



**WESTMINSTER**  
**COLORADO**

**JANUARY 10, 2000**  
**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 Meeting**
- 4. Presentations**
  - A. Citizen's Commendation to Brett Mouser
- 5. Citizen Communication**
  - A. US Census Bureau – Susan Henson and Gabe Sanchez
- 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. Construction Engineering Services for Big Dry Creek Trail at Wadsworth Parkway and Little Dry Creek Trail at Sheridan Boulevard to Loris and Associates for \$92,500
  - B. Bids for 2000 Chipseal Project to A-1 Chipseal Company for \$640,036
  - C. Project Management Services for Semper Clearwell with Black and Veatch LLP for \$665,812
  - D. Big Dry Creek Trail at Wadsworth Parkway Construction Project for \$1,164,000
  - E. Design/Build Contract for Semper Clearwell to CDM Engineers for \$7,708,976
- 9. Appointments and Resignations**
  - A. Resolution No. 1 re Reappointment to Boards and Commissions
- 10. Public Hearings and Other New Business**
  - A. Public Hearing re Annexation and Zoning for Crowder Property located at 8235 West 108<sup>th</sup> Avenue
  - B. Resolution No. 2 re Annexation Findings re Crowder Property
  - C. Councillor's Bill No. 1 re Annexation of Crowder Property
  - D. Councillor's Bill No. 2 re Zoning of Crowder Property to R-E
  - E. Public Hearing re Annexation, Zoning and PDP for RTD located at Church Ranch Boulevard and US 36
  - F. Resolution No. 3 re Annexation Findings re RTD property at Church Ranch Boulevard and US 36
  - G. Councillor's Bill No. 3 re Annexation re RTD property at Church Ranch Boulevard and US 36
  - H. Councillor's Bill No. 4 re Zoning re RTD property at Church Ranch Boulevard and US 36
  - I. Preliminary Development Plan for RTD property at Church Ranch Boulevard and US 36
  - J. Resolution No. 4 re Urban Renewal Amendment Regulating Automotive Services and Repairs
  - K. Resolution No. 5 re Acquisition of Additional City Park Land 23 acres along Sheridan Boulevard between 106<sup>th</sup> Avenue and 108<sup>th</sup> Avenue
  - L. Resolution No. 6 re GOCO Mid Range Outdoor Recreation Project Grant Application for City Park
  - M. Councillor's Bill No. 5 appropriating \$100,000 from JeffCo Open Space grant for Big Dry Creek Trail
  - N. Big Dry Creek Trail project authorization for \$415,242.61
  - O. Councillor's Bill No. 6 appropriating \$200,000 from Contingency for Little Dry Creek Trail at Sheridan
  - P. Little Dry Creek Trail project authorization for \$1,452,000

**11. Old Business and Passage of Ordinances on Second Reading**

None

**12. Citizen Presentations and Miscellaneous Business**

A. City Council

B. Request for Executive Session

1. Contract Negotiations

2. Business Assistance Package

**13. Adjournment**

**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS:**

A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

B. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

F. City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;

I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

J. Final comments/rebuttal received from property owner;

K. Final comments from City Staff and Staff recommendation.

L. Public hearing is closed.

M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JANUARY 10, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Dixon led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel and Smith. Also present were William Christopher City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Moss and Mayor Heil is on an extended medical absence.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Atchison to accept the minutes of the meeting of December 20, 1999 with no additions or corrections. Councillor Smith requested to abstain as she was not present at the meeting. The motion carried with 4 aye votes and Councillor Smith abstaining.

PRESENTATIONS:

Mayor Pro Tem Dixon and Chief of Police Dan Montgomery and Senior Police Officer, Wayne Nelson presented the Citizen's Commendation to Brett Mouser for his actions in assisting the Police Department in apprehending a fleeing suspect.

CITIZEN COMMUNICATION:

Susan Hanson, Recruiting Assistant of the U.S. Census Bureau, addressed Council on the opportunities that are available to citizens to work on the Census 2000 and the importance of the census information.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reminded Council and the audience that Monday the 17<sup>th</sup> is Martin Luther King holiday and that City offices will be closed but the scheduled Boards and Commissions interviews will be held on Monday and Tuesday evening.

CITY COUNCIL COMMENTS:

Councillor Hicks introduced students in the audience to observe a City Council meeting: Steven Neuman, Kristen & Amber and Matthew Hatfield, of the City's Youth Advisory Group.

Councillor Merkel and Mayor Pro Tem Dixon thanked City Staff on their efforts for Y2K preparedness.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Construction Engineering Services for Big Dry Creek Trail and Little Dry Creek Trail: Authorize the City Manager to execute a contract with Loris and Associates in the amount of \$92,500 for construction engineering services for both the Big Dry Creek Trail at Wadsworth Parkway and Little Dry Creek Trail at Sheridan, authorize a project contingency of \$9,000 and charge this expense to the appropriate project account in the 2000 General Capital Improvement Project Fund; Bids for 2000 Chipseal Project: Authorize the City Manager to sign a contract for the 2000 Chip and Sealcoat Project to the low bidder, A-1 Chipseal Company, in the amount of \$640,036, which includes a 8.5% contingency amount, and charge the expense to the appropriate 2000 Department of Public Works and Utilities Infrastructure Improvements Division budget account;

Project Management Services for the Clearwell: Authorize the City Manager to execute a contract with Black and Veatch, LLP in the amount of \$665,812 for project management services during the design and construction of the new Clearwell with the expense associated for the services to be charged to the appropriate project account in the Utilities Capital Projects Fund; Big Dry Creek Trail at Wadsworth Parkway: Authorize the City Manager to execute a contract with Neatline Structures, Inc., in the amount of \$1,039,080.53, execute a purchase order with Public Service Company for \$7,000 for lighting and power, and execute a change order with Transystems for \$13,890 to provide additional project management services and authorize a 10% construction contingency of \$104,000, for a total project amount of \$1,164,000 with expenses to be charged to the appropriate project account in the General Capital Improvement Fund; and Design/Build Contract for Semper Clearwell: Authorize the City Manager to execute a contract with CDM Engineers and Constructors, Inc., in the amount of \$7,708,976 for the design and construction of the Semper 5 million gallon Clearwell and approve a 15% project contingency of \$1,130,000, with these expenses to be charged to the appropriate project account in the Utility Fund. The Mayor Pro Tem 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 Hicks to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 1 – RE-APPOINTMENTS TO BOARDS AND COMMISSIONS:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 1 making the following Boards and Commissions re-appointments with the terms of office to expire December 31, 2001: Board of Adjustment - Brian Lunning (Alternate), Gerald Nordmark, William Wendt, and Rex Weiderspahn; Board of Building Code Appeals - Steven Fenimore (Alternate), and Jonathan Talbott; Election Commission - Denis DuFresne, Jeanne Nearing, William Noonung, and Jeff Van Meighem; Environmental Advisory Board - Charles Lortie and Yvonne Martin; Human Services Board – Bruce Vezina; Library Board - Beverly Bishop, Mary Boston (Alternate), Marilyn Flachman, and Roman Kohler. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON ANNEXATION AND ZONING OF CROWDER PROPERTY:

At 7:25 P.M. the meeting was opened to a public hearing on the annexation and zoning of a single-family residence located at 8235 W. 108<sup>th</sup> Avenue. City Planner Dave Falconieri entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Mark Crowder, 8235 W. 108<sup>th</sup> Avenue and owner of the property, was present to address Council and spoke in favor of the request. No one spoke in opposition. At 7:30 P.M. the public hearing was declared closed.

RESOLUTION NO. 2 – ANNEXATION FINDINGS FOR CROWDER PROPERTY:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 2 making certain findings of fact as required by Section 31-12-110 C.R.S. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 1 – CROWDER PROPERTY ANNEXATION:

A motion was made by Hicks and seconded by Atchison to pass Councillor’s Bill No. 1 on first reading annexing the Crowder property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 2 – CROWDER PROPERTY ZONING:

A motion was made by Hicks and seconded by Atchison to pass Councillor’s Bill No. 2 on first reading zoning the Crowder property from Jefferson County R-1 to R-E in the City of Westminster. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON RTD PARK AND RIDE FACILITY ANNEXATION AND PDP:

At 7:31 P.M. the meeting was opened to a public hearing on the application by the Regional Transportation District for annexation and Preliminary Development Plan approval for a Park and Ride facility located at the southwest corner of U.S. 36 and Church Ranch Boulevard. City Planner Dave Falconieri entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Jeff Clumps, RTD Planning and Development, gave a brief presentation.

Bob Briggs, RTD District J representative, stated the name of the new facility will be Church Ranch Station in recognition of the Stage Coach Stop that was located at Church Ranch many years ago. No one spoke in opposition. At 7:50 P.M. the public hearing was declared closed.

RESOLUTION NO. 3 – RTD PROPERTY ANNEXATION FINDINGS:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 3 making certain findings of fact as required by Section 31-12-110 C.R.S. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 3 – RTD PARK & RIDE PROPERTY ANNEXATION:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 3 on first reading annexing the proposed RTD Park and Ride site to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 4 – RTD PARK & RIDE PROPERTY ZONING:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 4 on first reading zoning the RTD property from Jefferson County A-2 to PUD in the City of Westminster. Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR RTD PROPERTY AT CHURCH RANCH BOULEVARD:

A motion was made by Atchison and seconded by Merkel to approve the proposed Preliminary Development Plan for the Park and Ride site at U.S. 36 and Church Ranch Boulevard as submitted. The motion carried unanimously.

RESOLUTION NO. 4 – URBAN RENEWAL PLAN AMENDMENT RE AUTO SERVICE AND REPAIR:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 4 approving the amendment to the Urban Renewal Plan regarding Automotive Service and Repairs as a permitted use and incorporating the amendment into the 1997 Amended Urban Renewal Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 5 – ACQUISITION OF ADDITIONAL LAND FOR CITY PARK:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 5 authorizing the acquisition of property for the expansion of City Park from Hewit Hawn Properties, LLC at a price of \$5,500,000, the acceptance of acquisition funds including a loan from Jefferson County; the exchange of deeds with the County, the execution of an Intergovernmental Agreement and an Indemnification and Hold Harmless Agreement as required by the County; make a refundable earnest money deposit of \$100,000, To the ROW agent for Land Title Insurance Company to replace Bre’s \$100,000 earnest money deposit; and authorize the City Manager to execute documents necessary to close this purchase, and charge the expenses to the appropriate project accounts. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 6 – GOCO MID-RANGE OUTDOOR RECREATION GRANT APPLICATION:

A motion was made by Smith and seconded by Hicks to adopt Resolution No. 6 authorizing the submittal of a Mid-Range Outdoor Recreation Project grant application to GOCO for the construction of additional improvements at City Park. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 5 – JEFFCO OPEN SPACE JOINT VENTURE GRANT APPROPRIATION:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 5 on first reading appropriating \$100,000 from the Jefferson County Open Space Joint Venture Grant into the General Capital Improvement Fund for construction of the Big Dry Creek Trail-Jefferson County project. Upon roll call vote, the motion carried unanimously.

BIG DRY CREEK TRAIL AT BNSF RAILWAY UNDERPASS CONSTRUCTION CONTRACT:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to execute a contract with Neatline Structures, Inc., in the amount of \$361,080.53; authorize a total project amount of \$415,242.61 that included a 15% project contingency, charging expenses to the appropriate project account in the 2000 General Capital Improvement Fund; and authorize the City Manager to execute a Change Order with TranSystems Corporation to provide construction administration services for the Big Dry Creek Trail at BNSF Railway project. The motion carried unanimously.

COUNCILLOR’S BILL NO. 6 – APPROPRIATION FOR LITTLE DRY CREEK TRAIL:

A motion was made by Merkel and seconded by Atchison to pass Councillor’s Bill No. 6 on first reading appropriating \$200,000 of the 1999 General Fund Contingency into the appropriate project account in the General Capital Improvement Fund for construction of the Little Dry Creek Trail project. Upon roll call vote, the motion carried unanimously.

LITTLE DRY CREEK TRAIL AT SHERIDAN BOULEVARD CONSTRUCTION:

A motion was made by Merkel and seconded by Atchison to authorize the City manager to execute a Change Order for \$12,669 with MK Centennial to perform construction design review, and authorize an expense with Public Service Company in the amount of \$25,000 for gas line relocation costs and lighting the underpass at Sheridan.; and authorize the City Manager to execute a contract with Tierdael Construction, Inc., in the amount of \$1,285,000.00 with a \$129,000 construction contingency, authorizing the total amount of \$1,452,000 with expenses to be charged to the appropriate project account in the General Capital Improvement Project Fund. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Dale Pearce, 3308 W. 107<sup>th</sup> Avenue, addressed Council with concerns about the Semper Clearwell project.

