



WESTMINSTER
COLORADO

February 11, 2002
7:00 P.M.
AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamations for Olympic Torch carriers
 - B. 2002 Metropolitan Mayors and Commissioners Youth Award (MMCYA)
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Special Legal Services Contracts
 - B. Fire Station 2 Relocation Addendum to Architectural Contract
 - C. Central Control Irrigation Bid
 - D. Water Meters Purchasing Approval
 - E. Tischler & Associates Contract for Fiscal Model
 - F. CB No. 1 re Supplemental Appropriation for NW Water Treatment Plant (Hicks-Kauffman)
 - G. CB No. 2 re 2001 Budget Supplemental Appropriation (McNally-Hicks)
9. Appointments and Resignations
 - A. Butterfly Pavilion Board of Directors Resignation and Appointment
 - B. 2002 City Council Assignments
10. Public Hearings and Other New Business
 - A. TABLED Quail Creek/Bull Canal Relocation Construction Contract and Construction Services
 - B. TABLED Standley Lake Renovation Construction IGA and Owner's Representative Services Agreement
 - C. Public Hearing re Northridge at Park Centre First Amended Preliminary Development Plan
 - D. Northridge at Park Centre First Amended Preliminary Development Plan NWC 121st Ave and Pecos St
 - E. Resolution No. 7 re DRCOG Transportation Improvements Program Applications for 2003-2008
 - F. Resolution No. 8 re Prairie Dog Management on City Property
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 1. Litigation Update
 2. Economic Development Incentive Agreement
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 wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. 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, FEBRUARY 11, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES:

Councillor Dittman moved, seconded by Hicks to accept the minutes of the meeting of January 28, 2002 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Moss and Councillor Kauffman presented proclamations to Virginia "Ginnie" Ferraro, Dave Johnson, Sarah Mathiesen, and Annabelle Walker, the four Westminster citizens who carried the Olympic Torch through Metro Denver on January 31, 2002.

Mayor Moss and Mayor Pro Tem Atchison presented certificates of achievement to Gina Aleman, Gary Anderson, Tyler Beebout, Justin Bergers, Monique Curry, Robert Gerk, Drew Laird, Tessa Quezada, Joe Ramirez, Megan Shaeffer and Kassi Wilkerson. These students were nominated through the Metropolitan Mayors and Commissioners Youth Award program for municipal-level recognition.

CITY COUNCIL COMMENTS:

Councillor Hicks thanked Torch Bearers and the youth who were recognized. Councillor Dixon thanked the youth who received awards and mentioned that she had been a judge for the MMCYA in the past. She also mentioned the Council, Open Space Staff and Open Space Advisory Board tour last Saturday to look at proposed open space land purchases. Mayor Moss read from the Westsider the article relating to Councillor Butch Hicks' daughter Kizzy Hicks made the deans list with a 3.5 GPA at Johnson & Wales University.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Special Legal Services Contracts with Holme, Roberts & Owen, LLC, and Hall & Evans, LLC; Fire Station 2 Relocation Addendum to Architectural Contract with Dauer Haswell Architecture in the amount of \$61,000; Central Control Irrigation Bid purchase of a Rainbird Maxicom irrigation system from United GreenTech, for \$96,540; New water meters and retro-fit meters purchasing approval of \$217,875 from Utilities and \$74,386 from CIP; Tischler & Associates Contract for Fiscal Model, not to exceed \$117,940; CB No. 1 re Supplemental Appropriation for NW Water Treatment Plant and CB No. 2 re 2001 Budget Supplemental Appropriation.

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

Councillor Dixon moved, seconded by Hicks to adopt the Consent Agenda items as presented. The motion carried unanimously.

BUTTERFLY PAVILION BOARD OF DIRECTORS APPOINTMENT:

Councillor McNally moved, seconded by Dixon to appoint Carole Pool to the Butterfly Pavilion Board of Directors with the term of office to expire December 31, 2003. Carole Pool was present to address Council. The motion carried unanimously.

2002 CITY COUNCIL ASSIGNMENTS

Mayor Pro-Tem Atchison moved, seconded by McNally to approve the 2002 Council Assignments as listed: Adams County Transportation Issues - Ed Moss/Dave Downing; Jeffco Transportation Issues - Ed Moss/Mike Normandin; Adams County Economic Development - Sam Dixon/Susan Grafton; Jeffco Economic Council - Tim Kauffman/Susan Grafton; DRCOG - Ed Moss/Nancy McNally/Dan Blankenship; DRCOG Legislative Committee - Ed Moss; ADCOG Dinner - Butch Hicks/Sam Dixon; North Metro Alcohol Diversion Board - Butch Hicks/Keith Smith; JEFFCO Dinner - Tim Kauffman/Nancy McNally; COW/Hyland Hills/School District 50 - Chris Dittman/Brent McFall/Bill Walenczak; CML Affordable Housing Committee - Butch Hicks; CML Policy Committee - Sam Dixon/Brent McFall; CML Tax Policy Committee - Butch Hicks/Steve Smithers; CML General Municipal Issues Committee; Butch Hicks; CML Sales Tax Simplification Committee - Barb Dolan/Butch Hicks; CML Youth Issues Committee - Butch Hicks; Front Range Water Forum - Ron Hellbusch; Westminster Historical Society - Chris Dittman; Jeffco Youth Alcohol Intervention Program Board - Butch Hicks; Volunteer Firefighter Pension Board - Ed Moss/Retired Volunteer/Sam Dixon; Community Artist Series - Sam Dixon; Legacy Foundation - Herb Atchison; Metro Mayors Caucus - Ed Moss/Herb Atchison; Northwest Quadrant Study Management Committee - Brent McFall/Dave Downing; JEFFCO Mayor/Commissioner/Manager - Herb Atchison/other Council invited; ADCO Mayor Executive Committee - Ed Moss/Brent McFall; Rocky Flats Coalition of Local Governments - Sam Dixon/Herb Atchison/Al Nelson; Transit Alliance – Nancy McNally; U.S. 36 MIS - Dave Downing; NLC – Community & Economic Development Steering Committee - Sam Dixon; NLC – Community & Economic Development Policy Committee - Herb Atchison; NLC Info Tech Committee - Butch Hicks; SOB – Sexual Orient. Business Comm. - Butch Hicks. City Boards/Commission: Board of Adjustment - Butch Hicks; Board of Building Code Appeals - Herb Atchison; Election Commission - Chris Dittman; Environmental Advisory Board - Butch Hicks; Human Services Board - Sam Dixon; Library Board - Tim Kauffman; Open Space Advisory Board - Nancy McNally ; Planning Commission - Herb Atchison; Parks & Recreation Advisory Board - Chris Dittman ; Personnel Board - Tim Kauffman ; Special Permit & License Board - Herb Atchison ; Transportation Commission - Nancy McNally ; Youth Advisory Panel - Butch Hicks/Chris Dittman. The motion carried unanimously.

TABLED QUAIL CREEK/BULL CANAL RELOCATION CONSTRUCTION CONTRACT:

Mayor Pro-Tem Atchison moved, seconded by Dittman to remove this item from the table. The motion carried unanimously.

Mayor Pro Tem Atchison moved, seconded by Dittman to award the Quail Creek/Bull Canal Relocation project to Tarco, Inc., authorize the City Manager to execute an agreement with Felsburg Holt and Ullevig for engineering design support during construction and construction management services for the project, and authorize the expenditures up to \$1,829,000 for the construction of the project including the services to be provided by Felsburg Holt & Ullevig and a construction contingency of \$166,232, subject to issuance of a 404 permit by the Corps of Engineers. The City Manager clarified that the amount should be \$1,904,000 instead of \$1,829,000. The maker and second of the motion agreed to the amendment. The motion carried unanimously.

TABLED STANDLEY LAKE RENOVATION CONSTRUCTION IGA:

Councillor Hicks moved, seconded by Atchison to remove this item from the table. The motion carried unanimously.

Councillor Kauffman moved, seconded by Dixon to authorize the Mayor to execute the Standley Lake Renovation Construction IGA with the cities of Northglenn and Thornton and the Farmers Reservoir and Irrigation Company (FRICO) and authorize the City Manager to execute an Agreement with the cities of Northglenn and Thornton and Joseph A. Cesare and Associates for Owners' Representative services for \$123,027, one third of the contract amount, and charge the expense to the Utility Fund Standley Lake Renovation Capital Project Account. The motion carries unanimously.

PUBLIC HEARING RE NORTHRIDGE AT PARK CENTRE FIRST AMENDED PDP:

At 7:35 P.M. the public hearing was opened on the 1st Amended PDP for Northridge at Park Centre located at 121st Avenue and Pecos Street. Dave Shinneman, Planning Director, entered a copy of the Agenda Memorandum and other related items into the record. Marcus Gualter, Project Director for Imprimis Corp was present and addressed Council. There was no opposition. The public hearing was declared closed at 7:40 P.M.

NORTHRIDGE AT PARK CENTRE FIRST AMENDED PRELIMINARY DEVELOPMENT PLAN

Councillor Hicks moved, seconded by Kauffman approve the First Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development. This recommendation is based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met. The motion carries unanimously.

RESOLUTION NO. 7 RE DRCOG TRANSPORTATION IMPROVEMENTS FOR 2003-2008:

Mayor Pro Tem Atchison moved, seconded by McNally to adopt Resolution No. 7 authorizing the City to apply for 2003-2008 DRCOG Transportation Improvements Program funding for various intersection and trail improvements. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 8 RE PRAIRIE DOG MANAGEMENT ON CITY PROPERTY:

Councillor Hicks moved, seconded by Dixon to adopt Resolution No. 8 establishing a City-wide Prairie Dog Management Policy. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION:

The Mayor announced there would be two items discussed as part of the executive session: Litigation Update and Economic Development Incentive Agreement.

ADJOURNMENT:

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

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Proclamation for Olympic Torchbearers

Prepared By Kim Farin, Administrative Secretary

Summary Statement:

- Four Westminster citizens carried the Olympic Torch through Metro Denver on January 31, 2002. They were: Virginia “Ginnie” Ferraro, Dave Johnson, Sarah Mathiesen, and Annabelle Walker. They were chosen on the merits of their exceptional community service.
- These citizens represented the City of Westminster in a way that makes all 103,000 fellow citizens very proud.

Expenditure Required: None

Source of Funds: Not Applicable

Recommended City Council Action:

Present proclamations to Virginia “Ginnie” Ferraro, Dave Johnson, Sarah Mathiesen, and Annabelle Walker who are Westminster citizens that recently carried the Olympic Torch.

SUBJECT: Proclamation for Olympic Torch Bearers

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Policy Issue(s): There are no policy issues with this action

Alternative(s): The Mayor and City Council could opt not to present these proclamations.

Background Information:

Sarah Mathiesen, Virginie “Ginnie” Ferraro, Annabelle Walker, and Dave Johnson were selected to carry the Olympic Torch through the Denver Metro area. They each were nominated by family members, friends and colleagues who wrote essays explaining how they embodied the Olympic spirit and provided inspiration to their communities.

More than 210,000 nominations were received through the Salt Lake Organizing Committee. At the end of the Olympic Torch route, 11,500 torchbearers will have carried the torch 13,500 miles across the United States in 65 days.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Sarah Mathiesen, was selected to carry the Olympic Torch through the Greater Denver Area; and

WHEREAS, The City of Westminster is honored to have Sarah Mathiesen as a citizen who admirably represented the City of Westminster's 103,000 citizens; and

WHEREAS, Sarah Mathiesen was selected to be a Torchbearer based on her ability to inspire others to greater achievement, inspire her community, embody the inspirational spirit of the Olympic Movement, and motivate others by encountering and overcoming adversity.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize

Sarah Mathiesen

for her dedication, hard work and commitment to the people in her life as well as all the citizens of the City of Westminster, and wish her good luck in all future endeavors.

Signed this 11th day of February, 2002

Ed Moss, Mayor

WHEREAS, Virginia “Ginnie” Ferraro, was selected to carry the Olympic Torch through the Greater Denver Area; and

WHEREAS, The City of Westminster is honored to have Virginia “Ginnie” Ferraro as a citizen who admirably represented the City of Westminster’s 103,000 citizens; and

WHEREAS, Virginia “Ginnie” Ferraro was selected to be a Torchbearer based on her ability to inspire others to greater achievement, inspire her community, embody the inspirational spirit of the Olympic Movement, and motivate others by encountering and overcoming adversity; and

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize

Virginia “Ginnie” Ferraro

for her dedication, hard work and commitment to the people in her life as well as all the citizens of the City of Westminster, and wish her good luck in all future endeavors.

Signed this 11th day of February, 2002

Ed Moss, Mayor

WHEREAS, Annabelle Walker, was selected to carry the Olympic Torch through the Greater Denver Area; and

WHEREAS, The City of Westminster is honored to have Annabelle Walker as a citizen who admirably represented the City of Westminster's 103,000 citizens; and

WHEREAS, Annabelle Walker was selected to be a Torchbearer based on her ability to inspire others to greater achievement, inspire her community, embody the inspirational spirit of the Olympic Movement, and motivate others by encountering and overcoming adversity; and

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize

Annabelle Walker

for her dedication, hard work and commitment to the people in her life as well as all the citizens of the City of Westminster, and wish her good luck in all future endeavors.

Signed this 11th day of February, 2002

Ed Moss, Mayor

WHEREAS, Dave Johnson, was selected to carry the Olympic Torch through the Greater Denver Area; and

WHEREAS, The City of Westminster is honored to have Dave Johnson as a citizen who admirably represented the City of Westminster's 103,000 citizens; and

WHEREAS, Dave Johnson was selected to be a Torchbearer based on his ability to inspire others to greater achievement, inspire his community, embody the inspirational spirit of the Olympic Movement, and motivate others by encountering and overcoming adversity.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize

Dave Johnson

for his dedication, hard work and commitment to the people in his life as well as all the citizens of the City of Westminster, and wish him good luck in all future endeavors.

Signed this 11th day of February, 2002

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: 2002 Metropolitan Mayors and Commissioners Youth Award (MMCYA)

Prepared By: Emily Moon, Management Assistant

Summary Statement

- Eleven Westminster youth have been nominated through the Metropolitan Mayors and Commissioners Youth Award program for municipal-level recognition.
- City Council is requested to recognize these youth privately at a reception preceding the February 11 City Council meeting and publicly during the meeting.

Expenditure Required: \$ 0

Source of Funds: Not applicable

Recommended City Council Action

Recognize eleven area youth selected for the first phase of the Metropolitan Mayors and Commissioners Youth Awards by presenting certificates of achievement to:

Drew Laird, Front Range Community College, nominated by Ed Bulkley
Tyler Beebout, Westminster High School, nominated by Wilma Russell
Tessa Quezada, pursuing General Equivalency Diploma, nominated by Tobie Taylor McPhail
Monique Curry, Westminster High School, nominated by Wilma Russell
Kassi Wilkerson, Standley Lake High School, nominated by Rob McGill
Robert Gerk, Standley Lake High School, nominated by Mary Hamilton
Megan Shaeffer, Standley Lake High School, nominated by Rob McGill
Gary Anderson, Standley Lake High School, nominated by Bridget Virkler
Justin Bergers, Mandalay Middle School, nominated by Shannon Kelly
Gina Aleman, Community College of Denver, nominated by Pearl Lopez
Joe Ramirez, North High School, nominated by Chad Edinger

Policy Issue(s)

Does Council wish to recognize eleven area youth as nominees for the 2002 MMCYA?

Alternative(s)

No alternatives.

Background Information

The Metropolitan Mayors and Commissioners Youth Award (MMCYA) was established in 1986. This exciting program recognizes young people in our community whose contributions and achievements might otherwise be overlooked. The award honors young people who have overcome personal adversity, created positive change in a difficult environment, or have made strides beyond their limitations. This fall, nominations were sought for youth ages 13 through 19 who have shown outstanding achievement in the areas of direct service to the community, other youth, the family, or to self. All of the nominees are honored by their respective municipalities. Additionally, if a nominee is selected to continue in the awards process, he or she may also be honored by his or her county and by the entire metropolitan area. Introductory letters and nomination forms were sent to local churches in Westminster, school principals, and school counselors at the middle and high schools in the City.

