a separate Council action on November 25, 1996. The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$1,639,000 for Emergency Reserve as required by the Colorado Constitution.

Theoretically, 83% 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 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

Attachment