Mayor Pro Tem Dixon stated there would be an Executive Session to discuss contract negotiations and an Economic Development prospect.

ADJOURNMENT:

The meeting was adjourned at 8:20 P.M.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000

**Subject** Citizen's Commendation to Brett Mouser

**Prepared By:** Investigator Jacki Tallman and Dan Montgomery, Chief of Police

**Introduction**

City Council is being asked to recognize Mr. Brett Mouser for his selfless actions in assisting the Police Department by apprehending a fleeing suspect on October 24, 1999.

**Summary**

On October 24, 1999, Brett Mouser was a customer at the 7-11 store at 7200 Lowell Blvd. Mr. Mouser observed a Westminster Police Officer contact several occupants of a vehicle in the parking lot. During the contact, a male exited the vehicle and began running from the Police Officer. The officer, who remained with the vehicle and held the occupants at gunpoint, was waiting for additional officers to arrive on scene. Seeing that the officer was unable to chase the male suspect, Brett Mouser assisted the officer by chasing and apprehending the fleeing suspect. Mr. Mouser detained the suspect until officers arrived on scene and took him into custody.

**Staff Recommendation**

Formally recognize Brett Mouser for his assistance in apprehending a suspect for the police on October 24, 1999.

**Background Information**

On October 24, 1999 at approximately 2:10 a.m., Westminster Police Officers were checking the area along 72nd Avenue for a possible suspect vehicle in an assault case. An officer located a vehicle fitting the description in the parking lot at the 7-11 Store at 7200 Lowell Blvd. The officer approached the vehicle and began to talk to the four occupants of the car. During the contact, the officer had a male passenger exit the vehicle. The moment the male exited the car, he moved past the officer and began running toward the rear of the 7-11 Store. The officer was alone at the time and was forced to remain with the vehicle and detain the three other occupants at gunpoint until other officers arrived on scene. Brett Mouser was at the 7-11 store when the officer contacted the vehicle and its occupants. Mr. Mouser witnessed the male exit the car and run from the officer. Understanding the predicament that the officer was in, Mr. Mouser assisted the officer and chased the male suspect. Brett caught up with the fleeing male suspect and detained him until other officers arrived on scene to assist him. It was determined that the vehicle at the 7-11 had been stolen from Lakewood earlier in the week, and had been used to commit several gas thefts.

Staff would like to take this opportunity to recognize and commend Mr. Mouser for his heroic actions during this incident. He placed himself in danger while assisting Westminster Police Officers in apprehending a suspect, and his actions are considered exemplary.

It is certain that without Mr. Mouser's assistance, the police would have been unsuccessful in apprehending the fleeing suspect.

Mr. Mouser was previously scheduled to attend the December 13<sup>th</sup> Council meeting, and Mr. Mouser's schedule did not allow him to attend at that time.

Respectfully submitted,

Alan P. Miller  
Acting City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000  
**Subject:** Citizen Communication – US Census Bureau  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Clerk's office has received a request for representatives of the US Census Bureau to address City Council at Monday night's meeting

**Summary**

Susan Hanson, Recruiting Assistant and Gabe Sanchez of the US Census Bureau will be present to address City Council at Monday night's meeting. They are planning on discussing the opportunities that are available to citizens to work on the Census 2000 and the importance of filling out the census information.

They have indicated that their presentation will be less than 5 minutes in length.

**Staff Recommendation**

Council listen to the presentation by US Census Bureau Staff members.

Respectfully submitted,

Alan P. Miller  
Acting City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000

**Subject:** Construction engineering services for both the Big Dry Creek Trail at Wadsworth and Little Dry Creek Trail at Sheridan

**Prepared By:** Philo Shelton, Park Project Engineer

**Introduction**

City Council action is requested to authorize the City Manager to execute a contract with Loris and Associates in the amount of \$92,500 for construction engineering services for both the Big Dry Creek Trail at Wadsworth Parkway and Little Dry Creek Trail at Sheridan. Funds are available for this expense in the Parks, Recreation and Libraries portion of the 2000 General Capital Improvement Fund Big Dry Creek Trail-Jefferson County project account.

**Summary**

The City of Westminster has received two Transportation Efficiency Act 21<sup>st</sup> Century (TEA-21) grants totaling to \$1.0 million from the federal government for both the Little Dry Creek Trail and Big Dry Creek Trail projects. The construction bids for both projects are as follows.

Big Dry Creek Trail Bid from Neatline Structures, Inc.	\$1,039,923.10
Little Dry Creek Trail Bid from Tierdael Construction Company	<u>\$1,285,000.00</u>
Total of Construction Bids	\$2,324,923.10

Since these projects are federally funded, a construction engineer is required to coordinate with CDOT, to monitor the progress of the work on a daily basis, to review and certify payrolls for compliance to federal Davis Bacon Wage Rates, to perform material testing, and to maintain records on qualities, testing reports and project “as-builts.” Generally, CDOT Staff performs the construction engineering services by charging a flat rate fee of 15% of construction costs that equates to a \$348,738 charge to the City’s projects.

Staff believed CDOT charges were not competitive with the engineering consultant market and requested from CDOT that the City be responsible for obtaining the construction engineering for these projects. CDOT only requires that consultants be pre-qualified with CDOT to perform construction engineering services.

Since both projects will be under construction at the same time, one construction engineer can be used to cover both projects at the same time to help save costs. The scope of the construction engineer is based on the duration of the construction project and an hourly rate. Both the Little Dry Creek Trail and Big Dry Creek Trail projects have the same construction duration of six months to complete and are planned to begin at the same time. Staff requested hourly rates from Transystems, and MK- Centennial, both the design consultants for Big Dry Creek and Little Dry Creek Trail projects respectively and from Loris and Associates who preformed the construction engineering for the City two years ago on a previous phase of the Little Dry Creek Trail.

The hourly rates for the construction engineers are summarized as follows.

Loris and Associates	\$60.00 per hour
MK-Centennial	\$72.00 per hour
Transystem	\$80.00 per hour

Staff is recommending Loris and Associates perform the construction engineering since the hourly rate is lower, and Loris is pre-qualified with CDOT. Staff have estimated a construction engineer will be required for a 7 month period, including start up, construction and close out for these projects, and require an additional construction engineer for a one month period to help cover when both projects require an additional person to observe the construction progress.

The following is an estimate of fees required for construction engineering services to be provided by Loris and Associates. Payment to the consultant will be based on hours of work performed.

Construction Engineer	(1400 hours at \$60.00 per hour)	\$84,000
Material Testing Allowance	(compaction and concrete tests)	\$ 7,000
Reimbursable Expense	(mileage between jobs, photographs)	<u>\$ 1,500</u>
Total Estimated Fee		\$92,500

### **Alternatives**

City Council could select a different consultant or use CDOT, to perform the work. However, Loris and Associates has previously experienced working with Westminster on the first phase of the Little Dry Creek Trail that was federally funded and has proven to be a qualified consultant.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with Loris and Associates in the amount of \$92,500, authorize a project contingency of \$9,000, and charge this expense to the appropriate project account in the 2000 General Capital Improvement Project Fund.

### **Background Information**

#### **Big Dry Creek Trail**

Jefferson County Open Space established the Trails 2000 program to provide funding for trail development throughout Jefferson County. In 1993, the Jefferson County Commissioners and Jefferson County Open Space agreed to place the Big Dry Creek Trail system on their list of priority projects. An estimate for this project was prepared by Westminster and Jefferson County Staff identifying \$1.3 million for design and construction of the trail. TranSystems Corporation Consultants was chosen in 1996 to design the piece from the Burlington Northern Santa Fe Railroad Culvert to the Wadsworth Boulevard underpass.

In 1997 Jefferson County Open Space decided to postpone funding for the Trails 2000 program. Staff then applied for a TEA-21 grant from DRCOG to help Fund the Wadsworth Parkway Underpass. In March of 1999, DRCOG notified the City that TEA-21 funding became available for the Big Dry Creek Trail Underpass at Wadsworth Parkway for 1999. This past November, the project was advertised and bid according to the City's purchasing ordinances and procedures. The bid by Neatline Structures, Inc., is presently being recommended by Staff to be awarded for construction.

## **Little Dry Creek Trail**

In the early 1980s, the City and the Urban Drainage & Flood Control District (UDFCD) entered into an agreement regarding the design of channel improvements for the entire length of Little Dry Creek within the boundaries of Westminster (from Sheridan Boulevard at the upstream end to Lowell Boulevard at the downstream end). The design that was prepared at that time included a combination of 100-year flood protection improvements and 10-year flood protection improvements, varying from location to location along the creek in accordance with the character of the surrounding land. For example, areas that were fully developed (e.g., the stretch from Winona Court to the Della Villa apartment complex) received 100-year flood channel improvements, while sparsely developed areas (e.g., England Park, located south of 72nd Avenue) received 10-year flood channel improvements. Throughout the mid to late 1980s, the City and the District amended their original Agreement on several occasions to provide funding for property acquisition and the construction of these channel improvements along several reaches of Little Dry Creek. Other than the construction of this additional culvert under Sheridan Boulevard, the only section of the creek that was not improved in the last decade was that segment located between England Park and Lowell Boulevard, which is now nearing completion.

The Little Dry Creek Trail is a regional trail corridor as identified in the DRCOG trails master plan and the City of Westminster's trail master plan. Projects located on the regional trail corridors are given priority funding from UDFCD in the DRCOG region. Also since the City had successfully completed the last ISTEA grant (now known as TEA-21) for the Little Dry Creek Trail from England Park to the Clear Creek Trail, it made sense to continue to fund this trail corridor.

In November of 1998, MK Centennial was selected as the most qualified firm to design this trail corridor based on the abilities of their personnel, past performance on similar ISTEA enhancement projects, willingness to meet time and budget requirements, location of their firm, accessibility to respond to the work site, current and projected work load, volume of previously awarded contracts, and involvement of minority consultants, i.e. Disadvantage Business Enterprise (DBE) and Emerging Small Business (ESB) to at least 10% participation level. These are all mandatory requirements, which must be evaluated to select a consultant through the CDOT contract process.

This past October, the project was advertised and bid according to the City's purchasing ordinances and procedures. The bid by Tierdael Construction Company, is presently being recommended by Staff to be awarded for construction.

Respectfully submitted,

Alan P. Miller  
Acting City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000  
**Subject:** Bids for the 2000 Chipseal Project  
**Prepared by:** Ray Porter, Infrastructure Improvements Manager

**Introduction**

City Council action is requested to award the bid for the 2000 Chip and Sealcoat Project. Funds are available in the 2000 Department of Public Works and Utilities Infrastructure Improvements Division Budget for this expense.

**Summary**

Formal bids were solicited in accordance with City Charter bidding requirements for the 2000 Chipseal Project. Bid documents were sent to the four contractors who do this type of sealcoating with one responding as follows:

A-1 Chipseal	\$589,895
Keiwit Western	No Bid
GMCO	No Bid
Armor Coatings	No Bid

Staff estimate for this work was: \$626,629

The low bidder, A-1 Chipseal, meets all of the City’s bid requirements and has successfully completed chipseal projects in 1997, 1998 and 1999 for the cities of Denver, Aurora, Frederick, Adams County, Douglas County, Lakewood, Arvada, Golden, Northglenn, Loveland, Estes Park, Jefferson County, Elbert County and the Colorado Department of Transportation.. A-1 Chipseal’s owner has been in the business since 1981.

The chipseal application price of \$1.18 per square yard increased 9% over the 1999 price. This increase is directly attributable to a 30% increase in asphalt cement. A-1 Chipseal currently has contracts for chipsealing this year in the cities of Loveland, Aurora and Denver. All three have been awarded without competitive bidders.

Included in this project is 90,000 lbs. of rubberized cracksealing on every street earmarked for chipseal in 2000 and re-painting of all traffic control lane lines, crosswalks and pavement markings following the chipseal application.

**Alternatives**

1. Resurface these streets with a thin overlay of hot-mix asphalt (HMA)

With this alternative, the cost would increase by 160%, and the strength of the pavement structure would increase by less than 5%. The pavement’s flexibility would not increase as it does with the polymerized asphalt used with a sealcoat. Thus, within two to three years, the pavement surface would need a sealcoat.

2. Apply a slurry seal surfacing to these streets, instead of chipseal

The initial cost with this alternative would decrease by 5%, and there would be no loose aggregate. The disadvantages to this alternative are that pavement flexibility would decrease due to the hardness and brittleness of a slurry seal and surface treatment stripping would be more prevalent after one winter as opposed to a chipseal treatment that would not strip for at least five years. Cracksealing would be necessary after one winter, and the streets have to be totally closed during the construction process.