While the City will recognize eleven youths who are pursuing education within Westminster's city limits, a total of twenty-six youths with Westminster ties were nominated for MMCYA. While school affiliation determines which youth will be recognized by the City of Westminster's City Council, several young Westminster residents will be recognized throughout Jefferson and Adams Counties in separate municipal-level ceremonies this month.

Adams County Commissioners will hold a banquet honoring youths who were selected for County-level recognition on March 1. Tyler Beebout and Tessa Quezada will be recognized at the Adams County banquet. The Jefferson County and Metro Area recognition event dates and applicable youths have yet to be determined.

The youths being recognized tonight by City Council have faced trauma with courage, emotional and physical health ailments with determination, financial hardship with resourcefulness and challenges in school with perseverance.

Due to the sensitive and confidential nature of many of the nominees' backgrounds, the Adams and Jefferson County MMCYA Selection Committees recommend conducting a more general recognition ceremony where descriptions of the adversity each nominee has overcome are not disclosed. Instead, a description of the award and its criteria will be conveyed, and each nominee's name, age, school and nominator will be read as they receive their certificate.

City Council will host a brief reception for the nominees, nominators, principals and families prior to the Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Special Legal Services Contracts

Prepared By: Jeffrey M. Betz, Assistant City Attorney

Summary Statement

The City was recently named as a defendant in a lawsuit captioned *Robert A. Adams v. City of Westminster* claiming damages as a result of a breach of contract, as well as equitable claims for relief. This matter has been previously reviewed with City Council in executive session.

Staff recommends that the City hire Pat Tisdale of Holme, Roberts & Owen and David R. Brougham of Hall & Evans as special legal counsel to provide legal advice regarding issues raised in the lawsuit. Both Ms. Tisdale and Mr. Brougham have extensive legal expertise and experience concerning the claims raised in the complaint. Both have agreed to a cap of \$5,000 for their services.

Expenditure Required: Not to exceed \$10,000

Source of Funds: City Attorney's Office Professional Services Account

Recommended City Council Action

Authorize the City Manager to sign contracts for legal services with Holme, Roberts & Owen, LLC, and Hall & Evans, LLC for special legal services in connection with the City's defense in the lawsuit captioned *Robert A. Adams v. City of Westminster*.

Policy Issue(s)

Should the City hire Holme, Roberts & Owen, LLC, and Hall & Evans, LLC for special legal services in connection with the City's defense in the lawsuit captioned *Robert A. Adams v. City of Westminster*.

Alternative(s)

Not hire either firm and proceed with in-house representation, without the benefit of a legal opinion concerning possible insurance coverage for this lawsuit.

Background Information

The City was recently named as a defendant in a lawsuit captioned *Robert A. Adams v. City of Westminster* claiming damages as a result of a breach of contract, as well as equitable claims for relief.

CIRSA, the City's insurance carrier, is declining coverage for this Complaint. Staff is requesting an outside legal opinion from Pat Tisdale, of Holme, Roberts & Owen, as to whether there is insurance coverage under its insurance policy with CIRSA.

Should coverage exist for this claim, David Brougham, of Hall & Evans, will most likely assume the City's defense in this case. Therefore, the City would like to keep Mr. Brougham advised of the progress of the case and to seek his advice concerning the claims raised in the lawsuit.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of _____, 2002, by and between HALL & EVANS LLC (the "Firm") and the CITY OF WESTMINSTER (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall represent the City and furnish special legal services through trial in connection with the City's defense in *Robert A. Adams v. City of Westminster*, Case No. 02CV0039.
2. David R. Brougham of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate not to exceed \$140 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on February 11, 2002.
7. Payments for legal services pursuant to this Contract shall not exceed \$5,000.00 without further written authorization by the City.

HALL & EVANS L.L.P.

By _____
David R. Brougham

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of _____, 2002, by and between HOLME ROBERTS & OWEN LLP (the "Firm") and the CITY OF WESTMINSTER (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall represent the City and furnish special legal services through trial in connection with the City's defense in *Robert A. Adams v. City of Westminster*, Case No. 02CV0039.
2. Patricia C. Tisdale of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate not to exceed \$230.00 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on February 11, 2002.
7. Payments for legal services pursuant to this Contract shall not exceed \$5,000.00 without further written authorization by the City.

HOLME ROBERTS & OWEN L.L.P.

By _____
Patricia C. Tisdale

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Fire Station 2 Relocation Addendum to Architectural Contract

Prepared By: Steven M. Pacifico, Deputy Chief of Administration and
Alan Miller, Special Projects Director

Summary Statement

- In March of 1998, City Council authorized the City Manager to sign a contract with Dauer Haswell Architecture in the amount of \$117,500 for initiation of the design of Fire Station 2. City Council also approved a 10% contingency allowance in the amount of \$11,750. At that time the funding method, schedule and total for the proposed project were not finalized or approved.
- Several engineering issues, specifically flood plain and drainage, had to be resolved prior to the Official Development Plan being completed. The Official Development Plan for the project was recently completed and approved. Staff is now ready to initiate work on the final design that will include specifications and bid/proposal/construction documents.
- Funding to complete the project, including construction, has been finalized and approved by City Council. The \$800,000 included in the 2002 CIP Budget in conjunction with the \$600,000 allocated to the project from 2000 carry-over funds has completed the funding for the project. The total approved funding for the project to date is \$2,760,000.
- An addendum to the original contract with Dauer Haswell in the amount of \$61,000 is required to complete the architectural design, construction drawings and construction observation for the relocation of Fire Station 2. Staff believes that the \$11,750 contingency allowance previously allocated and approved by City Council will be adequate. The total architectural costs, including the recently completed preliminary design and final design as described above, is \$178,500. The design fee percentage for this project is 6.5%.

Expenditure Required: \$61,000

Source of Funds: Fire Station 2 project account in the General Capital Improvement Fund Budget

Recommended City Council Action

Authorize the City Manager to execute an addendum to the existing contract with Dauer Haswell Architecture in the amount of \$61,000 to complete the architectural design, construction drawings and construction observation for the relocation of Fire Station 2 and charge the expense to the appropriate Fire Department project account in the General Capital Improvement Fund.

Policy Issue(s)

Should City Council approve the expenditure of Capital Improvement Program funds to complete the architectural design for the relocation of Fire Station 2?

Alternative(s)

- 1) City Council could direct Staff to hold off on the project and pursue the final design at some point in the future. Staff is unaware of any reasons to delay the project especially in light of the fact that the overall project, including funding, has been previously approved by City Council. The relocation of Fire Station 2 has been and continues to be a priority for the Fire Department and will allow for the relocation of existing resources and accommodate future resources identified in the 5 year staffing plan and 2002/2003 operating budgets.
- 2) City Council could direct Staff to terminate the current contract with Dauer Haswell Architecture and have the project re-bid. Staff does not recommend this option especially since Dauer Haswell Architecture worked with Staff on the preliminary design and the recently approved Official Development Plan. Staff has a good working relationship with Dauer Haswell Architecture and is very pleased with their work up to this point, especially their efforts in assisting Staff resolve some difficult engineering issues associated with the site. In addition, the design architect, Rob Davis, has previously designed several Fire Stations in the Denver Metro area and Staff believes this experience is extremely valuable and critical for the project.

Background Information

Staff has been working on the relocation of Fire Station 2 for a number of years. Initially in 1991, a computer study of fire station locations in the community was completed and presented to City Council. This study indicated that the current locations of fire stations in Westminster provided optimal response times to nearly all sections of the City. The study did however indicate a need to place new resources or reallocate current resources more toward the center of the City along the 92nd Avenue corridor to better serve the community. In 1992 with this information in hand, Staff completed a major expansion of Fire Station 3 located at 7792 West 90th Avenue. Staff then looked at Fire Station 2, located at 9099 Lowell Boulevard, for possible expansion but determined that logistically this facility was impossible to expand to meet the needs of the growing community.

In 1994 Staff began pursuing the possible relocation of Fire Station 2. Staff completed an updated computer study that included data related to current growth and data provided by the Department of Community Development assuming total build out of the City. The information from this study reinforced the information from the study conducted in 1991. Approximately twelve sites were initially considered with the parcel located at 9150 Lowell Boulevard being identified as optimal resulting in the acquisition of the property on October 28, 1996.

In March of 1998, City Council authorized the City Manager to sign a contract with Dauer Haswell Architecture in the amount of \$117,500 for initiation of the design of Fire Station 2. City Council also approved a 10% contingency allowance in the amount of \$11,750. At that time the funding method, schedule and total for the proposed project were not finalized or approved.

SUBJECT:

Fire Station 2 Relocation Addendum to Architectural Contract

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Staff began the preliminary design process immediately after entering into a contract with Dauer Haswell Architecture. Staff has continued to work on this project and has been successful in resolving the engineering issues on the site. Staff, in conjunction with Dauer Haswell Architecture has completed the preliminary design along with an approved Official Development Plan. In addition, the remainder of the funding for the project has been established and approved by City Council. Staff is therefore ready to initiate the final design work for the project in an effort to start construction in the fall of 2002.

Staff anticipates going with a design-bid approach on this project to take advantage of the much more competitive construction market. In addition, Staff also anticipates hiring a construction management firm to assist the City with construction observation, bidding and project administration.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Central Control Irrigation Bid

Prepared By: Richard Dahl, Park Services Manager

Summary Statement

- The Park Services Division is proposing the purchase of a central control irrigation management system that will effectively reduce water consumption and help manage labor costs associated with ongoing maintenance.
- Staff estimates a 20 percent reduction in water use and a similar reduction in labor hours and equipment needed for maintenance for this phase of the project. This would equate to a savings of approximately \$22,800 per year in water and labor costs.
- The City currently utilizes central control irrigation at City Park, Legacy Ridge and the Heritage Golf Courses.
- There are 76 parks, public buildings and streetscapes and 93 irrigation time clocks that meet the requirements for inclusion into a central control irrigation system.
- This Citywide project is scheduled to be phased over an eight-year period or as funds become available. The estimated cost to complete all phases of this project would be \$552,000.
- The City has received a valid bid of \$96,540 to install central control irrigation in 11 parks (Phase I) located in the southern areas of the City. (See attached map.)
- Bids were solicited from the two major manufacturers of central control irrigation systems; Rainbird (United GreenTech) and Motorola (L.L. Johnson Distributing Company).

Expenditure Required: \$106,155

Source of Funds: Parks, Recreation and Libraries Capital Improvement Program -
Park Major Maintenance

Recommended City Council Action

Staff recommends that City Council authorize the Phase I purchase of a Rainbird Maxicom central control irrigation system from the low bidder, United GreenTech, in the amount of \$96,540; approve a construction contingency of \$9,650 (10 percent); and charge the expense to the Parks, Recreation and Libraries park major maintenance capital improvement account.

Policy Issue(s)

Should the City invest in technology to maximize the effective management and use of water in the maintenance of parks, public facilities and streetscapes operated by the Department of Parks, Recreation and Libraries?

Alternative

City Council could decide not to pursue the purchase of a central control irrigation system and have Staff continue the practice of manually changing time clocks in the field as needed. Although this option is not the most efficient, it has proven acceptable as long as manpower and equipment can continue to be allocated to perform this function.

Background Information

Central control irrigation has been carefully researched by the Park Services Division as a way of efficiently managing the City’s irrigation water and to reduce labor costs associated with checking time clocks, locating leaks, turn offs due to weather, and adjusting time changes for recreation program needs. Key features of the Rainbird Central Control system include:

- Water programs are based on evapo-transpiration (ET) rates received by the City’s weather stations located at the Heritage and Legacy Ridge Golf Courses. With this information, the computer calculates the correct amount of water needed at each park on a daily basis.
- Site rain sensors are incorporated that alter the ET rate as necessary and, if rainfall exceeds the ET rate, the system will automatically shut down.
- Flo-manager maximizes the demands of the system by allowing multiple stations (sprinkler heads) to water if capacity exists thereby saving costs associated with the electrical pumps.
- Flo-watch uses a series of sensors to isolate problems such as broken heads, pipes and stuck valves and registers this information on the central computer. Irrigation staff can then quickly locate the problem and schedule repairs as needed without having to go into the field.
- The central controller allows working systems to be shut down or altered to any configuration by simply entering keystrokes into a computer for the desired function. This is especially helpful when weather conditions require that the time clocks be shut down for a period of time.

Staff estimates a 20 percent reduction in water use after implementation of each phase of the project. Phase I would include eleven park sites with a combined water consumption of 20 million (20,000,000) gallons per year, which would result in a savings of four million gallons. Combined with labor and vehicle savings, the gross savings per year for Phase I would be:

Water savings	\$16,500
Labor	\$ 6,000
Vehicle/equipment	<u>\$ 300</u>
Total	\$22,800

Based on this proposal, Staff estimates the capital recovery costs for Phase I would be 4.5 years. It is also important to note that outside of the monetary savings, this system helps to responsibly manage the City’s precious water supply by conserving the use of water.

The City currently operates Rainbird central control irrigation systems at Legacy Ridge Golf Course, The Heritage Golf Course, and City Park. These systems have been extremely reliable, cost effective and user friendly and have been instrumental in maintaining the quality of turf and keeping maintenance and utility costs to a minimum. In addition to Rainbird being the low bidder, Staff is supportive of this selection because support for the existing systems from United GreenTech has been exceptional, and there are several existing City employees who already have extensive experience with this particular system.

Phase I of the project consists of the following park areas (80 acres):

- | | |
|-----------------------------|------------------------|
| 1. Swim and Fitness Center | 7. Wolff Run Park I |
| 2. Municipal Service Center | 8. Wolff Run Park II |
| 3. Westminster Hills Park | 9. Skyline Vista Park |
| 4. Lower England Park | 10. Bishop Square Park |
| 5. Upper England Park | 11. Cobblestone Park |
| 6. Faversham Park | |

The yearly operating costs for Phase I of the central control irrigation system would be \$1,000 including telephone line costs that are needed for communication between the individual field units and the main computer.

Over the past five years, Park Services Staff have evaluated numerous central control systems offered by various manufacturers, and in the final analysis Rainbird and Motorola are the only two long-term viable companies that continue to stay in business, offer outstanding product support, provide updated software, and have local distributors servicing the product lines. Both companies have been manufacturing and perfecting their products in excess of 25 years, and several examples of both systems are being used in the Denver Metro area. Westminster has three Rainbird systems (City Park, Legacy Ridge and The Heritage) while the Cities of Northglenn and Boulder both use the Motorola central control irrigation system. Although both systems are comparable, the Rainbird product is preferable for City operations as 90 percent of our irrigation systems are Rainbird and, as such, the Rainbird Central Control system is compatible with existing equipment.

Bid results for installation of the Phase I central control irrigation system are as follows:

United GreenTech (Rainbird)	\$ 96,504.00
L.L. Johnson Distributing Company (Motorola)	\$105,827.13

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Water Meters Purchasing Approval

Prepared By: Richard A. Clark, Utilities Operations Manager

Summary Statement

- Utilities Division has budgeted to purchase residential and commercial water meters for new and replacement/retrofit programs in 2002.
- 800 residential meters for new residential construction.
- To enhance purchasing efficiency, City Council is requested to authorize the establishment of an open purchase order (PO) to be utilized on an “as-needed” basis to make water meter purchases against throughout the year, not to exceed the amount of funds approved in the 2002 budget.
- Funding for the water meter program is in the Utilities Division operating account in the amount of \$217,875, and the Capital Improvements Project account in the amount of \$74,386. These funds were previously approved by City Council as part of the 2002 budget.
- The Badger TRACE meter system is a proprietary item and meters are available only from Badger Meter Company at the local distributor, Mountain States Pipe and Supply.