### **Staff Recommendation**

Authorize the City Manager to sign a contract for the 2000 Chip and Sealcoat Project to the low bidder, A-1 Chipseal Company, in the amount of \$640,036, which includes a 8.5% contingency amount, and charge the expense to the appropriate 2000 Department of Public Works and Utilities Infrastructure Improvements Division budget account.

### **Background**

The 2000 Chipseal Project represents the largest Sealcoat Project ever done in Westminster. A total of 54 lane miles of pavement surface improvements at 61 locations throughout the City of Westminster. One-half of the additional \$250,000 appropriated for street improvements this year was utilized to increase the Chipseal Project by 40%. This sealcoating project is recommended by Staff after each street segment was carefully analyzed through the computerized Pavement Management process. It was determined that this preventative maintenance strategy would be the most cost effective. Staff believes this is the best sealcoat process presently available, but will continue to experiment with alternatives as they are developed.

Formal bids were solicited from four contractors in accordance with City Charter bidding requirements for the 2000 Chipseal Project.

GMCO stated that their reason for not bidding was because they are located in Carbondale, Colorado, and did not believe they could be competitive due to the hauling costs. Keiwit Western indicated this project did not fit well into their schedule. Armor Coatings Equipment is not adequate yet for larger projects.

In an effort to respond to citizen concerns, Staff will again be sending a letter to affected residents explaining the process of the chipseal application and what to expect during the curing period. Special attention will be given to consistent and timely inspection during the construction process and sweeping will be scheduled the day after the chipseal is applied. The new process which utilizes the fogseal after sweeping was performed successfully in 1992 and in 1994 to 1999. Attached is a list of the streets earmarked to receive the chipseal application in 2000.

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachment

**CITY OF WESTMINSTER  
DEPARTMENT OF PUBLIC WORKS & UTILITIES  
2000 CHIPSEAL LOCATION LIST  
#CRS-2P-00-1**

**Location**

**Pecos Street, 120<sup>th</sup> Avenue to 124<sup>th</sup> Avenue  
124<sup>th</sup> Avenue, Pecos Street to Huron Street  
122<sup>nd</sup> Avenue, Pecos Street to Huron Street  
121<sup>st</sup> Avenue, Pecos Street to Mariposa Street  
Osage Street, South of 121<sup>st</sup> Avenue to end of cul-de-sac  
Mariposa Street, 120<sup>th</sup> Avenue to 122<sup>nd</sup> Avenue  
112<sup>th</sup> Avenue Federal Boulevard to Sheridan Boulevard  
112<sup>th</sup> Avenue Federal Boulevard to Huron Street  
104<sup>th</sup> Avenue, Sheridan Boulevard to Bryant Street  
107<sup>th</sup> Place, Johnson Street to West end  
106<sup>th</sup> Place, Johnson Street to West end  
87<sup>th</sup> Place, Dover Street to Garrison Street  
Dover Circle, 87<sup>th</sup> Place to 87<sup>th</sup> Place  
Everett Circle, 87<sup>th</sup> Place to 87<sup>th</sup> Place  
Field Place, north of 87<sup>th</sup> Place  
Flower Place, north of 87<sup>th</sup> Place  
Flower Court, south of 87<sup>th</sup> Place  
Field Court, south of 87<sup>th</sup> Place  
Field Way, south of 87<sup>th</sup> Place  
8900-8950 W. 87<sup>th</sup> Place  
Everett Court, south of 87<sup>th</sup> Place  
Estes Court, south of 87<sup>th</sup> Place  
Dudley Court, south of 87<sup>th</sup> Place  
Dover Court, south of 87<sup>th</sup> Place  
Stratford Lakes Drive, Federal Boulevard to King Street  
114<sup>th</sup> Circle, Stratford Lakes Drive south 624 lf.  
114<sup>th</sup> Circle, Stratford Lakes Drive to 11460 Loop north  
Grove Street, Stratford Lakes Drive north to dead end  
Hooker Street, 115<sup>th</sup> Place to 116<sup>th</sup> Avenue  
116<sup>th</sup> Avenue, Hooker Street to Irving Street  
Hooker Court, south of 116<sup>th</sup> Avenue  
115<sup>th</sup> Place, Grove Street to Irving Street**

## **Location**

**Irving Street, 116<sup>th</sup> Avenue to Stratford Lakes Drive**

**114<sup>th</sup> Place, Irving Street to Julian Street**

**Julian Way, Julian Street to Stratford Lakes Drive**

**Julian Street, 115<sup>th</sup> Avenue to King Street**

**Knox Court, 115<sup>th</sup> Avenue to Julian Street**

**King Court, 115<sup>th</sup> Avenue to King Way**

**King Way, 115<sup>th</sup> Avenue to King Street**

**115<sup>th</sup> Avenue, Irving Street to King Way**

**King Street, 112<sup>th</sup> Avenue to Stratford Lakes Drive**

**113<sup>th</sup> Avenue, King Street west to cul-de-sac**

**113<sup>th</sup> Avenue, King Street East to 112<sup>th</sup> Circle**

**112<sup>th</sup> Circle, West, King Street to King Street**

**112<sup>th</sup> Circle East, King Street to 113<sup>th</sup> Avenue**

**90<sup>th</sup> Place, 90<sup>th</sup> Avenue to 90<sup>th</sup> Avenue**

**Allison Court, 90<sup>th</sup> Avenue to 90<sup>th</sup> Drive**

**90<sup>th</sup> Drive, Yarrow Street to West end**

**Zephyr Court, 90<sup>th</sup> Court to South end**

**Ammons Court, 90<sup>th</sup> Place to South end**

**Balsam Court, 90<sup>th</sup> Place to South end**

**Hooker Street, 76<sup>th</sup> Avenue to Turnpike Drive**

**74<sup>th</sup> Avenue, Federal Boulevard to Zuni Street**

**Zuni Street, 72<sup>nd</sup> To 74<sup>th</sup> Avenue**

**Bryant Street, 72<sup>nd</sup> Avenue to 74<sup>th</sup> Avenue**

**80<sup>th</sup> Way, 81<sup>st</sup> Avenue to Clay Street**

**80<sup>th</sup> Place, Bryant Street to Clay Street**

**Clay Street, 81<sup>st</sup> Avenue to Clay Drive**

**Clay Drive, 81<sup>st</sup> Avenue to Bryant Street**

**Eliot Street, 80<sup>th</sup> Avenue to 81<sup>st</sup> Avenue**

**81<sup>st</sup> Avenue, Federal Boulevard to Eliot Street**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000

**Subject:** Project Management Services for the Clearwell

**Prepared by:** Diane M. Phillips, Capital Improvement Projects Coordinator

**Introduction**

City Council action is requested to authorize the City Manager to sign a contract with Black and Veatch, LLP, in the amount of \$665,812 for the project management of the Clearwell replacement construction project. Black and Veatch has provided technical and management assistance on the Clearwell project and Staff is proposing for them to be retained to provide these services during the design and construction of the project. Funds for this expense are available in the Utilities Capital Projects Fund.

**Summary**

The design/build project for the replacement Clearwell is expected to begin in January of 2000. Black and Veatch has provided ongoing technical and management assistance during the investigation of the issues related to the old Clearwell. They have worked in conjunction with City Staff to evaluate project alternatives, determine basic design criteria and prepare a request for proposal for the design and construction of the new Clearwell.

The Requests-for-Proposal's were evaluated by City Staff and Black and Veatch, CDM Constructors and Engineers were chosen as the firm that best served the City's interests to design and construct the new Clearwell. City Staff is requesting that the services of Black and Veatch, LLP be retained during the project to provide ongoing project management services to oversee the design and construction services that CDM will carry out.

The Black and Veatch project management services that will be provided meet the requirements for the management of capital projects under the City's new Capital Projects Management Plan.

**Alternative**

As an alternative to having Black and Veatch provide management assistance on the Clearwell project, another engineering firm could be used. If another firm were used, all the background information that Black and Veatch has regarding this project would be lost on this high profile project. Also it would take additional time to retain another firm.

**Staff Recommendation**

Authorize the City Manager to execute a contract with Black and Veatch, LLP in the amount of \$665,812 for project management services during the design and construction of the new Clearwell with the expense associated for the services to be charged to the appropriate project account in the Utilities Capital Projects Fund.

Project Management Services for the Clearwell

## **Background Information**

Staff is recommending a contract with Black and Veatch to serve as project manager for the new Clearwell construction. Black and Veatch has served as the City's project manager for the evaluation and rehabilitation of the High Service Pump Station, Chemical Building and Clearwell. In addition, Black and Veatch prepared the preliminary design and site evaluation of the Clearwell and is knowledgeable about the different site conditions that exist. They are very qualified, and Staff believes they are the best firm to serve as project manager.

The services provided by Black and Veatch will include, but are not limited to, conducting design/build meetings, reviewing design for compliance and constructibility, advising City Staff, coordination with all parties involved on the project, field oversight during construction, review of all changes and direction to see that budget and schedule are met.

The services provided by Black and Veatch will extend until the final completion of the project in the summer of 2001.

Respectfully submitted,

Alan P. Miller  
Acting City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000  
**Subject:** Big Dry Creek Trail at Wadsworth Parkway  
**Prepared By:** Philo Shelton, Park Project Engineer

**Introduction**

City Council action is requested to authorize the City Manager to execute a contract with Neatline Structures, Inc., in the amount of \$1,039,923.10 and approve a 10% contingency in the amount of \$104,000, for the construction of the Big Dry Creek Trail at Wadsworth Parkway underpass, near Independence Street. City Council is also requested to authorize an expense to Public Service Company of \$7,000 for lighting and power, and a change order to Transystems in the amount of \$13,890 for project management assistance. Funds are available in the Parks, Recreation and Libraries portion of the General Capital Improvement Fund for Big Dry Creek Trail-Jefferson County project account and from Public Works and Utilities 2000 New Water Treatment Plant (104<sup>th</sup> and Wadsworth) project account in the Utility Fund.

**Summary**

This portion of the Big Dry Creek Trail consists of a 10' by 12' wide box culvert under Wadsworth Parkway. TranSystems Corporation was the engineering consultant hired by the City to develop the construction documents based on the City Council approved Big Dry Creek master plan. Since this project is open cutting Wadsworth Parkway, a 60-inch casing was incorporated into the project as an option. This casing would be used to install a raw water pipeline from Standley Lake to the New Water Treatment Plant (104<sup>th</sup> and Wadsworth) or for installation of a treated water transmission line. Alternative raw water pipeline routes are currently under evaluation and this option was included to eliminate the need for a future, expensive open cut of Wadsworth Parkway if it is determined that that is the best location for the pipeline route. This portion of the work including unclassified excavation, shoring, rock excavation, steel casing and additional pavement adds \$135,000 to this trail project costs. There are funds available in the Public Works and Utilities budget to pay for this work under the trail contract if it is determined the raw water line casing is required for their project.

This past November, the project was advertised and bid according to the City's purchasing ordinances and procedures. Twenty contractors attended the mandatory pre-bid meeting and twenty-three copies of construction documents were sold to various contractors and suppliers. The following is a tabulation from the December 16<sup>th</sup> bid opening:

Neatline Structures, Inc.	\$1,039,923.10
Trainor Construction	\$1,065,404.50
RBI, Inc.	\$1,139,018.00
New Design Construction	\$1,178,997.70
Asphalt Specialties	\$1,220,571.00
Concrete Works	\$1,237,296.50
Belair Excavating	\$1,432,391.26

The low bid by Neatline Structures, Inc., is considered a good bid in comparison to the other bids received since the next two lowest bidders were within 10% of their bid. Since bids received were close in cost, it indicates that the construction documents were clear. However, the engineer's cost estimate for this project was \$880,000, and the low bid was 18% over the engineer's estimate.

One of the factors the consultant did not consider in preparing the engineer's estimate was the Federal Davis Bacon Wage Rates. Davis Bacon Wage Rates generally add 10 to 15% to the project construction costs. Neatline Structures has performed similar work in Colorado in the past, most recently on a concrete box culvert and bike trail in Littleton, and Staff believes that Neatline Structures, Inc., is well qualified for this work.

Additional project costs required to complete the project are lighting of the trail underpass and providing power to a groundwater sump pump by Public Service for \$7,000; and a change order with Transystem in the amount of \$13,890 to provide project management assistance during construction.

### **Alternatives**

City Council could reject the low bid from Neatline Structures, Inc., and select the second lowest bidder, to perform the work. Trainor Construction has previously experienced working with Westminster on the Big Dry Creek Interceptor Sewer and has proven to be a good contractor. However, the low bid from Neatline Structures, Inc., has been determined to be a good bid and the evaluation of the company has been verified.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with Neatline Structures, Inc., in the amount of \$1,039,080.53, execute a purchase order with Public Service Company for \$7,000 for lighting and power, and execute a change order with Transystems for \$13,890 to provide additional project management services and authorize a 10% construction contingency of \$104,000, for a total project amount of \$1,164,000 with expenses to be charged to the appropriate project account in the General Capital Improvement Fund.

### **Background Information**

Big Dry Creek begins at Standley Lake and winds its way through Jefferson and Adams counties on a northeastern intercept with the Platte River. Westminster's Trail Master Plan identifies the Big Dry Creek Trail from Standley Lake Regional Park to I-25 and Big Dry Creek city limits. The City would like to get the trail finished as part of the Trails 2000 goal. This portion of the trail through the Wadsworth Parkway is one of the last missing link to Big Dry Creek Trail.

TranSystems was hired in 1996 to complete the engineering design for the trail from Wadsworth Parkway through the BNSF Railway culvert. The project was put on hold due to funding and shortly after split into two projects, one (BNSF Railway underpass) funded entirely by the City and the other (Wadsworth Parkway underpass) funded in part by the Federal TEA-21 grant.

In March of 1999, DRCOG notified the City that TEA-21 funding became available for the Big Dry Creek Trail Underpass at Wadsworth Parkway for 1999. Staff quickly shifted gears and postponed the Big Dry Creek/railroad underpass project until the 2000 budget in order to have the matching funds to apply for the TEA-21 funding for the Big Dry Creek/Wadsworth underpass. The project went out to bid in November of 1999. The project funding is detailed in the following budget summary.

1999 TEA-21 Grant	\$ 500,000
1999 Big Dry Creek Trail-Jefferson County CIP	\$ 529,000
2000 New Water Treatment Plant CIP	<u>\$ 135,000</u>
Total	\$1,164,000

Respectfully submitted,

Alan P. Miller, Acting City Manager

Attachment: Big Dry Creek Trail Plan



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000  
**Subject:** Design/Build Contract for Semper Clearwell  
**Prepared by:** Diane M. Phillips, Capital Improvement Projects Coordinator  
Ron Hellbusch, Director Public Works and Utilities

**Introduction**

City Council action is requested to authorize the City Manager to sign a contract with CDM Engineers & Constructors, Inc., in the amount of \$7,708,976 for the design and construction of the Semper Clearwell and also authorize a 15 % contingency of \$1,130,000. Funds for the project are available in the appropriate project account in the Utility Fund.

**Summary**

The proposed 5 million gallon (MG) Clearwell will be constructed just north of the Semper Water Treatment Plant where there is an existing high service pump station that will pump water from the Clearwell into the treated water distribution system. The existing Clearwell is also located at this site. Staff and consultants believe that it is an unacceptable risk to try and meet the City’s future water demand with the existing Clearwell.

Based upon information received from the City's consultants, Staff does not believe that there is any way to reasonably repair the tank to eliminate water from seeping into the soils resulting in additional movement. If designed and constructed properly, the tank would have had a service life of 50 years plus. This tank, however, has a severely decreased service life and needs to be replaced in order to insure that the City will be able to meet its water demand. According to the Westminster's Treated Water Master Plan and the opinion of Black and Veatch, who is the project manager, it is unlikely that the City would be able to meet its future water needs during the high demand season, without a Clearwell. This would likely result in some form of water rationing to citizens.

The project consists of removal of the old Clearwell structure and design and construction of the new Clearwell.

Six design/build teams were pre-qualified for their ability to perform the work involved. Four of these teams were invited to submit and the following proposals were received.

CDM Engineers & Constructors, Inc.	\$7,708,976
Lillard and Clark with Boyle Engineering	\$8,124,214
Harding Lawson and Associates (HLA)	\$8,380,600
Western Summit with Richard Arber Engineering	\$8,469,000

CDM has submitted the low bid for design and construction of the Clearwell at \$7,708,976. The engineer’s estimate for the design and construction of the project is \$8,500,000. This contract and the design and construction procedure is in keeping with prior City Council briefings by City Staff and Project Manager.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with CDM Engineers and Constructors, Inc., in the amount of \$7,708,976 for the design and construction of the Semper 5 million gallon Clearwell and approve a 15% project contingency of \$1,130,000, with these expenses to be charged to the appropriate project account in the Utility Fund.

### **Alternative**

As an alternative the design and construction of the Clearwell could be delayed. This would increase the likelihood that a treated water shortage could occur during high use summer months when storage and chlorine contact time for treatment are limited. Also construction costs could increase.

### **Background Information**

The five million-gallon Clearwell will be constructed north of the Semper Water Treatment Plant. The design and construction will consist of drilled piers, structural concrete slab foundation, cast-in-place concrete wall with wire wrapping, interior baffles and a post-tensioned concrete flat roof. The project also consists of unhooking all the existing pipes and removing the old Clearwell and reconnecting piping. The site will be landscaped as part of this project.

Construction of the old Clearwell began in 1996, but did not reach substantial completion. It has been determined that the old structure will not provide the expected service life.

Design and removal of the old Clearwell will begin in February and construction of the new Clearwell will be complete in the summer of 2001. Acquisition of construction easements is underway and should be available in February.

Six firms submitted qualifications for the design and construction of the Clearwell and four were invited to submit proposals for the project. The four teams were evaluated on financial strength, soundness of design approach, total lump sum cost, willingness to assume responsibility for successful performance of the facility, project organization including the proposed team, quality control and schedule.

CDM Constructors and Engineers submitted the lowest lump sum cost and the best proposal. CDM Constructors and Engineers has worked for the City for over a year now on the construction of the Reclaimed Water Supply Plant which will be complete in the spring of 2000.

Respectfully submitted,

Alan P. Miller  
Acting City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 10, 2000

**Subject:** Resolution No. 1 Re-appointments to Boards and Commissions

**Prepared by:** Michele Kelley, City Clerk

#### **Introduction**

City Council action is requested to consider the re-appointments to the Board of Adjustment, Board of Building Code Appeals, Election Commission, Environmental Advisory Board, Human Services Board and Library Board where terms of office expired on December 31, 1999.

#### **Summary**

In 1993, Council implemented a performance feedback system in conjunction with the consideration of reappointment of individual Board and Commission members when terms of office were to expire. The Chairperson and Vice Chair of each Board were requested to give performance feedback to Council. This information has previously been submitted to City Council. Beginning in 1994, Council has considered the various re-appointments over several Council meeting periods.

Each individual whose term expired December, 1999 was contacted and asked if they were interested in being re-appointed to the Board, if Council so desires. The re-appointments are for a two year term.

#### **Staff Recommendation**

Adopt Resolution No. 1 making re-appointments to the Board of Adjustment, Board of Building Code Appeals, Election Commission, Environmental Advisory Board, Human Services Board and Library Board, with all terms to expire on December 31, 2001.

#### **Background Information**

The terms of office of four of the Board of Adjustment members expired on December 31, 1999. Brian Lunning, Gerald Nordmark, Willian Wendt and Rex Wiederspahn are all interested in being re-appointed to the Board of Adjustment.

The terms of office of three of the Board of Building Code Appeals members expired on December 31, 1999. Steven Fenimore and Jonathan Talbott are both interested in being re-appointed to the Board of Building Code Appeals. Brian Barngrover is moving out of Westminster and does not wish to be re-appointed.

Pursuant to the City Charter, all of the Election Commission members term of office expired on December 31, 1999. Denis DuFresne, Jeanne Nearing, Bill Nooning and Jeff Van Meighem have all indicated that they are interested in being re-appointed to the Election Commission.

The terms of office of three of the Environmental Advisory Board members expired on December 31, 1999. Charles Lortie and Yvonne Martin are interested in being re-appointed to the Environmental Advisory Board. Bill Wierzicki does not wish to be re-appointed.

Resolution re Board and Commission Re-appointments

Page 2

The terms of office of two members of the Human Services Board expired on December 31, 1999. Bruce Vezina is interested in being re-appointed. Nancy Field does not wish to be re-appointed.

The terms of office of four of the Library Board member terms expired on December 31, 1999. Beverly Bishop, Mary Boston, Marilyn Flachman and Roman Kohler have all indicated that they are interested in being re-appointed to the Board.

Currently the City has 12 new applications for the 2000 "pool" to fill vacancies on the various Boards and Commissions. City Council is scheduled to interview the new applicants on January 17<sup>th</sup> and January 18<sup>th</sup>, with Council scheduled to make new appointments to the various Boards and Commissions at the February 14<sup>th</sup> Council meeting.

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO. **1**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, The City Council has established a review process for members of the various Boards and Commissions prior to expiration of the current term of office; and

WHEREAS, City Council has reviewed evaluations of the current Board and Commission members for the Board of Adjustment, Board of Building Code Appeals, Environmental Advisory Board, Human Services Board and Library Board, and

WHEREAS, Each member whose term expired on December 31, 1999 has been contacted and asked if they wish to be re-appointed to the Board where they are currently serving; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Board or Commission listed below with the terms of office to expire December 31, 2001.

<b>NAME</b>	<b>BOARD/COMMISSION</b>
Brian Lunning (Alt)	Board of Adjustment
Gerald Nordmark	Board of Adjustment
William Wendt	Board of Adjustment
Rex Weiderspahn	Board of Adjustment
Steven Fenimore (Alt)	Board of Building Code Appeals
Jonathan Talbott	Board of Building Code Appeals
Denis DuFresne	Election Commission
Jeanne Nearing	Election Commission
William Noonung	Election Commission
Jeff Van Meighem	Election Commission
Charles Lortie	Environmental Advisory Board
Yvonne Martin	Environmental Advisory Board
Bruce Vezina	Human Services Board
Beverly Bishop	Library Board
Mary Boston (Alt)	Library Board
Marilyn Flachman	Library Board
Roman Kohler	Library Board

Passed and adopted this 10th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000  
**Subject:** Annexation and Zoning of the Crowder Property  
**Prepared By:** David Falconieri, Planner III

**Introduction**

City Council action is requested for the purpose of taking action on a request by Mark Crowder for annexation and rezoning of a single-family residence located at 8235 West 108th Avenue (see attached map).

**Summary**

Mr. Crowder owns an existing single family residence on 1.99 acres located in unincorporated Jefferson County. The home is currently being served by Westminster sanitary sewer service and a private well. Mr. Crowder desires at this time to connect to City water service. No new development or subdivision is requested at this time. Staff is recommending that the R-E zone district be assigned to the property, which permits single family detached residences on lots of 9000 square feet or more.

**Planning Commission Recommendation**

This request was heard by the Planning Commission on December 14, 1999. No one appeared to speak in favor or in opposition. The Planning Commission unanimously passed a motion to recommend that the Crowder annexation be approved and that the property be zoned R-E.

**Staff Recommendation**

1. Hold a Public Hearing
2. Adopt Resolution No. 2 making certain findings of fact as required by Section 31-12-110 C.R.S.
3. Pass Councilor's Bill No. 1 annexing the Crowder property to the City of Westminster.
4. Pass Councilor's Bill No. 2 Zoning the Crowder property from Jefferson County R-1 to R-E in the City of Westminster.

**Alternative(s)**

Find that the Crowder property should not be annexed at this time and take no further action.

## **Background Information**

### Discussion of Major Issues

The Crowder property is regulated by the Northeast Comprehensive Development Plan, which has been adopted into the City's Comprehensive Land Use Plan. The use of the property as a single family residence is permitted in that Plan and no changes or additions to the residence are requested at this time.

The property is just under two acres and as such qualifies for the exemption from Planned Unit Development (PUD) zoning specified in section 11-5-2 (A). That section permits certain properties to be zoned to a district other than PUD if the property is under two acres. In several recent annexations that have qualified under this section, the City Council has adopted the R-E zone district, which would, in this case, allow all of the existing uses on the property. Besides a single residence, the R-E zone allows only golf courses and schools. The City has already annexed all of the right-of-way for 108th Avenue as part of the Stewart annexation, which was recently finalized by the City Council.