Expenditure Required: \$217,875 (Utilities Operations Budget)
\$74,386 (Capital Improvement Project Account)

Source of Funds: 2002 Utility Fund, Utilities Division Operating Budget
2002 Capital Improvement Project Budget

Recommended City Council Action

Authorize the establishment of open purchase orders (PO's) to be used for new water meters and retro-fit meters purchases throughout the year, not to exceed the approved budgeted amounts.

Policy Issue(s)

Can the Utilities Division implement and utilize an open purchase order system to purchase water meters as needed throughout the year, or should separate purchases be required, reviewed, and approved on an individual basis?

Alternative(s)

Deny the request to use an open purchase order system, and continue to initiate separate purchase orders that must have various reviews and approvals. This will require more time to process and to receive the needed equipment.

Background Information

In 1996, the City of Westminster undertook a program of retrofitting all water meters in the City with radio frequency transponders, which enables them to be read remotely. Badger Meter's TRACE system was selected and Badger meters have been set as the City's standard meter. The meters to be furnished by Mountain States Pipe and Supply meet all specifications and requirements set by the City.

During this year (2002), 800 new residential meters may be required, and 250 transponder replacements may be needed, as they are not all covered under warranties. The unit price per meter this year will be \$216 as compared to the 2001 unit cost of \$206 per unit. This represents a 4.6% increase in the cost to purchase residential meters for this year.

Also, commercial meters are needed to retrofit the remaining approximately 50 accounts, which includes City accounts (i.e., irrigation, parks, buildings). These meters would be purchased through the Capital Improvement Project account for 2002.

Attachment "A" provides a complete listing of all meters and related parts to be purchased during this year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

ATTACHMENT "A"

New Residential Meters:

800 Model 25 @ \$216.25/each	=	\$173,000		
250 Transponders @ \$179.50/each	=	<u>\$ 44,875</u>		
		TOTAL	=	\$217,875

(To be funded from 2002 Utilities Division Operating Budget)

Retrofit Meters – 460 Account:

1 each 1" Model 70 transponder @ \$194.01	\$	194.01		
2 each 1 ½" Model 120 transponder @ \$217.47	\$	434.94		
* 9 each 2" Model 200 meters/transponders		\$14,583.68		
5 each 2" Model 170 meters/transponders	\$	5,038.80		
6 each 3" Turbo II transponders	\$	3,360.00		
2 each 3" Turbo 450 series meter/transponders	\$	7,555.92		
3 each 3" Turbo 450 series transponders	\$	<u>1,418.88</u>		
		TOTAL:		\$32,586.23

365005 Account – Federal Heights Transmission Meters

365010 Account – Federal Heights Transmission Meters

1 each 10" fire service meters	\$13,150.00			
1 each 8" fire service meter s	<u>\$ 9,550.00</u>			
		TOTAL:		\$22,700.00

200348 and 200349 Accounts Eagle's Landing

2 each 8" fire service meters @ \$9,550.00	<u>\$19,100.00</u>			
		TOTAL:		\$19,100.00

TOTAL: **\$74,386.00**

(To be funded from CIP Account)



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Tischler & Associates Contract for Fiscal Model

Prepared By: Mary Ann Parrot, Finance Director
Steve Smithers, Assistant City Manager
Barbara Gadecki, Assistant to the City Manager

Summary Statement

- During the past several years, Staff has concentrated on developing multi-year plans and models for City Council to use in making long-term strategic decisions for the City. In addition, City Council has requested Staff to develop plans to be able to handle various contingencies such as changing economics, revised land uses, etc. Several of these long-range models include the City's Comprehensive Land Use Plan, the Growth Management Plan, the 5-Year Capital Improvement Plan, the 5-Year Staffing Plan, the Water/Wastewater Master Plan and, most recently, the Water/Wastewater Long-Term Planning Model, developed over the past three years. Many of these models have financial components included in them.
- The City does not presently have a comprehensive model for the General Fund and the General Capital Improvement Fund that delineates what the various operational, capital and replacement costs for the City are projected to be over a long period of time such as 15 to 40 years. The City also does not have a model to get a long term picture of what revenues will be needed to support these programs, and where the gaps may be.
- Staff researched the firms with this broad capability and presented its findings to City Council in March 2001, recommending that the City retain Paul Tischler & Associates to develop the model for the City.
- City Council directed Staff to proceed with contract negotiations with Mr. Tischler's firm and return with a contract for their approval. In addition, City Council approved the funding of this project in December 2001 through FYE2000 Carryover funds in the amount of \$120,000 for this project.
- Attached for City Council's approval is the contract with Paul Tischler & Associates, incorporating their revised proposal dated November 29, 2001. The contract and proposal meet with Staff requirements and City Council directions.

Expenditure Required: \$102,940 to \$117,940, depending on the cost of Phase II of the Project.

Source of Funds: General Capital Project Fund, as budgeted in Year 2001 with Year 2000 Carryover.

Recommended City Council Action

Approve the contract with Tischler & Associates, as substantially presented, for a cost not to exceed \$117,940, for the development of a comprehensive fiscal model for the City's general funds, and authorize the City Manager to execute the contract on behalf of the City.

Policy Issue(s)

Does the City Council desire to develop and utilize a comprehensive financial planning tool for the City's long-term program development and tax and fee determination?

Alternative(s)

Do not develop the model. This is not recommended. Over the next several decades, as the City reaches maturity, the City must determine how to finance the on-going maintenance and replacement of needed services and facilities. At some point, the one-time "growth-related" revenues will decline, with continued service and capital replacement demands. The City needs to decide over the coming years how to finance any gap that may exist.

Delay the development of the model. This is also not recommended, as the cost of model development will continue to climb, and the delay will retard the City's ability to plan for the future.

Build the model in house. This alternative is not recommended. Not only is staff committed to other initiatives over the next couple of years, but also the expertise in actually building the model is more effectively outsourced. It would take much more time and could result in the expenditure of more than the estimated \$120,000 in Staff time to build the model, primarily because Staff would have to build the expertise in-house.

Background Information

The model will evaluate the following:

- Costs of continuing needed capital improvements in the City, through maturity and a complete replacement/renovation cycle
- Costs of operating these facilities and providing for the City's ongoing operating functions; functions such as Police, Fire, Parks and Recreation, Libraries, Street Construction, Maintenance and Replacement, etc.
- Revenues needed to meet these costs
- Recommendations for additional revenues or service level adjustments as needed, to fill the gaps
- The model would extend from now through maturity (15 to 20 years) and beyond maturity by an extended period, thus allowing for replacement of major facilities and financing for major capital improvements/renovations

When the report is completed in late 2002, Staff and City Council will have a clearer picture of the long-term facilities, services and associated costs for which the City would need to provide. The consultant would also provide recommendations on the revenues that would be available and what revenues need to be raised to support the necessary services over the long term. This will allow City Council to determine now and into the future, what revenues would be needed to set aside now or establish new sources later to provide these services beyond the City's maturity. In short, City Council would have a "retirement plan" for the City's services and capital facilities, thus helping to establish planning for the provision of funds for necessary services over the long run.

Mr. Tischler's firm is proposing to develop the model and train staff in its use for a fixed fee ranging from \$102,940 to \$117,940, depending on the time it takes to work with the City and the time needed to refine the model. These funds were appropriated from Year 2000 in the December 2001 Carryover Appropriation Ordinance approved by City Council.

Respectfully submitted,

J. Brent McFall, City Manager
Attachment(s)

AGREEMENT
TO FURNISH CONSULTING SERVICES
TO THE
CITY OF WESTMINSTER
FOR FISCAL MODEL DEVELOPMENT AND TRAINING
BY TISCHLER & ASSOCIATES

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, between the **CITY OF WESTMINSTER**, hereinafter called the "City", and **Tischler & Associates**, hereinafter called "Consultant", is as follows:

WHEREAS, the City wishes to develop and implement a computer model for long-term fiscal planning to determine the resources needed to implement quality services and facilities for City capital improvements, operations, expenditures and replacements/renovations of facilities and services, and

WHEREAS, the model will also look at various levels of service (current level and an enhanced level of service which will vary by definition with the service to which it applies), and

WHEREAS, the model will include all funds except the City's Water and Wastewater Enterprise Funds, and

WHEREAS, the City desires to implement the model in-house to allow for further sensitivity analysis on the changing economic and management conditions of the City and the evaluation of resultant changes on the long-term resources needed by the City to maintain current and improved levels of service on both the capital and operating sides of City operations, and

WHEREAS, the City desires to engage the Consultant to render the professional consulting services described in this Agreement and the Consultant is qualified and willing to perform such services; and

WHEREAS, sufficient authority exists in charter and statute and sufficient funds have been budgeted for these purposes and are available and other necessary approvals have been obtained; and

WHEREAS, this Agreement is expressly contingent upon the approval of the City of Westminster's City Council of all the terms set forth herein. In the event this Agreement is not approved in its entirety by City Council, neither Party shall be bound to the terms of this Agreement,

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth, the City and the Consultant agree as follows:

I. THE PROJECT

The Project consists of development of a fiscal model as described in the attached proposal dated January 16, 2001, incorporated fully herein, consisting of two phases:

- Phase I – Development of Beta Version of Fiscal Model (9 Tasks to be performed over 120 days time from the date of contract execution, or other start date, as mutually agreed upon by the City and the Consultant) – Timetable for Phase I is attached as Exhibit A, and incorporated fully herein. At the completion of Phase I, the City will evaluate the success of the project and determine whether to proceed with Phase II.
- Phase II – Development of Complete Fiscal Model, Incorporating All Relevant City Services/Departments (7 Tasks to be performed over a period of time as mutually agreed upon by the City and the Consultant – this time frame supercedes the time frame stipulated in the proposal dated November 29, 2001). Phase II scope will not be adjusted downward to accommodate increased fees implemented by the Consultant on Jan 1, 2002. The current time estimated remains specified in the proposal dated November 29, 2001, assuming the City is timely in the delivery of materials to the Consultant.

- Lastly, the Consultant will be more efficient regarding the work product, thus not affecting the quality of the product in Phase II as specified in the proposal dated November 29, 2001.

The Scope of the Project is detailed in the proposal dated November 29, 2001, incorporated fully herein. Additional clarification to the scope elements include the following:

- The horizon period should not be 50 years, but closer to 20-25 years, to accommodate maturity (maturity) and a replacement cycle, but guard against the impact in error caused by inflation on key assumptions,
- The model should incorporate the changing environment, from one of growth to maintenance, during the horizon period,
- The model must and will accommodate an annual overlay of management decisions from one year to the next,
- The model will incorporate the ability to conduct sensitivity analysis of selected variables, as well as the ability to add service components and revenue/expense categories,
- The model will assume the “base” case is the current level provided by the current budget and existing level of service. The model will be developed from there to accommodate an enhanced level of service (defined by the City),
- The model will accommodate operating standards (quality vs. quantity of service),
- The model will be kept as simple as possible,
- The inputs will be revenues, expenses, levels of service, demographics (e.g., housing starts, population, etc.) and the outputs will be what revenues and expenses will be required to support various levels of service for City programs. The outputs would not be for the “ideal” level of service, but will accommodate what the City’s budget target might be, even though constrained. The model will also indicate what additional revenues are needed to support increased levels of service, as determined by the City,
- The model will reflect both operating and capital costs and levels of service.

II. CONSULTANT'S SERVICES AND RESPONSIBILITIES

The Consultant will provide the professional and technical Services as described in the proposal dated November 29, 2001, labeled as Appendix A, attached hereto and incorporated herein by this reference.

The Consultant’s representatives for this project shall be Paul Tischler, Principal and Carson Bise. These individuals will be directly responsible for the development of the model and the oversight of the project.

The Consultant further agrees to provide documents such as memoranda, Users’ Manuals, software contained on medium that can be uploaded into City computers containing the fiscal model computer program itself, all as specified in the Proposal, Appendix A.

III. ADDITIONAL SERVICES

When authorized by the City, the Consultant agrees to furnish or obtain from others, additional professional services in connection with the Project, which may arise from to changes in the scope of the Project or its design, subject to mutual agreement as to additional compensation for additional services.

IV. CONSULTANT'S FEE

Lump Sum As compensation for the basic Services described in this Agreement, the Consultant shall be a paid lump sum fee of:

- \$32,940 for Phase I, which includes out-of-pocket fees, after which time the City will determine whether to proceed with Phase II of the model development.
- \$70,000 to \$85,000 for Phase II, which will depend on the number of activities or funds included. This price also includes out-of-pocket expenses.

This lump sum shall constitute full and complete payment for said Services and all expenditures that may be made and expenses incurred, except as otherwise expressly provided in this Agreement.

The maximum amount billable under this Agreement shall not exceed \$117,940. The Consultant shall submit invoices to the City for services rendered and payments shall be made within 30 days of submittal for the following payments tied to deliverables as follows:

- \$ 6,800 of \$32,940 upon completion and acceptance of Task 3,
- \$20,700 additional of \$32,940 upon completion and acceptance of Task 6,
- \$ 5,440 remainder of \$32,940 upon completion and acceptance of Task 9,
- \$32,940 total for Phase I.

If the City approves proceeding with Phase II of the project, an addendum will be added to this contract to determine the progress payments for Phase II of the project.

There are no reimbursable expenses associated with this contract, as the fixed price includes all out-of-pocket expenses. The City agrees to pay the Consultant within thirty (30) days of receipt of properly documented invoices.

V. COMMENCEMENT & COMPLETION OF SERVICES

The Consultant understands and agrees that time is an essential requirement of this Agreement. The Services shall be completed as soon as good practice and due diligence will permit. In any event, the Services shall be completed within the time frames cited in the proposal, starting from the notice to proceed supplied by the City to the Consultant, exclusive of time lost or due to delays beyond the control of the Consultant. Upon mutual agreement by the City and the Consultant, the time frames may be revised to reflect longer or shorter completion times for Phases I and II.

VI. TERMINATION

A. This Agreement may be terminated by either party upon fifteen (15) days prior written notice to the other party in the event of a substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party.

B. This Agreement may be terminated by the City for its convenience upon fifteen (15) days prior written notice to the Consultant. At the end of Phase I, the City will evaluate the success of the project and determine whether to proceed with Phase II. If the City decides not to proceed, the City will not be charged for additional fees beyond Phase I costs, as outlined in Section IV, Consultant's Fee.

C. In the event of termination as provided in this Article, the City shall pay the Consultant in full for Services performed up to the date of notice of termination plus any Services the City deems necessary during the notice period. Said compensation shall be paid upon the Consultant's delivering or otherwise making available to the City all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by the Consultant in performing the Services included in this Agreement, whether completed or in progress.

VII. INSURANCE

During the course of the Services, the Consultant shall maintain Workmen's Compensation Insurance in accordance with the Workmen's Compensation laws of the State of Colorado, Professional Liability Insurance in the minimum amount of \$500,000, but in any event sufficient to cover Consultant's liability under paragraph X.D.1. below, Automobile Liability of \$150,000 per person/\$600,000 per occurrence, and Comprehensive General Liability of \$150,000 per person/\$600,000 per occurrence. The City will be an additional insured under the Consultant's Automobile and Comprehensive General Liability coverages. The Consultant shall provide certificates of insurance to the City indicating compliance with this paragraph.

VIII. EQUAL EMPLOYMENT OPPORTUNITY

In connection with the execution of this Agreement, the Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, or disability.

Such actions shall include, but not be limited to the following: employment; upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

IX. PROHIBITED INTEREST

A. The Consultant agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The Consultant further agrees that in the performance of the Agreement, no person having any such interests shall be employed.

B. No official or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

X. GENERAL PROVISIONS

A. Independent Contractor. In the performance of the Services, the Consultant shall act as an independent contractor and not as agent of the City except to the extent the Consultant is specifically authorized to act as agent of the City.

B. Books and Records. The Consultant's books and records with respect to the Services and reimbursable costs shall be kept in accordance with recognized accounting principles and practices, consistently applied, and will be made available for the City's inspection at all reasonable times at the places where the same may be kept. The Consultant shall not be required to retain such books and records for more than three (3) years after completion of the Services.

C. Ownership of Materials. All reports, software developed for the City, and accompanying training materials and users' manuals, and the like relating to the Services shall be the joint property of the City and Consultant. Upon completion of the Services, or at such other time as the City may require, the Consultant shall deliver to the City a complete documentation set (report, software, etc) and such additional copies thereof as the City may request, corrected as of the date of completion of the Project.

D. Responsibility; Liability.

1. Professional Liability. The Consultant shall exercise in its performance of the Services the standard of care normally exercised by nationally recognized organizations engaged in performing comparable services. The Consultant shall be liable to the City for any loss, damages or costs incurred by the City for the repair, replacement or correction of any part of the Project which is deficient or defective as a result of any failure of the Consultant to comply with this standard.

2. Indemnification. The Consultant shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Services, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Project itself) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of the Consultant, any subcontractor of the Consultant, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity, which would otherwise exist as to any party or person, described in this paragraph D.2.

In any and all claims against the City or any of its agents or employees by any employee of the Consultant, any subcontractor of the Consultant, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph D.2 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Consultant or any subcontractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts.

In the event it becomes necessary for the City to bring an action to enforce any provision of this Agreement or to recover any damages the City may incur as a result of the breach of this Agreement, including, but not limited to defective work, and the City prevails in such litigation, the Consultant shall pay the City its reasonable attorney fees as determined by the Court.

E. Communications. All communications relating to the day-to-day activities for the Project shall be exchanged between the respective Project representatives of the City and the Consultant who will be designated by the parties promptly upon commencement of the Services.

All other notices and communications in writing required or permitted hereunder shall be delivered personally to the respective representatives of the City and the Consultant set forth below or shall be mailed by registered mail, postage prepaid, return receipt requested to the parties at their addresses shown herein. Notices hereunder shall be effective three (3) days after mailing.

F. Assignment. The Consultant shall not assign this Agreement in whole or in part, including the Consultant's right to receive compensation hereunder, without the prior written consent of the City; provided, however, that such consent shall not be unreasonably withheld with respect to assignments to the Consultant's affiliated or subsidiary companies, and provided, further, that any such assignment shall not relieve the Consultant of any of its obligations under this Agreement. This restriction on assignment includes, without limitation, assignment of the Consultant's right to payment to its surety or lender.

G. Applicable Laws. This Agreement, and all questions concerning the execution, validity or invalidity, capacity of the parties, and the performance of this Agreement, shall be interpreted in all respects in accordance with the Charter and Code of the City of Westminster and the laws of the State of Colorado.

H. Entire Agreement. This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, proposals, representations, negotiations and letters of intent, whether written or oral, pertaining to the Services for the Project.

I. Liability for City Overtime Payments. The Contractor shall reimburse the City for any overtime payments that the City must pay City employees hired by the Contractor to perform work under this Agreement.

INSURANCE CERTIFICATES REQUIRED BY THIS AGREEMENT SHALL BE SENT TO THE FINANCE DEPARTMENT, ATTENTION: MARY ANN PARROT, FINANCE DIRECTOR.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the date first appearing above.

TISCHLER & COMPANY)

CITY OF WESTMINSTER

By: _____
Title: _____

By: _____
J. Brent McFall, City Manager

Address: _____

Address:
4800 West 92nd Avenue
Westminster, Colorado 80031

ATTEST:

ATTEST:

Title: _____

City Clerk
APPROVED AS TO LEGAL FORM

By: _____
City Attorney



**TISCHLER &
ASSOCIATES, INC.**

4701 Sangamore Rd
Suite N210
Bethesda, MD 20816
(301) 320-6900
Fax: (301) 320-4860

80 Annandale Road
Pasadena, CA 91105-1404
(818) 790-6170
Fax: (818) 790-6235

(800) 424-4318

tischlerassociates.com

November 29, 2001

Ms. Mary Ann Parrot, Finance Director
City of Westminster
4800 West 92nd Avenue
Westminster, Colorado

Dear Mary Ann:

Based on my onsite visit and further evaluation of the material, I am recommending the following scope of work.

I. PHASE I-DEVELOP BETA VERSION OF FISCAL MODEL

Phase I focuses on the City and TA mutually developing a beta version, or prototype, case study-marginal fiscal model, using one City service provider as the initial test case. Since this initial effort involves only one department, the focus will be on determining potential applications, developing a user-friendly interface and determining methodologies for projecting capital and operating costs. Revenues will not be addressed in Phase I since only one City service/department is being modeled.

A. Scope of Work

TASK 1. Meeting to Discuss Initial Objectives for Fiscal Model, Approach to Level of Service and Land Use Scenarios. Paul Tischler and Carson Bise will meet with City staff to discuss several items. The first topic of conversation is defining the objectives for a fiscal model, including its structure and potential applications. The second discussion item pertains to the various methodologies for defining existing levels of service and cost factors. This will include not only the capital facility inputs, but also personnel and various operating expenses. The intention will be to reflect a case study-marginal cost approach wherever possible, as opposed to an average cost per capita approach. The third item for discussion is agreement on *two* land use scenarios – a base case and an alternative projected over 10 years. These two scenarios will be applied against the various cost factors determined in Task 4. Finally, the specific City service to be evaluated during these tasks will be agreed upon during this meeting.

Work Product: See Below

TASK 2. Review All Relevant Material. Based on the discussions from the above tasks, we will review all relevant material pertaining to the selected City service. This will include budget documents, plans and other information as appropriate.

Work Product: See Below

TASK 3. Memorandum Discussing Format and Data Needs. This memorandum will summarize the objectives, applications and general structure of the model, the specific demographic data to be provided by the City for the two land use scenarios, as well as any

Fiscal Impact Analysis



Capital Facility Analysis



Impact Fee Systems



Growth Policy Planning



Economic and Market Analysis

MUNIES, FISCALS & CRIM
Fiscal impact systems tailored
for each community

TASK 3. Memorandum Discussing Format and Data Needs. This memorandum will summarize the objectives, applications and general structure of the model, the specific demographic data to be provided by the City for the two land use scenarios, as well as any other information we anticipate may be required from City staff in conjunction with subsequent Tasks 4 and 5. A draft memorandum will be provided to the client. After mutually agreed changes are made, a final memorandum will be issued.

Work Product: Memorandum Discussing Format and Data Needs

TASK 4. Onsite Interviews. This task will begin once TA receives the data and accompanying rationale for the two land use scenarios, after which TA will conduct onsite interviews with personnel from the selected department. The purpose of these onsite interviews is to provide TA with an understanding of the department structure and scope of operations, discuss variable facility-related and other operating expenses, as well as discuss and agree upon methodologies for forecasting future demand for capital facilities. This can be accomplished by reflecting the five-year CIP, allowing the fiscal model to forecast future facility demand or through a combination of both. TA will be primarily responsible for forecasting additional capital facility needs and operating expenses generated by the two scenarios.

Another area of discussion will be the overlay of a replacement program for existing City infrastructure, which would ultimately be applied against the City's existing population and employment base, revenue and expenditures. City staff and/or an outside consultant will develop this information.

Work Product: See Below

TASK 5. Prepare Level of Service Memorandum. The information above will be described in narrative form in a Level of Service Memorandum. This memorandum will discuss the different cost components for the selected City service provider, which could include both facility and non-facility, related operating expenses, methodologies for forecasting future capital facility needs and associated operating expenses as a result of the two land use scenarios. There will also be a section discussing existing capital facilities, operating expenditures and infrastructure replacement needs attributable to the existing development base of the City.

A draft will be sent to the client, and after mutually agreed changes are made, a final draft issued.

Work Product: Level of Service Memorandum

TASK 6. Design Beta Version of Fiscal Model. Based on the methodologies and factors contained in the Level of Service Memorandum prepared in the previous task, TA will develop a beta version of a fiscal model with modules reflecting the two land use scenarios, as well as operating and capital expenditures for the selected department. This model will be developed in a spreadsheet environment and enhanced using Visual Basic, resulting in an application that is relatively intuitive and easy to use. The intent is to develop an application capable of modeling the City's changing environment. For example, the City will be able to analyze multiple scenarios, allow for variations of the analysis time horizon, as well as management and budget decisions on a year-to-year basis.

Work Product: Beta Version of Fiscal Model

TASK 7. Presentation of Fiscal Findings and Beta Version of Fiscal Model. Based on the cost factors and scenario data entered in the task above, the beta version of the fiscal model will calculate the ten-year demand for services and the resulting operating and capital costs on one City department for the two growth scenarios. In addition, overlay costs resulting from an infrastructure replacement program and the existing city population and employment base will be calculated as well. TA will prepare a brief summary memorandum for discussion that indicates basic findings, issues, problems and opportunities for change. A draft of this memorandum will be sent to the client for review. Meetings will then be scheduled to discuss the fiscal findings, as well as present the beta version of the fiscal model. This presentation will include an overview of the various modules and how they interrelate, the tracing of the various calculations, as well as discussion pertaining to the model's interface, ease of use and any revisions or suggestions to improve the usefulness of the product.

Work Product: Memorandum on Results, Basic Findings, Issues, Problems and Opportunities for Change

TASK 8. Complete Design of Beta Version of the Fiscal Model and Revise the Basic Findings Memorandum (if necessary). If it is determined in the above task that changes should be made to any data, TA will revise the fiscal model and will reissue the memorandum discussing the revised basic findings.

Work Product: Memorandum on Results, Basic Findings, Issues, Problems and Opportunities for Change (if necessary)

TASK 9. Presentation/Formulation of Next Steps. In this task, TA will present the findings to the City Task Force. It is anticipated that from this presentation and meeting there will be further definition of the next steps with regards to proceeding to development of a fiscal model to incorporate all relevant City services/departments and appropriate funds.

Work Product: Appropriate Graphics and Material

B. Time

It is anticipated that this assignment can be completed within 90 days of startup. This will allow time for review by City staff.

C. Cost

The cost for this assignment is \$32,940, including out-of-pocket expenses.

II. PHASE II-DEVELOP COMPLETE FISCAL MODEL, INCORPORATING ALL RELEVANT CITY SERVICES/DEPARTMENTS

The Phase II scope of work outlined below is intended to provide the City with an indication of probable work tasks, timeframe and a range of costs. All three of these items will vary, depending on the number of activities/funds, included in the model. This will be determined in Task 9 of Phase I.

A. Scope of Work

TASK 1. Review All Relevant Material. Once approval has been given to proceed with completing the development of the fiscal model, TA will review all relevant material pertaining to the remaining City services/departments to be incorporated in the fiscal model. Similar to our review in Phase I, this will include budget documents, plans and other information as appropriate.

Work Product: See Below

TASK 2. Memorandum Discussing Data Needs. This memorandum will outline discussion topics and anticipated data needs from each City service/department for subsequent Tasks 3 and 4.

Work Product: Memorandum Discussing Data Needs

TASK 3. Onsite Interviews. TA will conduct additional onsite interviews with personnel from the remaining City services/departments. The format and purpose of these onsite interviews is the same as under Phase I.

Work Product: See Below

TASK 4. Prepare Level of Service, Cost & Revenue Factor Document. Information obtained during our interviews with City services/departments will be described in narrative form in a Level of Service, Cost & Revenue Factor Document. Similar to Phase I, this document will discuss the different cost components for the various City service providers, including both facility and non-facility, related operating expenses, methodologies for forecasting future capital facility needs and associated operating expenses as a result of the two land use scenarios. The document will also contain separate chapters discussing revenue sources and

associated projection methodologies, as well as improved levels of service for various departments.

A draft will be sent to the client, and after mutually agreed changes are made, a final document issued.

Work Product: Level of Service, Cost & Revenue Factor Document

TASK 5. Complete Development of Fiscal Model. In this task, TA will complete development of the fiscal model, designed exclusively for the City of Westminster, based on the methodologies and factors contained in the Level of Service Document prepared in the previous task.

Work Product: City of Westminster Fiscal Model

TASK 6. Memorandum on Results and Basic Fiscal Findings. TA will prepare a fiscal impact memorandum, which describes in succinct fashion, the fiscal findings for the two land use scenarios. It is anticipated the memorandum will have the following categories:

- Summary
- Average Annual Fiscal Results By Scenario
- Annual Fiscal Results by Scenario
- Average Annual Fiscal Results With Improved Levels of Service
- Annual Fiscal Results With Improved Levels of Service

Work Product: Fiscal Impact Memorandum

TASK 7. Implement Fiscal Model. In this task, TA will develop the User's Manual specific to the City of Westminster fiscal model and will conduct two onsite training sessions with relevant City staff. In the first training session, over two days, relevant staff will be trained on the structure of the model, data inputs, how to incorporate different methodologies and how to develop new modules. A second training session will be provided at a mutually agreed upon time. The focus of this session will be to encourage various "hands on" applications and to answer questions.

Work Product: Software, Training and Supporting Documentation

B. Time

It is anticipated that Phase II can be completed within 90 days of startup, including delivery of the model and staff training.

C. Cost

The cost for Phase II is likely to range from \$70,000 to \$85,000, depending on the number of activities/funds included. This price includes out-of-pocket expenses.

City Council Meeting

**Proposed Schedule for Phase I Activities - Development of Beta Version of Fiscal Model
City of Westminster, Colorado**

Task		Month 1	Month 2	Month 3	Month 4
Task 1:	Meeting to Discuss Objective, Approach and Scenarios	■			
Task 2:	Review of all Relevant Material	■			
Task 3:	Memorandum Discussing Format and Data Needs		■		
Task 4:	Onsite Interviews		■		
Task 5:	Prepare Level of Service Memorandum		■	■	
Task 6:	Design Beta Version of Fiscal Model		■	■	
Task 7:	Presentation of Fiscal Findings and Beta Version of Fiscal Model			■	
Task 8:	Complete Design of Beta Version of Fiscal Model				■
Task 9:	Presentation/Formulation of Next Steps				■

SUBJECT:

Prepared By

Summary Statement:

Expenditure Required:

Source of Funds:

Recommended City Council Action:

SUBJECT:

Policy Issue(s):

Alternative(s):

Background Information:

Respectfully submitted,

J. Brent McFall
City Manager

Attachment(s)



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Butterfly Pavilion Board of Directors Appointment

Prepared By: J. Brent McFall, City Manager

Summary Statement

- Mr. Bill West was the City's previous appointment to the Butterfly Pavilion Board of Directors. He term of office expired December 31, 2001 and he does not wish to be reappointed..
- The City of Westminster is entitled to one Board seat for every five Board Members that are currently serving. Presently nine individuals are serving on the Butterfly Board, which provides one seat for the City to fill. The term of office is for a two-year appointment.

Expenditure Required: \$ 0

Source of Funds: N/A.

Recommended City Council Action

Appoint Carole Pool to the Butterfly Pavilion Board of Directors with the term of office to expire December 31, 2003.

Policy Issue

- Should City Council appoint a new representative to the Butterfly Pavilion Board of Directors?

Alternative

- Council could choose to not appoint a new representative to the Butterfly Pavilion Board of Directors at this time. This alternative is not recommended as Staff believes that this appointment is important to Westminster with the recent decision by the Board to expand their existing facility.

Background Information

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

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

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

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: 2002 City Council Assignments

Prepared By: J. Brent McFall, City Manager

Summary Statement:

- Council action is requested pertaining to Council assignments for 2002 with special attention to vacancies left by Ann Merkel's and Nancy Heil's retirement.
- Council discussed these vacancies and decided upon replacements at their February 4, 2002 Study Session. The attached list reflects City Council's preliminary direction on assignments.
- These assignments pertain to internal committees of the City organization as well as numerous external organizations in which the City has an involvement.

Expenditure Required: \$ 0

Source of Funds: N/A

Recommended City Council Action:

Approve the 2002 Council Assignments as shown on the attached list.

Policy Issue:

No Policy issue was identified.