### **Surrounding Zoning**

North: PUD (Green Knolls/City of Westminster)  
South: PUD (The Stewart property/City of Westminster)  
East: R-1 (Unincorporated Jefferson County)  
West: R-1 (Unincorporated Jefferson County)

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachment

## RESOLUTION

RESOLUTION NO. **2**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

\_\_\_\_\_

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No.90 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and

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

3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

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

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

PASSED AND ADOPTED this 10th Day of January, 2000

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

\_\_\_\_\_  
City Clerk  
Crowder Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **1**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

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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.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 90 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A tract of land in the NW ¼ of section 11, Township 2 south, Range 69 west of the 6<sup>th</sup> PM, described as follows: Beginning at a point 303 feet east of the west line and 25 feet north of the south line of said NW ¼ of said Section 11, thence north and parallel to the west line of said Section 11, 313.4 feet thence east and parallel to the south line of the NW ¼ of said Section 11, 278 feet, thence south and parallel to the west line of said Section 11, 313.4 feet, thence west 278 feet to the point of beginning.

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 10th day of January, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED  
PUBLISHED this 24th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

Crowder Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **2**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

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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.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County R-1 to City of Westminster R-E zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County R-1 to City of Westminster R-E. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A tract of land in the NW ¼ of section 11, Township 2 south, Range 69 west of the 6<sup>th</sup> PM, described as follows: Beginning at a point 303 feet east of the west line and 25 feet north of the south line of said NW ¼ of said Section 11, thence north and parallel to the west line of said Section 11, 313.4 feet thence east and parallel to the south line of the NW ¼ of said Section 11, 278 feet, thence south and parallel to the west line of said Section 11, 313.4 feet, thence west 278 feet to the point of beginning.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of January, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 24th day of January, 2000.

ATTEST:

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Mayor Pro Tem

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City Clerk

Crowder Annexation and Zoning



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000

**Subject:** Annexation and Preliminary Development Plan Approval for an RTD Park and Ride Facility

**Prepared By:** David Falconieri, Planner III

**Introduction**

City Council action is requested for the purpose of taking action on an application by the Regional Transportation District (RTD) for annexation and Preliminary Development Plan (PDP) approval for a Park and Ride facility located at the southwest corner of US 36 and Church Ranch Boulevard.

**Summary**

In order to relieve congestion at the Park and Ride facility at Sheridan and US 36, the Regional Transportation District has requested that the City approve the construction of a new facility at Church Ranch Boulevard and US 36. The new facility will add much needed parking capacity along the US 36 corridor. The site for the proposed facility is approximately 2.6 acres in size.

**Planning Commission Recommendation**

This request was heard by the Planning Commission on December 14, 1999. No one spoke in opposition to the request but several people had questions regarding the traffic flow around the facility and there were several questions regarding the parking capacity. There was strong sentiment that the number of spaces to be added were inadequate to serve the needs of the commuting public. The Planning Commission voted unanimously to recommend that the facility be annexed and that the PDP be approved as submitted. The Planning Commission also voted unanimously to recommend to the Council that efforts be increased to provide additional spaces for park and ride commuters as soon as possible.

**Staff Recommendation**

1. Hold a public hearing.
2. Adopt Resolution No. 3 making certain findings of fact as required by Section 31-12-110 C.R.S.
3. Pass Councilor's Bill No. 3 annexing the proposed RTD Park and Ride site to the City of Westminster.

4. Pass Councilor's Bill No. 4 zoning the RTD property from Jefferson County A-2 to PUD in the City of Westminster.
5. Approve the proposed Preliminary Development Plan for the Park and Ride site as submitted.

### **Alternative(s)**

Find that the Park and Ride site should not be annexed and take no further action.

### **Background Information**

#### Discussion of Major Issues

The proposed Park and Ride facility is needed to relieve the congestion that currently exists at the Westminster Center Park and Ride facility located at Sheridan Boulevard and US 36. The City of Westminster contributed financial assistance for the purchase of the Church Ranch property in order to facilitate construction of the proposed Park and Ride.

The property is governed by the Northeast Comprehensive Development Plan, which was jointly approved by the City and Jefferson County in 1996. The use of the property for a Park and Ride was specifically permitted in that document.

Construction of a parking deck is planned for the Westminster Center Park and Ride. During the construction phase of that structure, many of the existing parking spaces will be temporarily unavailable. The construction of a new facility at Church Ranch Boulevard prior to the start of that job is necessary to offset that temporary loss of spaces.

#### **Architectural/Building Materials**

The elevations of the passenger shelters and plaza area will be shown on the Official Development Plan (ODP) when that document is submitted for approval by the City.

#### **Public Land Dedication, Parks and Trails**

The Walnut Creek trail already exists will be constructed near this site. As part of the joint agreement to help finance the land purchase, the Park and Ride can be used as trailhead parking for that trail. A bridge will need to be built in the future to allow access to the Walnut Creek trail located on the opposite side of the creek from the proposed Park and Ride.

#### **Access and Circulation**

The passenger cars will access the parking lot from an extension of Reed Street, which will end in a cul-de-sac on the south side of the site. Passengers will board the buses on a widened area of the southbound US 36 on-ramp.

**Site Design**

Final site design will be determined at time of ODP approval.

**Signage**

Signage shall conform to the City's Sign Code. Exact location and elevations will be reviewed at time of ODP approval.

**Service Commitments Category**

Not applicable.

**Referral Agency Responses**

The Colorado Department of Highways is concerned about the site drainage and will review the final drainage plan at the time of ODP approval.

**Surrounding Zoning**

**North: Vacant (A-2 in Jefferson County)**

South: Vacant (A-2 in Jefferson County)

East: US 36

West: Church Ranch Boulevard

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachments

## RESOLUTION

RESOLUTION NO **3**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTIONS 12 and 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 91 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 10<sup>th</sup> Day of January, 2000.

ATTEST:

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Mayor Pro Tem

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City Clerk

RTD Annexation

BY AUTHORITY

ORDINANCE NO. **2741**

COUNCILOR'S BILL NO. **3**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

Atchison - Merkel

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 11, 12 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 91 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in Tract 55, Mandalay Gardens, as recorded at Reception Number 194693 in the Jefferson County Clerk and Recorders office, the southeast quarter of Section 11, the southwest quarter of Section 12 and the northeast quarter of Section 14, all in Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, Colorado being more particularly described as follows:

Beginning at the southeast corner of said Section 11, whence the south quarter corner of Section 12, of said Township 2 south, Range 69 west of the Sixth Principal Meridian bears S89°38'21"E a distance of 2631.33 feet;

Thence S00°42'36"W, non-tangent with the following described curve, along the easterly line of said northeast quarter of Section 14 a distance of 78.98 feet;

Thence the following six (6) courses along the southerly line of Reed Street.

- 1) Along the arc of a curve to the right, tangent with the following described curve, having a central angle of 43°04'27", a radius of 80.00 feet, a chord bearing N58°54'15"W a distance of 58.74 feet and an arc length of 60.14 feet;
- 2) Thence along the arc of a curve to the left, having a central angle of 52°47'56", a radius of 33.00 feet, a chord bearing N63°45'59"W a distance of 29.35 feet and an arc length of 30.41 feet;
- 3) Thence S89°50'03"W tangent with the last and following curves a distance of 415.14 feet;
- 4) Thence along the arc of a curve to the right, having a central angle of 49°04'29", a radius of 103.00 feet, a chord bearing N65°37'43"W a distance of 85.74 feet and an arc length of 88.43 feet;
- 5) Thence N41°05'28"W tangent with the last and following described curves a distance of 79.06 feet;
- 6) Thence along the arc of a curve to the left, tangent with the following described curve, having a central angle of 92°05'52", a radius of 33.05 feet, a chord bearing N87°08'24"W a distance of 47.59 feet and an arc length of 53.13 feet;

Thence along the arc of a curve to the left, being on the southerly right of way line of Church Ranch Boulevard as recorded at Reception Number 90021374 in said Jefferson County, said curve having a central angle of 00°14'32", a radius of 1613.50 feet, a chord bearing S46°35'11"W a distance of 6.82 feet and an arc length of 6.82 feet to the westerly line of said Tract 55; Thence N00°07'30"E non-tangent with the last and following described curves, along said westerly line of Tract 55 a distance of 149.83 feet;

Thence the following four (4) courses along a parcel of land recorded at Reception Number 90021374 in said Jefferson County, Colorado;

- 1) Along the arc of a curve to the right, said curve having a central angle of 10°11'11", a radius of 1725.00 feet, a chord bearing N54°59'47"E a distance of 306.28 feet and an arc length of 306.68 feet;
- 2) Thence N60°05'22"E tangent with the last described curve a distance of 124.34 feet;
- 3) Thence S29°52'23"E a distance of 111.50 feet;
- 4) Thence S47°59'32"E a distance of 351.72 feet to the easterly line of the southeast quarter of said Section 11;

Thence S51°35'14"E along the southerly right of way line of Colorado State Highway 36 as recorded at Reception Number 90052162 in said Jefferson County a distance of 78.23 feet; thence S44°39'44"W a distance of 88.04 feet to the point of beginning.

Containing 5.081 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of January, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

AMENDED 4-18-00

BY AUTHORITY

ORDINANCE NO. **2742**

COUNCILOR'S BILL NO. **4**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

Atchison - Merkel

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 11, 12 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster PUD. A parcel of land located in Sections 11, 12 and 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in Tract 55, Mandalay Gardens, as recorded at Reception Number 194693 in the Jefferson County Clerk and Recorders office, the southeast quarter of Section 11, the southwest quarter of Section 12 and the northeast quarter of Section 14, all in Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, Colorado being more particularly described as follows:

Beginning at the southeast corner of said Section 11, whence the south quarter corner of Section 12, of said Township 2 south, Range 69 west of the Sixth Principal Meridian bears S89°38'21"E a distance of 2631.33 feet;

Thence S00°42'36"W, non-tangent with the following described curve, along the easterly line of said northeast quarter of Section 14 a distance of 78.98 feet;

Thence the following six (6) courses along the southerly line of Reed Street.

- 7) Along the arc of a curve to the right, tangent with the following described curve, having a central angle of 43°04'27", a radius of 80.00 feet, a chord bearing N58°54'15"W a distance of 58.74 feet and an arc length of 60.14 feet;
- 8) Thence along the arc of a curve to the left, having a central angle of 52°47'56", a radius of 33.00 feet, a chord bearing N63°45'59"W a distance of 29.35 feet and an arc length of 30.41 feet;
- 9) Thence S89°50'03"W tangent with the last and following curves a distance of 415.14 feet;
- 10) Thence along the arc of a curve to the right, having a central angle of 49°04'29", a radius of 103.00 feet, a chord bearing N65°37'43"W a distance of 85.74 feet and an arc length of 88.43 feet;
- 11) Thence N41°05'28"W tangent with the last and following described curves a distance of 79.06 feet;
- 12) Thence along the arc of a curve to the left, tangent with the following described curve, having a central angle of 92°05'52", a radius of 33.05 feet, a chord bearing N87°08'24"W a distance of 47.59 feet and an arc length of 53.13 feet;

Thence along the arc of a curve to the left, being on the southerly right of way line of Church Ranch Boulevard as recorded at Reception Number 90021374 in said Jefferson County, said curve having a central angle of 00°14'32", a radius of 1613.50 feet, a chord bearing S46°35'11"W a distance of 6.82 feet and an arc length of 6.82 feet to the westerly line of said Tract 55; Thence N00°07'30"E non-tangent with the last and following described curves, along said westerly line of Tract 55 a distance of 149.83 feet;

Thence the following four (4) courses along a parcel of land recorded at Reception Number 90021374 in said Jefferson County, Colorado;

- 5) Along the arc of a curve to the right, said curve having a central angle of 10°11'11", a radius of 1725.00 feet, a chord bearing N54°59'47"E a distance of 306.28 feet and an arc length of 306.68 feet;
- 6) Thence N60°05'22"E tangent with the last described curve a distance of 124.34 feet;
- 7) Thence S29°52'23"E a distance of 111.50 feet;
- 8) Thence S47°59'32"E a distance of 351.72 feet to the easterly line of the southeast quarter of said Section 11;

Thence S51°35'14"E along the southerly right of way line of Colorado State Highway 36 as recorded at Reception Number 90052162 in said Jefferson County a distance of 78.23 feet; thence S44°39'44"W a distance of 88.04 feet to the point of beginning.

Containing 5.081 acres more or less.

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

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INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of January, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

AMENDED 4-18-00



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000

**Subject:** Resolution No. 4 re: Urban Renewal Amendment Regulating Automotive Service and Repair

**Prepared by:** Tony Chacon, South Westminster Revitalization Projects Coordinator

**Introduction**

City Council action is requested to adopt the attached Resolution authorizing an Urban Renewal Plan amendment permitting the development of new Automotive Service and Repair facilities under certain conditions within the City's Urban Renewal Area (see attached map for the boundaries of the Urban Renewal Area).