Alternative:

Council could choose not to approve these assignments at this time. This alternative is not recommended as the City should have necessary representation for the various organizations on the list.

Background Information:

The City of Westminster is involved in a number of organizations, both internal and external to the City government. These include a wide range of both standing committees as well as groups that are formed to address current issues. They range from regional air quality and transportation issues to representation on the Denver Regional Council of Governments (DRCOG) and the Urban Drainage and Flood Control District (UDFCD). City Council and Staff are active participants on a number of committees related to regional issues such as the Northwest Quadrant/Parkway and the I-25 Corridor Study committees and the U.S. 36 Mayors and Commissioners group.

Also, there are 13 City Boards and Commissions to which a City Council liaison is assigned. The purpose of such Council assignments is to assure open and time sensitive communications between City Council and the respective Board or Commission.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CITY COUNCIL ASSIGNMENTS
February 2002

<u>Organization</u>	Meeting Time/Date/Place	C
Adams County Transportation Issues	Once or twice per year special meetings.	Ed Mo
Jeffco Transportation Issues	Once or twice per year special meetings.	Ed Mo
Adams County Economic Development	3 rd Thursday, 11:30 a.m.-1:30 p.m. 12050 Pecos St, Ste 200	Sam D
Jeffco Economic Council	3 rd Friday, 9:15 – 11:00 a.m., Jeffco Admin. Building	Tim K
DRCOG	3 rd Wednesday, 7:00-9:00 p.m.	Ed Mo
DRCOG Legislative Committee	3 rd Wednesday, 5:30 p.m.	Ed Mo
ADCOG Dinner	4 th Wednesday of each month (except Dec which varies due to holidays).	Butch
North Metro Alcohol Diversion Board	2 nd Thursday, 1:30 p.m. @ Thornton Police Dept.	Butch
JEFFCO Dinner	Haven't received 2002 scheduled yet.	Tim K
COW/Hyland Hills/School District 50	As needed.	Chris I
CML Affordable Housing Committee	No set meeting schedule. Will send notices.	Butch
CML Policy Committee	Four times a year @ CML Office (2/15 9:30 am – 2:30 pm at CML offices)	Sam D
CML Tax Policy Committee	Varies	Butch
CML General Municipal Issues Committee	Varies	Butch
CML Sales Tax Simplification Committee	No set meeting schedule. Will send notices.	Barb D
Organization	Meeting Time/Date/Place	Coun
CML Youth Issues Committee	No set meeting schedule. Will send notices.	Butch
Front Range Water Forum	On Call	Ron H
Westminster Historical Society	On Call	Chris I
Jeffco Youth Alcohol Intervention Program Board		Butch
Volunteer Firefighter Pension Board	None planned until late in 2002 to review the performance of the funds.	Ed Mo

Community Artist Series	4 th Thursday of month @ 4:30 p.m. at Dist. 50 Admin Bldg.	Sam D
Legacy Foundation	2 nd Tuesday of month, 5-6:30 p.m. at the College Hill Library	Herb A
Metro Mayors Caucus	2/22, 4/26, 6/28, 8/30, 10/25 & 12/20(?)	Ed Mo
Northwest Quadrant Study Management Committee	Haven't met in a number of months. Dave Downing received a call stating they were think of starting these meetings again, but has not received any meeting notifications or schedule of planned meetings.	Brent
JEFFCO Mayor/Commissioner/Manager	7:15 a.m.-8:45 a.m. @ Jeffco Admin Bldg. – Lookout Mtn Rm. on 2/2; 4/5; 6/7; 8/2; 10/14	Herb A
ADCO Mayor Executive Committee	3 rd Thursday of month @ 7:30 a.m., location varies per municipality	Ed Mo
Rocky Flats Coalition of Local Governments	1 st Thursday of every month from 8 – 11:30 a.m., location is rotated through the 7 local government participants.	Sam D
Transit Alliance	Meets quarterly, location varies around the metro Area. 2002 schedule has not be set yet.	Nancy
U.S. 36 MIS	As needed, will send notices.	
Organization	Meeting Time/Date/Place	
NLC – Community & Economic Development Steering Committee	Meeting schedule to be determined at the March NLC Conference in Washington, D.C.	Sam D
NLC – Community & Economic Development Policy Committee		Herb A
NLC Info Tech Committee	Two times a year	Butch
SOB – Sexual Orient. Business Comm.	Two times a year	Butch

City Boards/Commission	Meeting Time/Date/Place	
Board of Adjustment	3 rd Tuesday of the month @ 7:00 p.m. in Council Chambers	Butch F
Board of Building Code Appeals	Meets on an as needed basis, typically Wednesday evening.	Herb A
Election Commission	As needed basis in the GS Conf Rm.	Chris D
Environmental Advisory Board	3 rd Monday of every other month @ 5:30 p.m.	Butch F
Human Services Board	May – August, evening hours	Sam Di
Library Board	Meets every other month on the 2 nd Thursday @ 7:00 p.m. in the Bruchez Room	Tim Ka
Open Space Advisory Board	1 st Tuesday of the month (when items warrant), Council Boardroom	Nancy I
Planning Commission	2 nd & 4 th Tuesday of each month @ 7:00 p.m.	Herb A
Parks & Recreation Advisory Board	2 nd Thursday of each month (except December) @ 5:30 p.m. in the PRL Conf Rm.	Chris D
Personnel Board	Meets 2 times per year for legal updates and training of Board's choice and as needed for personnel hearings.	Tim Ka
Special Permit & License Board	1 st and 3 rd Wednesday of each month @ 7:00 p.m. in Council Chambers	Herb A
Transportation Commission	2 nd Wednesday of the month (except for July, August and December) @ 7:00 p.m. in CD Conf Rm. C	Nancy I
Youth Advisory Panel	1 st Tuesday of each month (except for December which is 12/14) @ 6:00 p.m. in the MPR	Butch F



Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: TABLED Quail Creek/Bull Canal Relocation Construction Contract and Services

Prepared By: Dan Blankenship, Senior Projects Coordinator

Summary Statement

- On May 14, 2001, Council authorized the City Manager to execute a professional services agreement for the preparation of plans and specifications for the relocation of Quail Creek and the Bull Canal in advance of the 136th Avenue interchange construction.
- On November 27, 2001, 17 bids were received and opened for the construction of the relocation project. The low bidder is Tarco, Inc. with a bid of \$1,545,574.70.
- The bid award was originally scheduled for the December 17, 2001 City Council meeting but was removed from the agenda due to the uncertainty of the existence of potential historic sites. An archeological investigation required by the State Historic Preservation Office found nothing of historic significance. The remaining permit issues are currently being resolved and the Corps of Engineers has verbally indicated that they will issue the permit.
- The proposed relocation of Quail Creek is the most cost effective means to convey the runoff flows from Huron Street to Big Dry Creek. The relocation also removes approximately three-quarters of the Mowery property south of 136th Avenue and east of Huron from the flood plain, which then opens the property for development.
- The proposed relocation of Quail Creek provides an open outlet for stormwater that has historically backed up into the Quail Crossing park and should alleviate the flooding nuisance that has occurred in the park and in the channel along the north side of 134th Avenue between the park and Huron Street.
- The relocation of the Bull Canal is consistent with the draft I-25 land use plan and will reduce the area that the canal occupies between Huron street and 136th Avenue.
- The relocation of the Bull Canal will require an exchange of land between the City and the Farmers Reservoir and Irrigation Company (FRICO) and an exchange between the Mowery's and FRICO. An intergovernmental agreement between the City and FRICO addressing the canal relocation and the property exchange is currently being drafted and will be presented to Council for approval in early 2002.
- The 136th Avenue interchange intergovernmental agreement requires Thornton to contribute \$315,000 to the relocation project upon completion of the project.

Expenditure Required: \$1,904,000 ~~\$1,829,000~~ (\$315,000 of which will be subsequently reimbursed by Thornton).

Source of Funds: 136th Avenue Interchange GCIP account (early appropriation of bond proceeds).

Recommended City Council Action

Remove this item from the TABLE and award the Quail Creek/Bull Canal Relocation project to Tarco, Inc., authorize the City Manager to execute an agreement with Felsburg Holt and Ullevig for engineering design support during construction and construction management services for the project, and authorize the expenditures up to \$1,904,000 ~~\$1,829,000~~ for the construction of the project including the services to be provided by Felsburg Holt & Ullevig and a construction contingency of \$166,232, subject to issuance of a 404 permit by the Corps of Engineers.

Policy Issues

1. Should the relocation of Quail Creek and Bull Canal proceed at this time?
2. Should the award be made with the condition that the contract not be signed until the Corps of Engineers has either issued the 404 permit? The Corps has verbally indicated that they would most likely issue the permit for the project on or about February 8, 2002.

Alternatives

1. Delay the relocation project. This is not recommended because the bids are extremely favorable. Furthermore, the relocation of the Bull Canal needs to occur in the winter months while there is no demand for irrigation water and an extended delay could create an adverse impact on the interchange project.
2. Do not proceed with the project. This is not recommended because the relocation of Quail Creek and the Bull Canal is required for the construction of the 136th Avenue interchange.

Background Information

On May 14, 2001, Council authorized the City Manager to execute a professional services agreement for the preparation of plans and specifications for the relocation of Quail Creek and the Bull Canal in advance of the 136th Avenue interchange construction. The relocation was originally part of the interchange project. However, during the environmental assessment process and preliminary design, it became evident that it would be in the best interests of the project to separate the creek and canal relocation and complete them prior to the start of construction of the interchange.

The relocation of Quail Creek is the most cost effective means to convey the runoff flows from Huron Street to Big Dry. The relocation also removes approximately three-quarters of the Mowery property south of 136th Avenue from the flood plain, which then opens the property for development. The relocation of Quail Creek will also provide a release for water that has historically backed up into the channel and pond north of 134th Avenue and west of Huron Street. This back up has resulted in many complaints from Quail Crossing subdivision residents. The relocation of the Bull Canal is consistent with the draft I-25 land use plan and will reduce the land area that the canal occupies between Huron and 136th Avenue.

THE RELOCATION OF THE BULL CANAL INCLUDES A CROSSING OF TWO EXISTING GAS TRANSMISSION MAINS THAT WILL NEED TO BE LOWERED IN ORDER TO ACCOMMODATE THE RELOCATION. THE 12-INCH AND 18-INCH GAS MAINS ARE LOCATED WITHIN A PRIVATE EASEMENT THEREFORE THE RELOCATION IS NOT SUBJECT TO THE CITY'S FRANCHISE AGREEMENT. EXCEL'S COST TO LOWER THE GAS MAINS IS \$75,000.

The PROPOSED relocation of the Bull Canal ALSO requires an exchange of land between the City and FRICO and the Mowery's and FRICO. When completed, the relocated Bull Canal will occupy less land than the existing canal and the new canal will not inhibit the development of either the City's property or the Mowery's property. An agreement with FRICO for the relocation is currently being developed and is scheduled to be presented to Council in early 2002. The agreement will address the exchange of land as well as how the canal is incorporated into the proposed development of the area.

On November 27, 2001, 17 bids were received and opened for the project. Tarco, Inc. is the confirmed low bidder with a total bid of \$1,545,574.70. The second low bid was submitted by Dynamic Development in the amount of \$1,583,968.68 and the engineer's estimate was \$2,645,108.10. A complete summary of the bids is attached.

Proposals for construction management and observation services were solicited and proposals were received from three consulting firms. Two firms were interviewed and the project designer, Felsburg Holt and Ullevig (FHU) is being recommended to provide these services. In addition to the construction management services, FHU submitted a proposal to provide engineering design support for construction and wetlands mitigation monitoring as required by the Corps of Engineers. The project includes two acres of wetland mitigation. The total fee for the construction management, engineering support and wetlands monitoring is \$117,192.94. A summary of the construction management proposals is attached.

The project was originally scheduled to be completed in the first half of 2002 so that the relocation of the Bull Canal could be completed in early spring prior to call for irrigation water in the canal. A 404 permit from the Corps of Engineers is required for the project because it impacts approximately 2 acres of wetlands, which are located along the current alignment of Quail Creek. The bid award was originally scheduled for the December 17, City Council meeting but was removed from the agenda due to comments received from the Corps of Engineers that the State Historic Society had concerns about potential historic sites in the project area. Since that time, an archeologist has performed a field investigation and prepared a report stating that nothing of historic significance was found. The Corps also received comments from the Environmental Protection Agency, which have subsequently been addressed. Based on the City's response, the Corps has verbally indicated that they should be in a position to issue a permit for the project in February. However, due to the delay in issuance of the permit, the completion date had to be moved back to December 2002 so that the construction will not interfere with the irrigation flows in the Bull Canal.

The total expenditure requested for the project is \$1,904,000 ~~\$1,829,000~~, which includes the construction, UTILITY RELOCATION, construction management, engineering support, wetlands monitoring and a ten percent (10%) contingency for any unforeseen conditions. Upon completion of the project, Thornton will pay \$315,000 to the City for the relocation as agreed upon in the 136th Avenue interchange construction intergovernmental agreement. Also, the excess excavated material from the relocation project will be stockpiled at the northwest quadrant of 136th and I-25. The material generated will almost completely meet the fill material needs for the construction of the west half of the interchange and will result in a savings to Westminster for the interchange project. Due to the change in the project completion date, Tarco has requested an increase in the contract amount of \$8,048 to cover their increased cost of labor and materials. The increase cost is approximately equal to one-half of one percent of the bid amount and with the increase Tarco's cost is still over \$30,000 less than the second bidder. It is recommended that the contract be executed for the bid amount and that the additional costs be added via a contract change order. The additional costs would be taken from the project contingency. The following is a summary of the requested expenditures.

Construction Contract	\$1,545,575
Construction Management	\$ 77,384
Engineering Services	\$ 39,809
Contingency	\$ 166,232
UTILITY RELOCATION	\$ 75,000
 Total	 \$1,904,000 \$1,829,000

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: TABLED Standley Lake Renovation Construction IGA and Owner's Representative Services Agreement

Prepared By: Dan Strietelmeier, Senior Water Resources Engineer

Summary Statement

- Staff anticipates that the construction bids for the Standley Lake Renovation Project will be advertised in February, contract and bid award will be presented to City Council in April, with a notice of award issued and construction beginning in May. The project is scheduled to be completed in 2004.
- The form of the attached Intergovernmental Agreement (IGA) was developed with the Cities of Northglenn and Thornton and will memorialize each City's commitment to both funding and completing the project.
- The IGA establishes a construction project management plan and commits the Cities to hire an Owner's Representative who will assist in contract administration and project management. The Owner's Representative will provide services through the completion of construction.
- The City of Northglenn received Council approval of the IGA and corresponding agreements on January 24 and the City of Thornton plans to request Council approval on February 12.
- A team of consultants led by Joe Cesare and Associates submitted the second lowest proposal for Owner's Representative services with a proposed cost of \$369,080. Each City will be responsible for one-third of the cost or \$123,027.
- The estimated construction cost for the renovation project, including contingencies, is \$35 million, with each City paying \$11.7 million or one-third share.

Expenditure Required: \$123,027

Source of Funds: Utility Fund Standley Lake Renovation Capital Improvement Project

Recommended City Council Action

Remove this item from the TABLE and authorize the Mayor to execute the Standley Lake Renovation Construction IGA with the cities of Northglenn and Thornton and the Farmers Reservoir and Irrigation Company (FRICO) and authorize the City Manager to execute an Agreement with the cities of Northglenn and Thornton and Joseph A. Cesare and Associates for Owners' Representative services for \$123,027, one third of the contract amount, and charge the expense to the Utility Fund Standley Lake Renovation Capital Project Account.

Policy Issue(s)

Should the City of Westminster enter into a cooperative agreement with the cities of Northglenn and Thornton prior to executing a contract for construction of the Standley Lake Renovation project? Should the City award the Owner's Representative contract to the lowest bidder without regard to the firm's experience, qualifications and recommendations from the Cities of Northglenn and Thornton?

Alternative(s)

City Council could choose to not enter into the construction IGA or continue negotiations and delay approval of the IGA until the construction contract is presented to City Council in April. The City could choose to award the Owner's Representative contract to one of the other bidders or not hire an Owner's Representative.

Background Information

The Standley Lake renovation project includes a new spillway, new outlet tunnels and additional berms along the downstream toe of the dam. An internationally known panel of experts hired by the Standley Lake Cities in the early 1990's recommended the project components. The design phase began in 1999 and was completed by a team of consultants led by CH2M Hill. Other members of the design team include GEI and Rocky Mountain Consultants. The design team will also be responsible for construction management duties for the project. Project enhancements have extended the construction period to approximately 27 months. CH2M Hill's proposal for construction management covered only 14 months and will be renegotiated and presented to the respective City Councils at a later date.

The proposed Construction IGA was developed from an IGA between the Cities and FRICO currently in place for the design. The project management committee established in the IGA is composed of representatives from the three Cities. FRICO, as owners of Standley Lake, will also sign the IGA but will not have a voting member on the project management committee. Also included in the IGA is a method for handling disputes among the Cities. All project issues such as change orders or payment approvals require a unanimous decision by the voting committee members. If an issue is disputed, it will be brought to each of the three Cities' management for consultation and will be settled by a majority vote after this consultation is completed.

A change order limit that could be approved by the committee was also established in the IGA. The limit is set at \$750,000 per individual change order, which is approximately 2% of the estimated project cost. The cumulative amount of project change orders may not exceed the contingency amounts budgeted by each city. The IGA was negotiated over a period of several months and is intended to provide a mechanism where the project can continue moving forward in spite of having three decision makers involved in the process. Once construction is underway, delays to the project could be very costly.

Due to the complexity of the project components and the fact that there are three owners, it was determined that a third party Owner's Representative firm would be needed to act as a liaison for the Cities and provide oversight for the design contract and construction contract. The Owner's Representative will represent the Cities at weekly construction meetings, provide coordination between the Cities, engineer and contractor, and make recommendations on items such as requests for payments and change orders.

The Cities developed a list of consulting firms to receive Request for Proposals (RFP's) for the Owner's Representative. Fourteen firms were chosen for the list based on their experience in dam construction projects, experience in working with the Cities, and direct experience on Standley Lake dam. Four proposals were submitted on October 22, 2001 and the proposing consultant teams were interviewed.

The four proposals and costs are:

<u>Consulting Firm(s)</u>	<u>Proposed Cost</u>
Hydro Civil Consultants	\$295,470
Joe Cesare and Associates	\$369,080
Owner's Representative Inc.	\$404,000
URS Corporation	\$450,060

After thorough review of the proposals, the Cities' staff are recommending the team led by Joe Cesare and Associates to perform the Owner's Representative duties. Also included on the team are Applegate Group, Inc and CTL/Thompson, Inc.

The Joe Cesare team offers excellent qualifications including good applicable experience in earthwork, dams, tunnel lining, and geotechnical work. With basically the same team, a similar project is nearing completion in the construction of Fortune Reservoir. The reservoir, owned by Consolidated Mutual Water Company, is located west of Standley Lake and will be ready to begin storing water this spring. The team offers an excellent organizational plan and resources that will be used to staff the project including the use of a professional engineer to track on site construction inspection.

Joe Cesare has previously managed projects this size in an owner's representative role. Mr. Cesare has been involved in Standley Renovation project before so he understands the state requirements and could provide an early indication if a change of conditions is encountered. Mr. Cesare will be the person involved with all change order negotiations, which staff from the Cities believes is an area where Mr. Cesare will be very beneficial. The Cesare team will provide applicable experience and resources that will benefit the three Cities and provide the best value to the Cities.

Current schedule and construction sequencing were used as the basis for the \$35 million project cost estimate and any delay from the May start up would likely result in increased cost. Westminster will issue bonds later this Spring to fund its portion of the project. The Construction IGA provides a sound framework for project management. With continued cooperation among the three Cities and assuming no delays in their approval process, the project can be constructed during the recommended time frame protecting the safety and structural integrity of Standley Lake Dam.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**STANDLEY LAKE DAM RENOVATION
INTERGOVERNMENTAL AGREEMENT**

This Standley Lake Dam Renovation Intergovernmental Agreement (Agreement) is made this _____ day of _____, 2002 among the City of Thornton (Thornton), a municipal corporation, the City of Westminster (Westminster), a municipal corporation, the City of Northglenn (Northglenn), a municipal corporation (collectively, the Cities), and the Farmers Reservoir and Irrigation Company (FRICO)(collectively, the Parties).

WITNESSETH

WHEREAS, FRICO owns and controls land, water decrees evidencing certain appropriations of water commonly known as water rights and certain facilities used for the diversion, storage and distribution of certain waters located in the Clear Creek Drainage Basin and included among those facilities and water rights are those referred to as Standley Lake Reservoir; and

WHEREAS, the Cities intend to enter into an Agreement (the Construction Contract) to Furnish Construction Services for Improvements to Standley Lake Dam (the Project); and

WHEREAS, the Cities intend to enter into an agreement with a consultant for Owners' Representative Services (ORS Agreement); and

WHEREAS, the Construction Contract and the ORS Agreement describe certain rights and duties of the Cities; and

WHEREAS, CH2M Hill (the Design Engineer) has been previously engaged to perform design and construction management services for the Project; and

WHEREAS, it is appropriate and necessary to set forth in a separate Intergovernmental Agreement these rights and duties in greater detail and mechanisms for exerting such rights and duties; and

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution, as well as Sections 29-1-201, et seq., and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit.

Deleted: ¶

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. Project Management Committee. Following execution of this Agreement, the Parties shall establish a project management committee (Committee) which shall represent the Parties with regard to the Construction Contract and ORS Agreement. Each entity shall appoint one person and one alternate to represent the entity. The Committee shall communicate and meet as necessary to fulfill its duties.
 - a. Voting. Action by the Committee shall require a unanimous vote except as set forth in Paragraph 4. Each Committee member is required to vote on all issues that require a vote. Except as otherwise provided herein, the FRICO representative may provide input for the Committee's consideration, but shall not have the power to vote.
 - b. Construction Contract and ORS Agreement. The Committee shall solicit construction bids for the Project. In the event the construction bids received for the Project contain irregularities or materially exceed the amount budgeted by each City for the Project the Committee shall meet to determine the appropriate course of action to take. The Committee shall vote and act upon one of the

following courses of action within no more than 30 days after the opening of the bid:

- (1). Request an additional appropriation
- (2). Reduce the scope of the Project
- (3). Revise and re-bid the Project
- (4). Develop a workable phasing plan for the project to meet budgetary constraints
- (5). Decide to abandon the Project under this Agreement. In the event this course of action is decided each Party shall be responsible for one third of the costs accrued to the date of abandonment in connection with the Project.

Upon the Cities acceptance or modification of the bid on the basis of any of the above courses of action the Cities shall develop a Construction Contract and shall promptly submit such Construction Contract including any other agreements contemplated by this Agreement for approval including any subsequent reduction or revision to the Project scope as required by each City's policies.

- c. In no event will a notice to proceed with the construction of the Project commence until all Cities have approved the Construction Contract and have adequate funds appropriated under their City policies to cover the costs associated with the Project.
- d. Contractor Change Order Requests. The ORS Consultant and Design Engineer shall evaluate and submit the Contractor's change order requests to the Committee with recommendations for action to be taken. The voting members of the Committee shall meet or otherwise make arrangements to vote for or against the change order requests and recommendations within ten business days of receipt by the Committee. The voting members shall vote on change order requests less than Seven Hundred Fifty Thousand Dollars (\$750,000) unless approval of such change order request would exceed the budgeted appropriation including contingency allocated to the Construction Contract. In the event the Committee receives change order requests that are equal to or exceed Seven Hundred Fifty Thousand dollars (\$750,000) or approval of any change order request would exceed the budgeted appropriation including contingency allocated to the Construction Contract then within 10 business days the Committee shall vote to
 - (1). Submit the change order request for approval and additional budget appropriation, as necessary, in accordance with each Cities policies and procedures; or
 - (2). Reduce or revise the scope of the work proposed in the change order request and negotiate with the contractor for a reduced price; or
 - (3). Reject the change order under the terms of the Construction Contract.

In the event there is not unanimous consent among the Committee regarding a change order request or if an appropriation was not approved pursuant to Paragraph 1(d) the issue shall be resolved as outlined in paragraph 4 below.

2. Project Completion. The Parties agree and acknowledge that time is of the essence and it is essential to each Party that all critical components of the Project be completed in a diligent and timely manner.

3. Escrow Agreement.

Payments under the Construction Contract and ORS Agreement and any other agreements contemplated by this Agreement or the Project shall be shared equally among the Cities. The Project payments will be made from escrow accounts established in accordance with the terms of an Escrow Agreement made between the Cities and an agreed upon Escrow Agent. The Cities shall establish separate escrow accounts with the Escrow Agent. The Cities shall share equally in the costs of maintaining the Escrow Accounts.

Each City shall timely deposit escrow funds sufficient to pay its portion of the monthly Project invoices. Funds may be drawn from the Escrow Accounts by the Escrow Agent only upon the approval of the Committee.

4. Dispute Resolution.

In the event the Committee is unable to reach a unanimous decision the Committee shall set a date of no more than three business days from the date of an impasse to reconvene and rehear the issue. If at the second meeting the Committee remains divided the Committee members shall vote and the decision of the majority shall be deemed to be the decision.

The Project shall proceed in accordance with the actions authorized by said majority decision at the majority's initial cost, provided that it is understood by the Parties that the majority decision does not concede that by its majority decision the majority members are solely responsible for the costs associated therewith and further provided that each City reserves its rights without prejudice to any claims that it may have against the other Cities in connection with a majority decision. Each City hereto shall be responsible for any and all of its own costs and fees for any suits, demands, costs or actions at law resulting from or arising out of this Agreement.

5. Four-Way Agreement. On June 27, 1979 the parties to this Agreement entered into an agreement commonly referred to as the Four-Way Agreement. Nothing in this Agreement shall eliminate or restrict the rights and obligations of the Parties as set forth in the Four-Way Agreement except as specifically provided below:

(a) The Parties hereto agree that upon successful completion of an operational new outlet works as contemplated in Article 1 of the Construction Contract, the Parties shall amend the Four Way Agreement dated June 27, 1979 to delete Paragraphs 8 and 17.g in their entirety.

6. Charter Compliance. The Cities intend this Agreement to be made in compliance with the charters of each respective City.

7. Term of Agreement. This Agreement shall continue in full force and effect until terminated by all the Parties provided, however, that each City's commitment to appropriate funds beyond the first fiscal year of this Agreement is subject to existing Colorado Constitutional provisions.

8. Governmental Immunity. The Parties hereto understand and agree that the Cities and their respective officers and its employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations (currently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended.

9. Insurance. The Cities and FRICO shall each be named as an additional insured on all insurance certificates provided by the Contractor. The Cities agree that the terms and provisions of the Construction Contract shall provide that FRICO shall be an additional insured of all general liability or other insurance to be obtained or maintained by any contractor and subcontractor employed as a result of this agreement. The general liability coverage, in aggregate with the Cities as named additional insureds of all such insurance provided by any contractor or subcontractor shall be equal to the insurance coverages required by the Construction Contract.
10. Assignment. This Agreement shall not be assigned without the prior written consent of all Parties.
11. Notices. Any notice to the Parties which is required or permitted by this Agreement shall be in writing, and shall be deposited in the United States mail, postage prepaid, addressed as follows:

Thornton City Manager
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229

Northglenn City Manager
City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233

Westminster City Manager
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

FRICO
80 South 27th Avenue
Brighton, CO 80601

12. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the Parties and their respective successors and assigns.

In Witness Whereof the Parties hereto have executed this Agreement to be effective as of the date first above written.

CITY OF THORNTON

Jack Ethredge, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

Thornton City Attorney

CITY OF WESTMINSTER

Ed Moss, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Westminster Assistant City Attorney

CITY OF NORTHGLENN

Kathleen M. Novak, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Northglenn City Attorney

FARMERS RESERVOIR AND IRRIGATION COMPANY

Pete Roskop, President

ATTEST:

Mary E. Hanssen, Secretary

STATE OF COLORADO)
)ss.
COUNTY OF ADAMS)

The foregoing Standley Lake Dam Renovation Intergovernmental Agreement was subscribed and sworn to before me this _____ day of _____, 2008, by Pete Roskop as President and by Mary Hanssen as Secretary of the Farmers Reservoir and Irrigation Company, Inc.

WITNESS my hand and official seal.

My commission expires: _____.

NOTARY PUBLIC _____



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Public Hearing and Action on Northridge at Park Centre First Amended PDP

Prepared By: Michele McLoughlin, Planner II

Summary Statement

- The proposed amendment would add an additional use, “post secondary vocational/technical educational institute offering graduate and post-graduate degrees and excluding any truck or heavy equipment related training,” to the allowable uses for Lots 9, 10, 11, 12, and 13 only on the Preliminary Development Plan (PDP) for Northridge at Park Centre.
- The original Preliminary Development Plan for Northridge at Park Centre was approved in October of 2000 and allowed for office/business park uses, containing a variety of employment-generating uses including office, research and development, light industrial, flex tech, warehousing and business related hotels.
- Northridge at Park Centre is located at the northwest corner of West 121st Avenue and North Pecos Street and encompasses approximately 106 acres.

Expenditure Required: \$0

Source of Funds: Not applicable

Recommended City Council Action

1. Hold a public hearing
2. Approve the First Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development. This recommendation is based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

Planning Commission Recommendation

Planning Commission unanimously recommended approval to City Council of the 1st Amended Preliminary Development Plan for Northridge at Park Centre to add an additional use, “post secondary vocational/technical educational institute offering graduate and post-graduate degrees and excluding any truck or heavy equipment related training,” to the allowable uses for Lots 9, 10, 11, 12, and 13 only.

Policy Issue(s)

The policy issue is whether or not to approve the First Amended Preliminary Development Plan to add the “post secondary vocational/technical educational institute offering graduate and post-graduate degrees and excluding any truck or heavy equipment related training” land use to the list of allowable uses. Staff believes that a vocational/technical school is a good use within a business park environment and would be an asset to the other businesses within Northridge at Park Centre..

Alternative(s)

Deny the First Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development. Denial of this use would not allow for business or technical schools in the Northridge PDP.

Background Information

Applicant/Property Owner

Imprimis Corp.
73-020 El Paseo, Suite 4
Palm Desert, CA 92260
Contact: Marcus Gualter

Surrounding Land Use and Comprehensive Land Use Plan Designations

The existing surrounding land uses are:

- North: Vacant and private school
- South: Office-Warehouse and vacant
- East and West: Vacant

The designated uses per the Westminster Comprehensive Land Use Plan are as follows:

- North: Public/Quasi-Public, Flood Corridor, Public Open Space, and Public Park
- South, West and East: Business Park

Site Plan Information

Access to the Northridge at Park Centre development is currently from 121st and 122nd Avenues via either Tejon or Pecos Street. Once the connection from 122nd Avenue to the Federal Boulevard extension is completed in the future, it will be a major entryway into this development. The Northridge development slopes fairly extensively to the west and northwest towards Big Dry Creek. There is an area that runs along the west of Lots 1 through 4 that is a drainage easement called the “Northridge Reserve.” This area contains wetlands that will be maintained in their natural state and the developer will also be installing an 8-foot wide trail that will connect Northridge to the City Open Space to the north. The Preliminary Development Plan also sets up specific architectural and site planning criteria for the development of each lot within Northridge.

Traffic and Transportation

The land use proposed for the First Amended Northridge at Park Centre Preliminary Development Plan is forecasted to generate 1,694 fewer trips than the original Preliminary Development Plan (1,332 trips vs. 3,026 trips). The street layout and geometry at all intersections will remain the same. The Institute of Transportation Engineers (ITE) trip generation rates were used to forecast the number of vehicle trips.