**Summary**

The City has received inquiries in recent months regarding the development and operation of automotive related service and repair facilities within the Urban Renewal Area (URA). As originally adopted, the Urban Renewal Plan limited such operations to existing buildings primarily along 72<sup>nd</sup> Avenue, between Lowell Boulevard and Zuni Street. An amendment approved by City Council in September, 1997, permitted the development and operation of businesses involved in the dispensing gasoline as part of a larger approved Official Development Plan (ODP). Other automotive operations, including service and car wash, continued to be regulated under the original restrictions.

Staff has consistently interpreted these restrictions to apply to business primarily involved in the general repair or servicing of automobiles. Recent trends in automotive retailing, however, have raised a question relative to such uses as accessory to sales. Operations such as WalMart, Pep Boys, Goodyear, and Midas, generally install what they sell. Likewise, convenience/gasoline centers generally include car washes as part of their operation. Due to these changing conditions, Staff proposes to amend the Urban Renewal Plan whereby automotive related service and repair, including gas sales, car washes, and repair shops, would be permitted in appropriately zoned areas, only as a component of an integrated commercial project of 5 acres or more as approved on an Official Development Plan. Additional restrictions on the type of automotive repairs allowed, and operational conditions are included in this amendment.

The amendment, as proposed, is designed to continue the intent of the original restrictions, while at the same time encouraging new tax generating development that will provide quality service to the community. The amendment will also assist in accelerating the visual enhancement of property along the corridors.

**Staff Recommendation**

Adopt Resolution No. 4 approving the amendment to the Urban Renewal Plan regarding Automotive Service and Repairs as a permitted use and incorporating the amendment into the 1997 Amended Urban Renewal Plan.

## **Background Information**

The Westminster Plaza Area Blight Analysis prepared in 1992 identified the proliferation of automotive repair and service uses as a contributing factor in degrading the quality of the neighborhood. Such negative factors and influences included unscreened vehicle storage, poor architectural quality, and lack of and poorly maintained landscaping. In an attempt to essentially stop the proliferation of non-appealing operations, the adopted Urban Renewal Plan limited automotive gasoline sales, repair shops, and car washes to 72<sup>nd</sup> Avenue frontage between Lowell Boulevard and Zuni Street. Further, the regulation restricted such use to existing buildings. The sale of automotive parts, however, was still permitted in all commercial zones. Of the automotive businesses that existed, all but one (Goodyear) operated as a principal use (i.e. gas sales, repair, car wash). Goodyear's principal use was considered sales of automotive products, with installation and repair considered accessory. The restrictions on automotive related uses posed no substantial problem until the redevelopment of the Westminster Plaza shopping center. The developers have requested automotive related uses and spurred inquiries regarding other property throughout the neighborhood.

In 1997, the developer of the Westminster Plaza shopping center submitted an Official Development Plan that included a convenience gas station as part of the proposal. According to the developer a convenience gas station was a substantial money producer that would complement the rest of the commercial center proposed to be built. The developer indicated the convenience gas station would be architecturally integrated with the adjoining center, and that extensive streetscape treatment would be applied along the street frontage. While the use (gasoline sales) would be permitted where the proposed station was to be located, the restriction on "using an existing building" precluded construction of a new convenience center with gas sales. Due, in part, to the financial well-being of the new center, the City Council amended the Urban Renewal Plan to allow gasoline sales in all appropriately zoned districts, if developed in conjunction with project of 5 or more acres, as part of a Official Development Plan.

Recent inquiries regarding convenience gas stations with car washes, automotive parts sales with optional installation and service (e.g. Midas, Goodyear, Pep Boys, etc.) have also raised issues relative to the difference between principal use versus accessory use. The Urban Renewal Plan, as adopted, does not provide the clarity necessary to provide prospective developers a consistent answer. Many of the proposed automotive related uses, if developed appropriately, can contribute aesthetically as well as financially to the neighborhood and City.

While automotive related enterprises have financial, tax generating merit, Staff recognizes that an equally important element is the aesthetic appeal of the development. Accordingly, the amendment to permit such uses is premised on a desire to hold to the original intent of the Plan and improve the physical and aesthetic quality of the arterial corridors, by requiring an Official Development Plan of no less than 5 acres.

Staff believes the proposed amendment provides a necessary balance between financial considerations and improving the aesthetic quality of automotive related development. While the amendment proposes to expand the allowances for the such uses, the attached conditions will substantially limit the number of operations and improve the "quality" of such facilities throughout South Westminster.

Under Colorado law, the City's Urban Renewal Plan may have requirements that are different than the standard City-wide code requirements. This is the case with land use restrictions which are applicable only in the City's Urban Renewal Area. The attached resolution will amend the Urban Renewal Plan outlining the permitted land uses within the District.

Staff believes that this amendment to the Urban Renewal Plan would not compromise the general intent of restricting automotive related uses. The modification will work to stimulate new "quality" development along the corridor, possibly replacing some existing dilapidated and poorly maintained automotive facilities. The amendment, further, strengthens the City's ability to ensure automotive related uses do not dominate South Westminster's landscape by requiring them to be built in a manner complementary to and in conjunction with a larger commercial development.

Alternatives to the proposed amendment include the following:

- 1) City Council could choose to not amend the Urban Renewal Plan and have City Staff continue to administer provisions of the plan related to automotive repair and service as currently written. Such an option would require Staff to continue to make subjective interpretations on a case-by-case basis. As a result, a level of uncertainty and associated risk will continue to be borne by prospective businesses.
- 2) The City could prohibit any new development related to automotive repair and service within the Urban Renewal Area. Such a policy may have a positive effect of restricting businesses principally involved in the automotive repair and service. However, it could also have the effect of discouraging larger money-producing retailers, such as WalMart, Kmart, Costco, Sams, and automotive parts stores, that may have installation and repair as a component of its operation, from locating in the area.

Any amendment would be incorporated into the 1997 Amended Urban Renewal Plan, which was adopted by Council on September 22, 1997. Staff will then codify the Urban Renewal Plan for distribution to the public.

Respectfully Submitted,

Alan P. Miller  
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO. 4

INTRODUCED BY COUNCILLORS

SERIES OF 2000

AUTHORIZING AN AMENDMENT TO THE URBAN RENEWAL PLAN TO PERMIT THE DEVELOPMENT AND OPERATION OF AUTOMOTIVE SERVICE AND REPAIR FACILITIES WITH CONDITIONS.

WHEREAS, the City of Westminster City Council has previously adopted the Westminster Urban Renewal Plan (the "Plan") for the Westminster Urban Renewal Area; and

WHEREAS, the Urban Renewal Plan contains specific language limiting Gasoline Sales (not including bulk sales), Automotive Repair Shops, and Automotive Wash Facility within specific sub-areas of the Urban Renewal Area; and

WHEREAS, City Staff has proposed modifications to expand opportunities to construct new automotive related facilities and regulate the design of such facilities within the Urban Renewal Area; and

WHEREAS, these modifications maintain the intent of the existing code with regard to permitted uses in the Urban Renewal Area.

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

1. The 1997 Amended Urban Renewal Plan for the City of Westminster is amended as follows:

A) Section V, Subsection F (2): After "Automotive Rental" and prior to "Bakery" insert

"AUTOMOTIVE SERVICE AND REPAIRS, LIMITED TO THE INSTALLATION OF PARTS OR MERCHANDISE GENERALLY SOLD FROM AND INVENTORIED WITHIN THE PRINCIPAL STRUCTURE, INCLUDING THE FOLLOWING:

- TIRES
- BRAKES
- BATTERIES
- TUNE-UP PARTS
- OIL AND FLUIDS
- WINDSHIELDS
- MUFFLERS
- AIR CONDITIONING RE-CHARGE
- ELECTRICAL
- SHOCKS AND STRUTS
- OTHER SIMILAR USES AS APPROVED BY THE CITY MANAGER

IN ADDITION, ALL OF THE FOLLOWING CONDITIONS APPLY:

- 1.. THE USE SHALL ONLY BE PERMITTED IN CONJUNCTION WITH AN ODP SUBMITTAL FOR A PROJECT OF 5-ACRES OR MORE;
2. AUTOMOBILES IN THE PROCESS OF REPAIR MUST BE STORED OVERNIGHT IN REPAIR BAYS.
3. BAY DOORS MUST REMAIN CLOSED EXCEPT FOR VEHICLES ENTERING OR EXITING, UNLESS OTHERWISE PERMITTED ON THE ODP.

4. OUTSIDE STORAGE OR DISPLAY OF GOODS OR MERCHANDISE IS PROHIBITED.

5. THE FOLLOWING SERVICES ARE SPECIFICALLY PROHIBITED IN ANY MANNER:

- MAJOR REPAIRS RELATED TO THE DRIVE TRAIN, INCLUDING ENGINE BLOCK, CLUTCH, DIFFERENTIAL, AND TRANSMISSION;
- BODY REPAIR
- UPHOLSTERY
- PAINTING

B) Section V, Subsection F (2): After “Automotive Service and Repair...”and prior to “Bakery” insert

“AUTOMOTIVE WASH FACILITY, (ACCESSORY TO CONVENIENCE STORE WITH GASOLINE SALES ONLY).”

C) Section V, Subsection F (3): Amend to read “In addition to the uses in Subparagraph 2. above, the following uses are permitted for existing structures HAVING ACTIVLY BEEN USED FOR SUCH USES WITHIN THE LAST 12 MONTHS PRIOR TO JANUARY 10, 2000 in Sub-areas C, G, and I only:

Automotive Repair Shop

Automotive Wash Facility

AT SUCH TIME AS THE EXISTING STRUCTURE IS USED FOR PURPOSES OTHER THAN AUTOMOTIVE SERVICE AND REPAIR OR AN AUTOMOTIVE WASH FACILITY, OR WHEN SUCH USES CEASE TO OPERATE ON THE PREMISES FOR MORE THAN ONE YEAR, ANY NEW PROPOSAL FOR AUTOMOTIVE USE SHALL COMPLY WITH SUBSECTION V. F. (2) ABOVE”

2. The proposed modifications to the Westminster Urban Renewal Plan as set forth in this resolution will not substantially change the current Urban Renewal Plan, and therefore, the approval of these amendments is not subject to the procedural requirements of section 31-25-107, C.R.S.

3. Colorado state law expressly authorizes municipalities to cooperate with urban renewal authorities in the planning and implementation of urban renewal projects, and to adopt special building and zoning regulations to facilitate such projects.

4. The proposed Urban Renewal Plan amendments will not compromise the general intent of Chapter 5 (Land Use Regulations and Building Requirements), Section F (Permitted Land Uses), of the Urban Renewal Plan.

5. The Westminster Urban Renewal Plan, as amended pursuant to this resolution, shall hereinafter be deemed controlling with respect to all property within the Urban Renewal Area.

Passed and adopted this 10<sup>th</sup> day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000

**Subject:** Resolution No. 5 re Acquisition of Additional Land for City Park

**Prepared by:** Rich Dahl, Park Services Manager  
Vicky Bunsen, Assistant City Attorney  
Bob Lienemann, Open Space Coordinator

**Introduction**

City Council action is requested to adopt the attached Resolution authorizing the acquisition of property for the expansion of City Park, the acceptance of acquisition funds including a loan from Jefferson County, the exchange of deeds with the County, the execution of an Intergovernmental Agreement, an Indemnification and Hold Harmless Agreement as required by the County; APPROVE A REFUNDABLE EARNEST MONEY DEPOSIT; and to authorize the City Manager to execute documents necessary to close this purchase. Funds for this acquisition are available from the Jefferson County "Save Open Space" bond funds, and from the City's General CAPITAL IMPROVEMENT Fund to reimburse the loan amount.

**Summary**

The proposed acquisition is approximately 23 acres in size, and is located along the west side of Sheridan Boulevard between approximately 106<sup>th</sup> and 108<sup>th</sup> Avenues (see map). This property is unique in that it is surrounded by City Park and adjacent open space, and is a highest priority for acquisition to expand City Park, and to help preserve a nearly one mile long panoramic view to the mountain backdrop from center of the City, along Sheridan Boulevard. The property has not been threatened with development until recently, but is now under contract between Hewit Hawn Properties, LLC (owner) and BRE Development, Inc (developer) to construct an apartment project.