Referral Agency Responses

No referrals were sent for this proposed land use change.

Public Comments

A neighborhood meeting was held on January 3, 2002. Concerns at the meeting included the type of on-site lighting that would be proposed, the 100-foot height limitation for Lots 11, 12, and 13, and potential damage from run-off to the northwest of Lot 11. The developer explained what was being done to solve the run-off issue and indicated that the lighting would be low-level downcast lighting similar to what had been installed on the Voyant Technologies site. He also included a graphic presentation to represent to the Home Farm homeowners approximately how much mass a single-story, 4-story, or 6-story building would encompass from their views. After the presentation no further concerns were voiced.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Resolution No. 7 re Project Applications for the 2003-2008 Denver Regional Council of Governments' Transportation Improvements Program

Prepared By: Michael Normandin, Transportation Engineer

Summary Statement

- City Council is requested to authorize Staff to submit project applications to the Denver Regional Council of Governments (DRCOG) for the 2003-2008 Transportation Improvement Program (TIP). Project submittals are due on Monday, February 25, 2002.
- The projects selected for inclusion in the TIP will be funded in part with Federal funds provided through the Transportation Equity Act for the 21st Century (TEA-21). The minimum local match for most projects utilizing TEA-21 funds has been set at 20%. The only exception pertains to projects funded within the "Enhancement" funding category (i.e. bicycle, pedestrian and trail projects). A Federal funding maximum of \$600,000 has been assigned to "Enhancement" projects.
- Staff recommends that project applications for intersection improvements be submitted for 80th Avenue and Federal Boulevard, 72nd Avenue and Sheridan Boulevard, and 100th Avenue and Wadsworth Parkway; and for trail projects at the Big Dry Creek crossing of Old Wadsworth Boulevard and the Walnut Creek crossing of the Burlington Northern/Santa Fe Railroad and Old Wadsworth Boulevard. The intersection improvement projects recommended by City Staff are located on pre-selected arterial street segments identified by DRCOG. In Westminster, the arterial segments include Wadsworth Parkway, 120th Avenue, portions of Sheridan Boulevard and portions of Federal Boulevard.
- Funding for the design for the projects would be requested in 2004 or 2005 with construction funding to follow in 2005 or 2006. This would provide adequate time to budget the local match should any of these projects be selected. The DRCOG Board is scheduled to approve the 2003-2008 TIP in mid-June 2002.
- Project application submittal is contingent upon the Colorado Department of Transportation (CDOT) and Adams County (ADCO) participating in the local match at locations where they have jurisdictional responsibilities. Jefferson County does not have any jurisdictional responsibility at any of these intersections.

Expenditure Required: Dependent upon allocation of funds to specific projects

Source of Funds: General Capital Improvement Fund

Recommended City Council Action

Adopt Resolution No. 7 authorizing the City to apply for 2003-2008 DRCOG Transportation Improvements Program funding for various intersection and trail improvements.

Policy Issue(s)

Should the City submit applications for intersection and trail improvements to DRCOG for 2003-2008 TIP funding? In the unlikely event that every one of the City's project applications are accepted for funding under the Transportation Improvement Program and all of the potential project co-sponsors elect to participate in the proposed projects, the potential cost to the City over the next six years could approach \$4 million. However, the City could withdraw from any or all of these projects at a later date with no penalty if local funding is not available during the years in which the projects are scheduled.

Alternative(s)

1. Council could choose not to submit project applications to DRCOG for 2003-2008 TIP funding. The next opportunity will be in two years when DRCOG develops the 2005-2110 TIP.
2. Council could choose to submit a portion of the projects that Staff has recommended.

Background Information

DRCOG is currently soliciting project recommendations for the 2003-2008 TIP. City Staff has prepared a list of recommendations, which are as follows:

- **80th Avenue and Federal Boulevard Intersection Improvements** – Construct double left turn lanes and pedestrian facilities. Adams County and CDOT are potential project co-sponsors. There is currently significant traffic congestion at this intersection as a result of only having single left turn lanes.
- **72nd Avenue and Sheridan Boulevard Intersection Improvements** – Construct the second through lane for the eastbound approach and add additional left turn lanes. CDOT is the potential project co-sponsor. The current traffic exceeds the capacity of the single left-turn lanes. Also, with the opening of 72nd Avenue west through Arvada, significant additional traffic will be attracted to this intersection.
- **100th Avenue and Wadsworth Parkway Intersection Improvements** – Construct additional left turn lanes. CDOT is the potential project co-sponsor. Construction of the proposed improvements will alleviate the congestion experienced by the eastbound and southbound left turning vehicles.
- **Big Dry Creek Trail at Old Wadsworth Boulevard** – Construct a pedestrian underpass. Completion of this underpass would allow trail users to travel from Standley Lake to 128th Avenue, along the Big Dry Creek Trail without crossing any roadways at grade.
- **Walnut Creek at Burlington Northern/Santa Fe Railroad** – Construct a tunnel through this raised portion of the BNSF right-of-way. The tunnel that Old Wadsworth Boulevard passes through is too narrow for safe vehicle travel, thereby making a trail passage impossible. The completion of this project will allow the Walnut Creek Trail to extend west from its terminus at the eastern edge of the Old Wadsworth Boulevard right-of-way.
- **Walnut Creek at Old Wadsworth Boulevard** – Construct an underpass beneath Old Wadsworth Boulevard along the Walnut Creek Trail. Completion of this underpass will allow trail users to travel from the junction of the Walnut and Big Dry Creek Trail to Wadsworth Parkway.

Detailed cost estimates for the projects outlined above are currently being prepared and are scheduled to be completed no later than February 15, 2002.

The DRCOG 2003-2008 TIP preparation schedule is as follows:

TIP Project submittals	February 25, 2002
Completion of Draft TIP	April 2002
Public Hearing (DRCOG Board Meeting)	May 15, 2002
TIP approval by DRCOG Board	June 19, 2002
Governor Scheduled to approve 2003-2008 TIP	Late June 2002
US DOT and EPA approval	July 2002

Staff will apprise City Council of any substantial developments that occur during the development of the 2003-2008 TIP.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **7**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

PROJECT APPLICATIONS FOR THE DENVER REGIONAL COUNCIL OF GOVERNMENTS' 2003-2008 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Denver Regional Council of Governments (DRCOG) is soliciting project applications for the 2003-2008 Transportation Improvement Program (TIP); and

WHEREAS, the City of Westminster recognizes the DRCOG TIP process as an opportunity to obtain Federal funding for multi-modal transportation improvements; and

WHEREAS, the City of Westminster will request funding for fiscal years 2004-2006; and

WHEREAS, the submittal of projects is contingent upon Adams County and the Colorado Department of Transportation participating in the local match at locations where they have jurisdictional responsibility.

NOW, THEREFORE, the Westminster City Council hereby resolves that City Staff submit project applications to the DRCOG for 2003-2008 Transportation Improvement Program funding for multi-modal transportation improvements.

Passed and adopted this 11th day of February, 2002

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2002

SUBJECT: Resolution No. 8 re Prairie Dog Management on City Property

Prepared By: Alan P. Miller, Special Projects Director

Summary Statement

- City Council action is requested to consider adopting the attached Resolution No. 8 establishing the policy basis for Prairie Dog Management on City owned property.
- Also attached for City Council information is a draft Prairie Dog Manual that is intended to provide the administrative details to implement Resolution No. 8, if adopted.
- The Resolution basically calls for utilizing volunteers and non-profit groups to relocate prairie dogs located on City owned land prior to that land being developed as the first and preferred alternative.
- The Resolution applies only to City owned land and does not apply to any other properties.
- The Resolution is intended to provide for a balanced approach to prairie dog management where other wildlife is also considered including enhancing predator habitat on Open Space and looking at other alternatives to prairie dog relocation if conditions or circumstances warrant.
- This Resolution is not intended to require the use of a for-profit private contractor to relocate prairie dogs because of the high cost involved.

Expenditure Required: Estimated at about \$2,000-\$5,000 annually

Source of Funds: General Fund, General Capital Improvement Fund, Utility Fund or Open Space Fund depending on the project that causes the need for relocation.

Recommended City Council Action

Adopt Resolution No. 8 establishing a City-wide Prairie Dog Management Policy

Policy Issue(s)

- Does the City Council wish to establish a City-wide Prairie Dog Management Policy?
- Does the City Council wish to regulate prairie dogs on property not owned by the City?
- Does the City Council have another preferred first alternative to prairie dog management other than relocation when City-owned land with prairie dog colonies is about to be developed?

Alternative(s)

Do not adopt the proposed resolution.
Ask staff to revise the resolutions per City Council direction.

Background Information

City Staff, from a cross section of depts., has been working intermittently (in amongst many other projects) for the past many months on a proposed prairie dog policy resolution and associated prairie dog manual. A great deal of time has been spent by the Dept. of PR&L researching the subject and talking to a variety of people involved in the issue. Part of the research included a prairie dog census, gathering articles, talking with regulatory agencies and talking with other Cities that are addressing this same issue.

The result of this research is the proposed Resolution No. 8 and the attached Prairie Dog Manual. Staff concluded that with the variety of public opinions surrounding prairie dog management, a City-wide policy is appropriate and needed. The Parks Division has had a history of relocating prairie dogs prior to park development using non-profit and volunteer organization. This seemed to be a very good, fiscally sound, basis for addressing the City-wide issue of prairie dog colonies impacted by City development. At the same time Staff also recommends that the City not become involved in trying to regulate or manage prairie dogs located on property not owned by the City. Prairie dogs are “creatures of the state” and fall under state regulatory authority, it does not seem to make sense for the City to enter a regulatory arena already filled by others.

Generally Staff tried to strike a fiscally sound and environmentally sound balance to prairie dog management. The first alternative is to relocate prairie dog colonies that will be adversely impacted by City development. This approach is also predicated on using volunteer and non-profit organizations in order to keep costs reasonable. Using volunteers and non-profit groups keeps the relocation cost around \$30 per prairie dog. If that cost is deemed too high, and other alternatives identified in the Prairie Dog Manual are not feasible, then exterminations at \$2-\$3 per prairie dog hole would be the final alternative. Along with use of volunteer organizations, the other reason that prairie dog relocation is fiscally feasible for the City is that there is City Open Space primarily on the west edge of the city where prairie dogs can be relocated without environmental damage. These areas are also away from residential developments.

The policy also provides for looking for other alternatives to relocation if; it is not fiscally reasonable, not environmentally sound, not timely or if there is a health risk. Staff thinks these conditions provide the City with the flexibility to address a variety of circumstances and situations as they occur.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment(s)

RESOLUTION

RESOLUTION NO. 8

INTRODUCED BY COUNCILLOR

SERIES OF 2002

WHEREAS, the City of Westminster has an estimated prairie dog population of approximately 2300 to 3000 animals on City owned land; and

WHEREAS, the City has a long time practice and history of being environmentally sensitive; and

WHEREAS, the City is interested in achieving an appropriate realistic balance between the demands for developing parks and other infrastructure, maintaining open space and retaining wildlife populations within the City; and

WHEREAS, the City Parks Division has had a long time practice of relocating prairie dog coterries from areas about to be developed into park areas; and

WHEREAS, there is considerable public interest in prairie dogs in the City and how they are managed.

NOW, THEREFORE, be it resolved that:

1. The City's Department of Parks Recreation and Libraries, through its Director, will be responsible for coordinating prairie dog management throughout the City on City owned property.
2. The City will work toward allowing and where practical creating a balanced wildlife environment on City Open Space property where wildlife habitat is preserved and enhanced for predator and prey alike.
3. The City will encourage the appropriate state and federal agencies to create healthy sustainable prairie dog populations on suitable state and/or federally owned land.
4. The City will always look first at relocation of prairie dog colonies, located on City owned land, prior to that land being developed where the prairie dog colonies would be adversely impacted by the development.
5. The City will consider other alternatives to prairie dog relocation if relocation is 1) not fiscally reasonable, 2) not environmentally sound, 3) not timely achievable, or 4) if it poses a health risk.
6. The City's intent regarding selection of a prairie dog relocation site will be to use sites away from residential housing such as at Standley Lake, Woman Creek Reservoir or other Open Space lands on the western edge of the City.
7. The City will, under the management of the Department of Parks Recreation and Libraries, develop and implement a detailed comprehensive City-wide Prairie Dog Management plan consistent with this resolution.
8. The City will not regulate or try to manage prairie dogs located on property not owned by the City. Property owners are responsible for managing prairie dogs on their property according to applicable state and federal laws and policies.

PASSED AND ADOPTED this 11th day of February, 2002.

ATTEST:

Mayor

City Clerk

DRAFT COPY



WESTMINSTER

DRAFT Prairie Dog Manual
2001

**A guide for the management of prairie dog populations on
City-owned properties**

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 - b. Climate**
 - c. Hydrology**
 - d. Soils**
 - e. Vegetation**
 - f. Wildlife**

Appendix

Executive Summary

Staff from the Department of Parks, Recreation and Libraries, Community Development, Public Works, Animal Control, City Manager's Office, and the City Attorney's Office determined that in light of the numerous news reports and recent publicity that other cities are encountering, plus numerous phone calls regarding prairie dog issues, it is important to have prairie dog guidelines in place.

In June of 2000, Staff held a Prairie Dog Task Force meeting in response to citizen complaints at prior City Council meetings. The focus of the task force was to determine if the City of Westminster should take action regarding the subject of prairie dogs. Staff worked with public representatives at the first meeting to determine direction and action. Staff considered the practicality of creating a City of Westminster Policy Manual on Prairie Dogs for both private and City-owned properties.

The task force has determined that guidelines should be developed for City-owned properties only. These guidelines will define internal priorities to relocate black-tailed prairie dogs (BTPDs) from City-owned land to other City-owned properties. Relocation, as long as sanctioned by the Division of Wildlife, will be performed by reputable relocation companies and will follow all the required guidelines at the time of relocation. Extermination is determined as an acceptable action only to prevent human health hazard or when other feasible procedures in this manual have been deemed inappropriate for the project. Some City-owned properties exist as suitable prairie dog habitat and can in most cases handle relocation from other City-owned properties, which have been deemed suitable by the Division of Wildlife. Staff must consider all available prairie dog habitat and practice good land management in order to avoid over-population of existing suitable relocation sites. It is not feasible to allow private landholders to relocate prairie dogs onto City property because the available suitable habitats (relocation sites) simply cannot accommodate the potential volume of prairie dogs generated by privately held properties. Nor is it advisable, from a standpoint of resource management, that the City accept the long term implications of managing all the prairie dog populations within City boundaries. (Exception: If a developer needs to relocate prairie dogs from dedicated park land, the City would accept the relocated prairie dogs (at the developer's expense) at one of the approved relocation sites, if possible.)

The task force also researched, and determined that imposing restrictions on private landowners at this time would be a duplication of efforts, since the Division of Wildlife is currently working on three specific actions to manage prairie dogs on privately held properties (see Appendix E for additional Division of Wildlife and U.S. Fish and Wildlife material). The specific actions proposed are as follows:

- Removing the Black Tailed Prairie Dog from the Open Season designation that has historically been placed on the BTPD as of September 2001
- Initiating a permitting system for the poisoning/extermination of BTPD to control incidental casualties of other wildlife sharing the same ecosystem
- Clarification of the Division's policy regarding relocation of BTPDs inter/intra county

The proposed Prairie Dog Policy Manual will ensure that the City of Westminster is following an adopted plan to support and preserve the ecosystem for all wildlife in Westminster's open space, parks, and other City-owned properties.

The task force used the City of Boulder and Boulder County's Plan, as well as the City of Ft. Collins' Plan, as a guide to develop Westminster's policy plan. Staff believes that the need to develop methods to control the prairie dog population on City-owned property is an important step for the community and the City. It is estimated that approximately 500 prairie dogs will be relocated due to park development in the next five years. Approximately 50-100 acres are needed for relocation efforts to be successful. Other colonies may be impacted by development projects initiated by other City departments, such as Community Development and Public Works and Utilities. The task force has proposed ways to manage prairie dogs in the manual, such as visual barrier fencing, raptor bird nests, educational signage, and relocation efforts, with extermination as a last resort.