The property is zoned for, and designated in the City's Comprehensive Land Use Plan for multi-family development (apartments). BRE Development, Inc. (BRE) is under contract to acquire the property and to construct approximately 350 to 400 apartment units in the next several years. After several months of careful negotiation, BRE has agreed to step aside, give up their development plans, and allow the City to assume their contract with Hewit Hawn Properties, LLC (Hewit Hawn) to purchase the property for \$5,500,000, if the sale can be closed quickly. Purchase of the property for park use would have the effect of reducing the eventual population of Westminster by approximately 650 to 750 persons, and would save significant water acquisition and treatment costs. Purchase would also avoid a large apartment project being located "in the middle of City Park".

Staff has been working with Jefferson County Open Space to apply a portion of the County's estimated \$160 million in "Save Open Space" bond funds to this purchase. Preliminary approvals have been given by the County to provide \$5,100,000 of the purchase price as a grant from the bond funds, and to loan the \$400,000 balance to Westminster, with repayment "plus interest at the rate equivalent to the interest earned on the bond fund during such period" (the exact tax exempt interest rate is not yet known) to be made in early 2000 and 2001. THE LANDOWNER IS ALSO REQUESTING A REFUNDABLE \$100,000 EARNEST MONEY DEPOSIT TO REPLACE THE SAME AMOUNT THAT BRE HAD PREVIOUSLY APPLIED TO THE PURCHASE. Final County approval is anticipated, following City Council approval of the actions outlined in this Agenda Memorandum. A closing is tentatively scheduled for late January.

These were very complicated negotiations to conclude to achieve both the funding from non-City sources and the arrangements to purchase from the property owner and developer. Special recognition is due Bill Walenczak, Bob Lienemann, and Vicky Bunsen for their work to achieve this purchase.

Alternatives to the proposed action:

1. Do not acquire this particular property. The purchase price could perhaps be applied toward several other park and open space priorities. However, apartment development on this site would interrupt the views from Sheridan Boulevard, and would preclude additional City park facility development. This truly is a unique site given its location and topography.
2. Attempt to delay purchase until a future date. Staff does not believe that this is possible. The developer is under contract to move ahead with planning and development of the site very quickly. The developer has reluctantly agreed to forego their development plans, if a sale can be completed quickly. The property is available now, and Jefferson County SOS funds are available now. It is unlikely that either the land or funding will be available in the future.

Staff does not recommend either of the alternatives.

### **Staff Recommendation**

Adopt Resolution No. 5 authorizing the acquisition of property for the expansion of City Park from Hewit Hawn Properties, LLC at a price of \$5,500,000, the acceptance of acquisition funds including a loan from Jefferson County; the exchange of deeds with the County, the execution of an Intergovernmental Agreement and an Indemnification and Hold Harmless Agreement as required by the County; MAKE A REFUNDABLE EARNEST MONEY DEPOSIT OF \$100,000 TO THE ESCROW AGENT FOR LAND TITLE INSURANCE COMPANY TO REPLACE BRE'S \$100,000 EARNEST MONEY DEPOSIT; and authorize the City Manager to execute documents necessary to close this purchase, and charge the expenses to the appropriate project accounts.

### **Background Information**

This particular property has long been a priority for acquisition to expand City Park facilities, and to preserve the tremendous panoramic views to the mountains from the center of the City. Until very recently, the land was not considered under immediate threat of development. Fortunately the Jefferson County "Save Open Space" funds became available at the same time as the property went under contract to develop, making this acquisition possible.

In order to apply Jefferson County SOS bond proceeds to this (or any other) acquisition, the City must agree to the terms of the bond sale, and to Jefferson County's requirements for grants and joint funding. These require that the City adopt a Resolution, designating that this acquisition is a high priority, that the City will accept the funds for this project in accordance with the County's plan for the bond funds, and will follow through to execute a final Contract for purchase.

When County funds are applied toward all or a part of any acquisition (including previous City Park parcels and open space lands), Jefferson County requires that the City convey a deed for the property to the County, and that the County then convey a Commissioners' deed back to the City, with a "reverter clause". The reverter stipulates that should the land ever be used for something other than park or open space, the land reverts to County ownership. Though not considered necessary with City of Westminster policy, this gives the citizens of both jurisdictions a "double assurance" that the land will always remain in public use.

With the new bond funds, the County also requires that the City execute an Indemnification and Hold Harmless Agreement that holds Jefferson County harmless should any damages result from environmental contamination on the property. The City has reviewed an environmental assessment for the property, which reported no problems. Since the land is former pastureland, and adjacent to City Park operations for the past 15 years, Staff is very familiar with the property, and is comfortable that such problems do not exist. The City has agreed to this requirement on previous City Park and other acquisitions with County participation.

Finally, the County requires that the City enter into an Intergovernmental Agreement that requires the City to follow the guidelines under which the bonds were sold, to avoid any use of the funds or property that would jeopardize the County's tax free status on the bond revenues, and to regularly report the use of the funds and property until the County has satisfied the bond terms.

Regarding the loan of \$400,000 toward this purchase, the County's terms are that the City repay the loan in two installments of \$200,000 "plus interest at the rate equivalent to the interest earned on the bond fund during such period", with payments due not later than the end of the first quarter of 2000 and 2001. The exact interest rate is not yet known. It is anticipated that the City will be able to use carryover revenue from 1999 to 2000 as a way to repay this loan from Jefferson County.

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. **5**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, the City of Westminster has determined that it is a high priority to acquire the parcel of land shown on the attached map for park purposes; and

WHEREAS, Jefferson County has preliminarily approved the use of a portion of "Save Open Space" bond funds toward the acquisition of this property, and has offered a loan for the balance of this purchase.

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

1. The City of Westminster designates this acquisition as a high priority, agrees to accept funding including a loan from Jefferson County toward this acquisition, and agrees to follow through to execute a final contract and close the purchase.

2. The City Manager is hereby authorized to acquire such parcel, including the execution of all documents necessary to complete the purchase.

3. The City shall purchase the property from Hewit Hawn Properties, LLC for the purchase price of \$5,500,000 which shall be funded with Jefferson County bond funds, including a grant of \$5,100,000 and a loan of \$400,000, authorized in compliance with the guidelines of the OSAC approved Resolution No. 29-99 dated August 5, 1999, recommending and the Board of County Commissioners approved Resolution No. CC99-488 dated August 24, 1999, and further authorized in the OSAC Resolution No. 45-99 dated November 4, 1999, recommending and the Board of County Commissioners approved Resolution No. CC\_\_\_\_. (This Resolution number will be assigned when the final purchase and sale agreement is approved by the BCC.)

4. The City further agrees the property will be deeded to the County for the purpose of reconveying the parcel via a Commissioner's Deed with the Open Space reverter to the City of Westminster.

5. The City will execute an Indemnification and Hold Harmless Agreement in the form required by the County.

6. The City will enter into an Intergovernmental Agreement with the County governing the use of the bond funds, as required by the County.

7. Any fee structure for facilities which may be constructed on this property will be the same for the City of Westminster residents and for Jefferson County residents.

PASSED AND ADOPTED this 10th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000

**Subject:** Resolution No. 6 re GOCO Mid-Range Outdoor Recreation Project Grant Application for City Park

**Prepared by:** Becky Eades, Landscape Architect

**Introduction**

City Council action is requested to adopt the attached resolution to authorize the submittal of a Great Outdoors Colorado (GOCO) Mid-Range Outdoor Recreation Project grant application for continued development of the City Park Master Plan.

**Summary**

The Mid-Range Outdoor Recreation Project grant program is a new grant program designed to assist local governments in enhancing, improving, and expanding regional parks. A maximum of \$750,000 is available over a period of three years, with construction activities associated with the grant to be substantially complete by May of 2003. Per Administrative Memorandum 99-7, City Council approval is required prior to the submission of a grant application exceeding \$25,000. Staff is requesting City Council to adopt the attached Resolution authorizing the Mid-Range Outdoor Recreation Project grant application.

The grant application request is for funding to be used to initiate development of the 23.3 acre parcel just north of the existing City Park site, adjacent to Sheridan Boulevard. Acquisition of this parcel is expected to be completed in mid-February. The master plan for this parcel shows a skatepark, basketball courts, in-line skate rink, picnic shelters, playground, swings, tennis complex, tournament soccer field and parking.

The grant application stipulates that there be a sponsor and/or partner contributing to the project, with GOCO funds receiving a minimum of a 30 percent match. Since the grant application is for the entire City Park facility, funding that is already in place for the Gathering Place and Phase II of the City Park Ball Fields will be used as matching funds. Both the City and Jefferson County will be partners for the project. The grant request will be for \$250,000 per year for a period of three years, for a total of \$750,000.

If awarded the grant, City Staff would review development priorities with City Council before proceeding with any plans. It should be noted that competition for this grant will be difficult as virtually every major city and recreation district in Colorado will be competing for the three or four grants that are available.

Alternatives to the recommended action are as follows:

1. City Council could decline to authorize the submission of this grant application, however, City Park is the only Westminster facility that fulfills the regional park facility criteria for this grant.

**Staff Recommendation**

Adopt Resolution No. 6 authorizing the submittal of a Mid-Range Outdoor Recreation Project grant application to GOCO for the construction of additional improvements at City Park

**Background Information**

Westminster has received over \$3 million from GOCO in the past eleven years to purchase land and develop parks and trails. Within the past five years \$500,000 in grants has been received for projects including Countryside Youth Little League Ball Fields; Skyline Vista Park; Standley Lake; Children's Hospital Playground; Big Dry Creek Trail from Sheridan to 128<sup>th</sup> Avenue, from 128<sup>th</sup> Avenue to Huron Street, and from Walnut Creek to 104<sup>th</sup> Avenue; and Little Dry Creek Trail from Zuni Street to 64<sup>th</sup> Avenue.

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachments: Resolution, Map

RESOLUTION

RESOLUTION NO. **6**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

\_\_\_\_\_

GREAT OUTDOORS COLORADO MID-RANGE OUTDOOR RECREATION PROJECT GRANT REQUEST

WHEREAS, Great Outdoors Colorado has established a Mid-Range Outdoor Recreation Project grant application process to assist with expanding, enhancing, and improving regional parks; and

WHEREAS, the City of Westminster is desirous of expanding and improving Westminster City Park; and

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a Mid-Range Outdoor Recreation Project grant application to Great Outdoors Colorado, requesting a grant in the amount of \$250,000 per year for a period of three years, for a total of \$750,000 toward the cost of expanding and improving Westminster City Park.

Passed and adopted this 11th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000  
**Subject:** Big Dry Creek Trail at BNSF Railway Contractor’s Service Contract  
**Prepared By:** Julie Meenan Eck, Landscape Architect

**Introduction**

City Council action is requested to pass on first reading the attached Councilor's Bill regarding a supplemental appropriation of \$100,000, the amount of the Joint Venture Development Grant with Jefferson County Open Space. City Council action is requested to authorize the City Manager to execute a contract with Neatline Structures, Inc., in the amount of \$361,080.53 and approve a 15% contingency in the amount of \$54,162.08, for the construction of the Big Dry Creek Trail at the Burlington Northern Santa Fe (BNSF) Railway underpass, located at approximately 100<sup>th</sup> Avenue and Independence Street. City Council action is also requested to authorize the City Manager to sign a Change Order in the amount of \$9,624 with TranSystems Corporation to perform construction administration on the project. Funds are available in the General Capital Improvement Fund for Big Dry Creek Trail-Jefferson County project account.

**Summary**

In November of 1997, City Council approved Resolution No. 69, which authorized Staff to pursue a Joint Venture (JV) Development Grant with Jefferson County to complete the construction of the Big Dry Creek Trail project at the BNSF Railway. This JV grant was awarded to the city in 1998 and the project is now ready for construction. This portion of the Big Dry Creek Trail consists of a double box culvert inserted through the existing BNSF Railway culvert opening. The trail will be on top of the culvert and Big Dry Creek will flow through the box culvert. TranSystems Corporation was the engineering consultant hired by the City to develop the construction documents based on the City Council approved Big Dry Creek master plan developed by Staff. Staff wants TranSystems to help with the construction project management, for this project since they developed the construction plans. This past November, the project was advertised and bid according to the City’s purchasing ordinances and procedures. Twenty contractors attended the mandatory pre-bid meeting and twenty-three copies of construction documents were sold to various contractors and suppliers. The following is a tabulation from the December 16 bid opening:

Neatline Structures, Inc.	\$361,080.53
Paramount Construction	\$374,990.00
Trainer Construction	\$386,548.00
RBI, Inc.	\$406,147.00
Belair Excavating	\$435,207.10
Asphalt Specialties	\$440,626.20
Concrete Works	\$672,421.20

The low bid by Neatline Structures, Inc., is considered a good bid in comparison to the engineer’s cost estimate of \$575,175 for the project. Neatline Structures has performed similar work in Colorado in the past, most recently on a concrete box culvert and bike trail in Littleton, and Staff believes that Neatline Structures, Inc., is well qualified for this project.

**Alternatives**

City Council could reject the low bid from Neatline Structures, Inc., and select the second lowest bidder to perform the work. Paramount Construction has previously worked with Westminster on the Legacy Ridge box culvert and has proven to be a good contractor. However, the low bid from Neatline Structures, Inc., has been determined to be a good bid and the evaluation of the company has been verified.

**Staff Recommendation**

1. Pass Councilor's Bill No. on first reading appropriating \$100,000 from the Jefferson County Open Space Joint Venture Grant into the General Capital Improvement Fund for construction of the Big Dry Creek Trail-Jefferson County project.
2. Authorize the City Manager to execute a contract with Neatline Structures, Inc., in the amount of \$361,080.53; authorize a total project amount of \$415,242.61 that included a 15% project contingency, charging expenses to the appropriate project account in the 2000 General Capital Improvement Fund; and authorize the City Manager to execute a Change Order with TranSystems Corporation to provide construction administration services for the Big Dry Creek Trail at BNSF Railway project.

**Background Information**

Big Dry Creek begins at Standley Lake and winds its way through Jefferson and Adams Counties on a northeastern intercept with the Platte River. Westminster's Trail Master Plan identifies the Big Dry Creek Trail from Standley Lake Regional Park to I-25 and Big Dry Creek City limits as a high priority for trail development. This portion of the trail through the BNSF Railway culvert is one of the last pieces to connect Standley Lake to Old Wadsworth and its completion will help achieve the Trails 2000 goal by June.

TranSystems was hired in 1996 to complete the engineering design for the trail from Wadsworth Parkway through the BNSF Railway culvert. The project was put on hold due to funding and eventually split into two manageable projects, one (BNSF Railway underpass) funded by the city and the other (Wadsworth Parkway underpass) funded by the Federal Tea-21 grant. This project required an Army Corp of Engineers 404 Wetland permit for the entire length of the trail system, a Preble's Jumping Mouse Study and a license agreement from BNSF Railway. The project went out to bid in November of 1999 in order to begin construction while the creek will be at its lowest flows. The project funding is detailed in the following budget summary.

1998 Joint Venture Development Grant	\$100,000.00
2000 Big Dry Creek Trail-Jefferson County CIP	<u>\$315,242.61</u>
Total	\$415,242.61

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachment: Big Dry Creek Trail Plan

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 2000

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

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,496,000 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on January 10, 2000 will equal \$12,596,000. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Great Outdoors Colorado grant for the construction of the Big Dry Creek Trail at BNSF Railway Project.

Section 2. The \$100,000 increase in the General Capital Improvements 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>			
Intergovernmental 75-0426-019	\$0	\$100,000	\$100,000
<u>EXPENSES</u>			
Big Dry Creek Trail Project 75-50-88-555-391	\$2,012,319	\$100,000	\$2,112,319

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 10<sup>th</sup> Day of January 2000.

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

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 10, 2000  
**Subject:** Little Dry Creek Trail at Sheridan Boulevard  
**Prepared By:** Philo Shelton, Park Project Engineer

**Introduction**

City Council action is requested to authorize the City Manager to execute a contract with Tierdael Construction Company in the amount of \$1,285,000 and approve a 10% contingency in the amount of \$129,000, for the construction of the Little Dry Creek Trail at Sheridan Boulevard and 76th Avenue. City Council action is also requested to authorize the City Manager to sign a Change Order in the amount of \$12,669 with MK Centennial to perform construction design review, and authorize a purchase order with Public Service Company in the amount of \$25,000 for gas line relocation expenses and lighting the trail underpass at Sheridan Boulevard. City Council action is also requested to pass on first reading the attached Councilor's Bill regarding a supplemental appropriation of \$200,000, from the 1999 General Fund Contingency that is required to cover a portion of the cost of the Little Dry Creek Trail project. Funds are available in the General Capital Improvement Fund for the project costs that are in addition to the \$200,000 supplementary appropriation that is requested.

**Summary**

This past November, the project was advertised and bid according to the City's purchasing ordinances and procedures. Twelve contractors attended the mandatory pre-bid meeting and thirty copies of construction documents were sold to various contractors and suppliers. The following is a tabulation from the December 16<sup>th</sup> bid opening:

Tierdael Construction	\$1,285,000.00
Concrete Express	\$1,346,320.27
New Design Construction	\$1,373,202.12
Paramount Construction	\$1,394,454.72
Randall and Blake	\$1,463,562.16
Flatiron Structures	\$1,468,507.46

The low bid by Tierdael Construction is considered a good bid in comparison to the engineer's cost estimate of \$1.2 million for the project. Tierdael Construction previously worked with the City of Westminster on the Reclaimed Water Pipe Line Project and has proven to be a good contractor.

The construction engineering contract, is being presented to City Council under a separate agenda memo for consideration. The following are a list of the remaining construction expenses required to complete this project.

LDC Trail Construction by Tierdael Construction	\$1,285,000
PSCO Gas Relocate and Lighting	\$ 25,000
Construction Design Review	\$ 13,000
10% Contingency	<u>\$ 129,000</u>
<b>Total LDC Trail Construction Costs</b>	<b>\$1,452,000</b>

The Little Dry Creek Trail project for 76<sup>th</sup> Avenue and Sheridan Boulevard is short of funding required to complete the project. During the development of the project budget, City Staff based their preliminary estimates on the Urban Drainage and Flood Control District's (UD&FCD) master plan that estimated a 10' by 12' size box culvert structure was needed to convey the 100-year storm. However, the final design calculations required a 9.5' by 22' box culvert. This larger structure significantly increased the cost of the project. In addition, utility companies are typically required to relocate their facilities within City and State right of ways at their expense. However, a Public Service Company (PSCO) gas line was found to be located within a private easement, which makes the project budget responsible for these relocation costs.

In October, Staff notified City Council that the Little Dry Creek Trail project was short of funding and could require up to \$200,000 in additional funding to complete the project. Staff has reviewed the Big Dry Creek Trail project account and can use \$260,000 of this budget and cover the construction engineering expenses for the Little Dry Creek Trail without jeopardizing the completion of the Big Dry Creek Trail in Jefferson County. The following is a budget summary proposed for this project.

LDC Trail TEA-21 Grant	\$500,000
UD&FCD funding	\$250,000
Currently Budgeted CIP Funds	\$502,000
1999 General Fund Contingency Request	<u>\$200,000</u>
<b>Total LDC Trail Budget</b>	<b>\$1,452,000</b>

**Alternatives**

City Council could reject the low bid from Tierdael Construction, and select the second lowest bidder, to perform the work. Concrete Express has previously worked with the City of Westminster on the Big Dry Creek Trail at 128<sup>th</sup> Ave. and has proven to be a good contractor. However, the low bid from Tierdael Construction, has been determined to be a good bid and the evaluation of the company has been verified.

**Staff Recommendation**

1. Pass Councilor's Bill No. 6 on first reading appropriating \$200,000 of the 1999 General Fund Contingency into the appropriate project account in the General Capital Improvement Fund for construction of the Little Dry Creek Trail project.
2. Authorize the City manager to execute a Change Order for \$12,669 with MK Centennial to perform construction design review, and authorize an expense with Public Service Company in the amount of \$25,000 for gas line relocation costs and lighting the underpass at Sheridan.; and authorize the City Manager to execute a contract with Tierdael Construction, Inc., in the amount of \$1,285,000.00 with a \$129,000 construction contingency, authorizing the total amount of \$1,452,000 with expenses to be charged to the appropriate project account in the General Capital Improvement Project Fund.

## **Background Information**

In the early 1980s, the City and the Urban Drainage & Flood Control District (UDFCD) entered into an agreement regarding the design of channel improvements for the entire length of Little Dry Creek within the boundaries of Westminster (from Sheridan Boulevard at the upstream end to Lowell Boulevard at the downstream end). The design that was prepared at that time included a combination of 100-year flood protection improvements and 10-year flood protection improvements, varying from location to location along the creek in accordance with the character of the surrounding land. For example, areas that were fully developed (e.g., the stretch from Winona Court to the Della Villa apartment complex) received 100-year flood channel improvements, while sparsely developed areas (e.g., England Park, located south of 72nd Avenue) received only 10-year flood channel improvements. Throughout the mid to late 1980s, the City and the District amended their original Agreement on several occasions to provide funding for property acquisition and the construction of these channel improvements to several reaches of Little Dry Creek. Other than the construction of this additional culvert under Sheridan Boulevard, the only section of the creek that was not improved in the last decade was that segment located between England Park and Lowell Boulevard, which was just completed in the fall of 1999.

In November of 1998, MK Centennial was selected as the most qualified firm to design this trail corridor based on the abilities of their personnel, past performance on similar ISTEPA enhancement projects, willingness to meet time and budget requirements, location of their firm, accessibility to respond to the work site, current and projected work load, etc.

Since the City has two TEA-21 projects occurring at the same time that are both trail underpasses on state highways, Staff has combined the construction engineering contracts to use one consultant to cover both projects at the same time. This helped to save consulting fees required for both projects.

After exploring all options to help save costs on the project, Staff had to request the use of contingency funds in October of 1999 from City Council prior to advertising this project for bid. City Council allowed Staff to proceed at that time to advertise the project for bid and allow up to \$200,000 of General Fund Contingency to be used for this project. Before this requested supplemental appropriation of \$200,000 in the 1999 General Fund contingency funds there were \$723,312 in this account.

Respectfully submitted,

Alan P. Miller  
Acting City Manager

Attachments: Councillor's Bill and Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **6**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance No. 2652 in the amount of \$14,159,000 is hereby increased by \$200,000 which, when added to the fund balance as of the City Council action on January 24, 2000 will equal \$43,671,173. 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 a General Fund Contingency transfer needed to construct the Little Dry Creek Trail Underpass at 76<sup>th</sup> and Sheridan.

Section 2. The \$200,000 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>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Transfers from General Fund			
75-9999-360	\$3,430,232	\$200,000	\$3,630,232
<u>EXPENSES</u>			
Little Dry Creek Trail/ISTEA Match			
75-50-88-555-367	\$877,050	\$200,000	\$1,077,050

Section 3. The General Fund budget will not change as a result of this ordinance but is included here for clarification purposes only.

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>EXPENSES</u>			
Contingency 10-10-99-999-000	\$723,312	\$(200,000)	\$523,312
Transfer to General Capital Improvement Fund			
10-10-95-990-975	\$3,430,232	\$200,000	\$3,630,232

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 10<sup>th</sup> Day of January, 2000

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

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, January 10, 2000.

Present at roll call were Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, and Smith. Absent was Councillor Moss and Mayor Heil is on an extended medical absence.

The minutes of the meeting of December 20, 1999 were approved with no additions or corrections.

Mayor Pro Tem Dixon presented the Citizen's Commendation to Brett Mouser for his actions in assisting the Police Department.

Council made re-appointments to the Board of Adjustment, Board of Building Code Appeals, Election Commission, Environmental Advisory Board, Human Services Board and Library Board.

Public Hearings were held on the Crowder property and RTD Park and Ride property annexations and zoning.

Council approved the following: Construction Engineering services for Big Dry Creek Trail at Wadsworth and Little Dry Creek Trail at Sheridan; Bids for 2000 Chipseal Project; Project Management Services for the Clearwell project; Big Dry Creek Trail construction at Wadsworth Parkway; Design/Build Contract for Semper Clearwell; Preliminary Development Plan for RTD Park and Ride; Big Dry Creek Trail at BNSF Railway underpass construction contract; and Little Dry Creek Trail at Sheridan Boulevard construction.

The following Councillor's Bills were introduced and passed on first 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, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Crowder property annexation.

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, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zone Crowder property to City of Westminster R-E.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 12 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: RTD Park and Ride property annexation.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 12 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zone RTD Park and Ride property as PUD.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Open Space Joint Venture Grant appropriation for Big Dry Creek Trail.

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND. Purpose: Contingency Fund transfer for Little Dry Creek Trail at Sheridan Boulevard.

The following Resolutions were adopted:

Resolution No. 1 – Boards and Commissions Re-appointments.

Resolution No. 2 – Crowder Property Annexation Findings.

Resolution No. 3 – RTD Park and Ride Annexation Findings.

Resolution No. 4 – Urban Renewal Plan Amendment to allow Auto Service and Repair.

Resolution No. 5 – Acquisition of Additional Land for City Park.

Resolution No. 6 – GOCO Mid-Range Outdoor Recreation Grant Application.

At 8:20 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

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