In the past, the handling of prairie dog management by the City was inconsistent between departments, rather than what was in the best interest of the ecosystem and other City priorities. This document is intended to provide guidelines for prairie dog management based on ecological and long-term impacts of BTPD populations. When a City development project impacts a prairie dog population, the department in charge of the project will be responsible for the management technique for that colony.

The City of Westminster Policy Manual on prairie dogs has taken input from Staff, the Division of Wildlife, Open Space Board, and the Parks and Recreation Advisory Board to draft the plan.

Introduction

This Prairie Dog Policy Manual for City properties serves the purpose of fulfilling an adopted plan and guideline to follow in dealing with lands that currently have Black Tailed Prairie Dogs (BTPDs) on-site, or sites that are described as potential relocation areas. The management of the Black Tailed Prairie Dog (*Cynomys ludovicianus*) will become vital if the City wants to maintain healthy populations that can coexist with other plant, animal, and human species. Although this document is solely focused on prairie dogs, it has taken into account the diverse ecosystem that encompasses the prairie dog colonies. This document does not proceed to develop regulations for private properties, but merely serves as a management guideline for City property, mainly focusing on Park and Open Space lands. (Exception: If a developer needs to relocate prairie dogs from dedicated park land, the City would accept the relocated prairie dogs (at the developer's expense) at one of the approved relocation sites, if possible.)

The Black-Tailed Prairie Dog (BTPD) stands approximately twelve inches tall. It is a member of the squirrel family, and is one of the most controversial members of that genre. The Black-Tailed Prairie Dog lives in a coterie averaging 15 animals, which includes a male, up to four adult females, and yearlings in a common territory. Each coterie inhabits approximately one acre. Breeding females have one litter of 3-5 pups per year, and the overwhelming majority of those pups will not live six months.

The City of Westminster over the last few years has practiced the philosophy to preserve, manage, and relocate prairie dog colonies on City property as needed, with extermination as the last option. This Prairie Dog Policy Manual for City Properties is the result of City Council wanting this philosophy written and formally adopted.

Prairie Dog Administration

The task force has identified some open space areas to be used as prairie dog relocation sites. These sites include Standley Lake Park, Woman's Creek Open Space, and Colorado Hills Open Space in Jefferson County. The City is currently investigating viable relocation sites in Adams County. The City limits and the study areas' historic land use patterns and the surrounding urban sprawl are very closely tied to the natural resource of the City and these sites, as well as the interests of the dominant political groups and surrounding neighborhoods.

Land Use

Today, Standley Lake Recreation Area is used for camping, boating, and day use recreation. The park consists of a series of natural trails, which support low impact recreation. Equine use is high, combined with bicyclists, walkers, joggers, and picnickers. Fishermen commonly use it as well, for the lake is stocked by the Division of Wildlife on a regular basis. The homes in this area are generally newer and typically remain single family, and are located to the east, south, and north of the lake. Standley Lake is the water source for Westminster, Thornton, and Northglenn, as well as irrigation water for farmland east of the Denver Metro Area. Standley Lake Park has recently been conveyed to the City of Westminster Park Services Division and will remain a low use, natural open space park area.

The 425-acre Woman Creek Authority property is located between Alkire and Indiana Streets, west of Standley Lake and is owned by the Cities of Northglenn, Westminster, and Thornton. Through an intergovernmental agreement, the City of Westminster Department of Parks, Recreation and Libraries maintains the property as a wildlife habitat with limited public access through a trail connecting from the Colorado Hills Open Space.

The 420-acre Colorado Hills Open Space is currently being leased for cattle grazing, and exists as suitable Black-tailed Prairie Dog habitat authorized by the Division of Wildlife. This area includes a trail from Simms Street to Mower Reservoir, as well as the City's only off-leash dog park. The Division of Wildlife has determined that the cattle grazing area and 20 acre dog park uses are compatible with prairie dog populations.

Municipal Code

The City of Westminster's Municipal Code includes ordinances outlining City functions and procedures, including Animal Control responsibilities, land use procedures, open space acquisition and management, and development procedures. The subject of prairie dogs is not a part of the Municipal Code.

Animal Control

Currently, the City of Westminster animal control ordinances do not apply to prairie dogs per Westminster Municipal Code, Police Regulations (Appendix A). The Black Tailed Prairie Dog is considered a rodent by U.S. Fish and Wildlife, and considered wildlife by the Colorado Division of Wildlife. All calls regarding prairie dogs on private lands shall be directed to the private landowner, the Division of Wildlife, or for health and safety concerns, the appropriate county Department of Health.

City Land Use Code

The City of Westminster Planning Division in the Department of Community Development has no restrictions at the time of this policy manual adoption on private development and prairie dog regulations. The City is deferring to the Division of Wildlife on this issue. At the time of this adoption, the Division of Wildlife is investigating ways to restrict development with regard to prairie dog populations, such as implementation of an incentive program for private landowners to retain Black Tail Prairie Dogs (BTPDs) on their properties, with Great Outdoors Colorado as a funding source.

When developing Preliminary Development Plans (PDPs), the Planning Division gives potential developers a series of checklists. This includes the “location of environmentally significant features including floodplains (FEMA and FHAD), drainageways, ponds, wetlands, specimen trees/unique or dense vegetation, sources of noise and fumes (when present), endangered species, and irrigation channels.” At the time of this adopted manual, this does not include the Black Tailed Prairie Dog, nor does it include any other species not listed as an endangered species.

As part of the City’s land development process, potential developers are required to prepare Preliminary and Official Development Plans. Included in these plans are the “location and dimensions of existing environmentally significant features, such as drainageways, wetlands, endangered species, floodplains (FEMA and FHAD), sources of noise and fumes, specimen trees/unique or dense vegetation, and ponds.” Some of the abovementioned items are subject to regulation by other agencies, and are enforced by the enacting agencies. At the time of this adopted manual, this does not include the Black Tailed Prairie Dog, nor does it include any other species which is not listed as an endangered species. (Appendix B)

If the Black Tailed Prairie Dog is added to the endangered species list in the future, then they will be covered by the above conditions for development plans.

Currently, citizens call the City when sites are about to be developed to voice concerns about the treatment of the prairie dog. In this instance, City Staff will provide the citizen the developer’s name, and if pursued further, with the names of licensed prairie dog relocation companies. The citizen then can talk to the developer to see if they would be willing to relocate the prairie dogs.

Public Health and Sanitation

Some questions arise about the threat of plague from prairie dog colonies. Health concerns are under the jurisdiction of the county health department. Jefferson County policy is to post each prairie dog colony with a sign stating, “Potential Plague Site.” If the site is confirmed as plagued, Jefferson County dusts the empty colony. Jefferson County does not have a formal management policy for prairie dogs. Adams County periodically monitors sites for plague, and takes appropriate action as needed. If plague is suspected, the appropriate health department should be contacted.

Parks and Recreation

The Park Services Division has no restrictions specifically regarding the Black Tailed Prairie Dog at this time. Parks and recreational facilities within the City have rules and regulations that must be followed at all times per the Parks and Recreation section of the City’s Municipal Code (see Appendix C).

Open Space

Current City Code states the Open Space policy and criteria. Open Space is purchased for protection and preservation. This includes wildlife, but an area is not purchased for the salvation of a BTPD colony. See Municipal Code, Parks and Recreation (Appendix C) for pertinent ordinances pertaining to the management and acquisition of open space property

Prairie Dog Policies

Open Space

Remnant Prairie Dog colonies are widely evident on City of Westminster Open Space lands, specifically the Big Dry Creek corridor, as well as all of the front range and beyond. The encroachment of construction and the disturbance of native and wild lands have caused a decline in the prairie dog ecosystems that were once abundant. The development of lands and the decline in colonies has in effect changed the quality of the prairie dog populations. Many are found today on disconnected areas that are surrounded by growth. The population counts have remained high on smaller areas of land and are often adjacent to heavily populated areas. The result is overpopulation and over utilization of available habitat by the prairie dog.

The crowding of the prairie dog populations, and the hunt for food and burrowing space, have created a conflict with surrounding land users. Prairie dogs naturally look for ways to spread out and are going onto adjacent lands. This is causing a heated debate with citizens of Westminster.

It is the intention of the Westminster Open Space program to purchase a total of 15% of land within the City of Westminster limits to preserve as open space. Most of the property targeted is a swath of land along the Big Dry Creek corridor. This land will be preserved in its natural state and serve as a wildlife corridor throughout the City of Westminster. Part of the wildlife includes prairie dogs.

The policy regarding prairie dogs on open space property is to retain as many existing colonies as possible on their original site, and look for acceptable areas for potential relocation. The management of these colonies will be set forth in this document under the prairie dog management chapter. It will be very important to establish good management practices, which allow for the successful co-existence of humans, plants, prairie dogs, and other wildlife species. No management practice and desire to maintain successful prairie dog populations will be placed ahead of the health, safety, and welfare of the citizens. When necessary, a selective thinning of a prairie dog population as a management practice might be used to maintain the overall health of the species.

Parks

The parks program has become the focal point for the leisure needs of many of our residents. Westminster has experienced significant growth in both land and population in the last 25 years. The continual growth has created the need to define park and recreational supplies and identify areas for potential development.

Parks receive their land sites as public land dedications given by developers, by private donations, and by purchases. Parks are scheduled for development by area population, year of acquisition, and financial considerations. A park will take from 1-3 years to develop from design to construction. Several parks are the only open lands that are available in a surrounding area and often have an existing prairie dog colonies located on the properties.

It has become the practice of the Park Services Division over the years to exhaust all efforts of resolving the prairie dog issue in a humane way. Research is completed on relocation, management, and preservation before extermination is considered on developing parks. The written manual will take this policy that has been practiced over the years and formally adopt it. The implementation section of this text will establish step by step procedures to follow when dealing with a prairie dog colony on public land that is to be developed.

City Development Projects

Development projects on City-owned property, such as street widening, road extensions, facility construction, and utility installations, occasionally occur on prairie dog colony sites. In these cases, the department in charge of the development will be responsible for following the procedures established by this document. Representatives from each City department will be a part of a task force to ensure that they are aware of licensing and permitting procedures regarding prairie dog management. Projects in public easements, which is land not owned by the City but needed for public improvements (such as utility easements), usually result in minimal impact; therefore, relocation efforts are not necessary.

Prairie Dog Management

State of Colorado and the Division of Wildlife

It is important to remember that the Black Tailed Prairie Dog is considered a “ward of the state.” That is, its classification is determined by the State of Colorado. In Senate Bill 99-111, the State of Colorado classifies the Black Tailed Prairie Dog as a “rodent pest” which, therefore, cannot be moved across county lines without the prior approval of the Board of County Commissioners of the county involved. However, the Colorado Division of Wildlife has determined that effective September 1, 2001, hunting of Black Tailed Prairie Dogs is prohibited east of I-25 and in Adams, Arapahoe, Boulder, Broomfield, Custer, Douglas, El Paso, Fremont, Huerfano, Jefferson, Las Animas, Larimer, Pueblo & Weld counties. The U.S. Fish and Wildlife Service recognizes that the BTPD needs protection because of a decline in numbers, but the service decided in February 2001 not to put the animal on the “endangered” list because other species face greater risks (see Appendix E). These seemingly converse approaches to the BTPD exemplify the hurdles involved in prairie dog policy and management.

Land Protection

Where applicable, including most publicly-owned open space properties, the City will preserve and protect the quality of the open space. Open space can vary tremendously in character, function, and size. Public open space is often used for recreational purposes such as hiking, biking, horseback riding, and natural studies. Conservation of open space protects view corridors, provides buffers between developed areas, and, most importantly, protects sensitive habitat areas. This includes prairie dog habitat. Within the City of Westminster, these open space areas are maintained by the Open Space staff and volunteers.

Monitoring

Prairie dog colonies on public lands were surveyed and counted within the City of Westminster by a group of volunteers in October of 1999 (see Appendix D). Prairie dog colonies after this initial count will be periodically monitored, as funding and staff time permit, and recorded for population growth. This visual inspection will also help with the discovery of colonies that have spread over the land, and the establishment of new colonies. A complete field data summary will be completed with the use of volunteers for each colony. This will allow the prairie dog management team to monitor the impact of the populations and determine how the management guidelines are functioning.

Records will be kept and mapped to the detail of the first prairie dog count in 1999. The management program will continually be evaluated to determine if the practices are successful. New management adjustments will be made as needed and as technologies, new information, and new laws become available

On-site Preservation

It is preferable to leave prairie dogs on their original site, if possible. This could entail “moving” the colony to the perimeters of the development site, and then adding visual barriers if necessary. This type of management could be used for development projects, such as utility easement work, trail construction, street widening, or facility construction, when there is adequate City-owned land adjacent to the project to support the colony. To determine if this type of preservation is acceptable, the City will work with the Division of Wildlife and upon the advice of a reputable relocation company.

Predator Enhancement

Part of the management plan includes the control of prairie dogs by natural predators. Although natural predators cannot completely keep prairie dog numbers low, nor can they stop the spread of the populations, they can help reduce the numbers for management in other forms. Providing raptor perches, i.e., telephone poles, etc., throughout the open space corridor can enhance the wild life as well as provide a place for avian predators. Provisions for areas for wildlife that prey on prairie dogs to hide can also help with the natural ecosystem. All enhancement management techniques will encourage the success of the wildlife corridors, but must not upset the balance of the ecosystem.

Barriers

Prairie dogs need to be able to view the surrounding area for predators and will tend not to burrow close to vertical elements. Solid vinyl barrier fences or concrete walls, if installed correctly and if the site has the proper topography, can help deter the movement of prairie dogs to surrounding lands. Berming and border shrub planting are also successful options in keeping colonies from spreading out, but both these options are expensive and not completely reliable, and must be funded to levels necessary for effective management. However, these methods will not completely stop the movement of the colonies. If the topography is sloping higher than the barrier allowing the prairie dog to see the other side, this will not be a successful technique.

Habitat Improvements

The use of top seed with warm season short grass species could reduce the potential for overgrazing, soil erosion, noxious weeds, etc. The seed would germinate and provide a food source for the BTPD to help control the spread of the populations when food is scarce. This management practice could be costly and is not proven to work. However, top seeding would improve the aesthetics of the properties.

Relocation

Although it is better to leave prairie dogs where they are, prairie dog relocation is an option. A permitted, licensed company, using the methods the Division of Wildlife has determined most effective and humane, must complete relocation efforts for the City of Westminster. The two most commonly used relocation methods include the capture of the animal by either live trapping or flushing the burrow with mild soap foam. Live trapping uses cages placed over the holes, and takes several days for the entire coterie (family) to come to the surface for capture. In soap foam method, hoses are inserted into the holes to flush out the prairie dogs. Once the prairie dog comes to the surface, the animal's eyes are washed, and the prairie dogs are put in cages with the coterie for transportation to the new site. Before relocation, the prairie dogs and relocation site are dusted with insecticide powder. The animals are transported to a relocation site that has holes already started by the relocation company, or a site that historically had prairie dogs with natural burrows. The animals are released to these new holes, but cages are placed on top of the burrow to ensure the animals stay in the burrow and are initially protected from predators. In both methods, the animals are relocated in a coterie unit to maximize the animals' chances for survival. Percentage rate of survival varies, and an exact determination is not known. The Division of Wildlife strictly monitors the relocation of prairie dogs. Permits, management plans, approved locations, and Division support are required.

Removal

There are two types of removal processes. The first is live removal from the site for transport to Black-footed Ferret introduction facilities. The most common removal method for this process is a

vacuum truck. The prairie dogs are used as a natural food source for the ferrets, an endangered species facing extinction.

The second method of fumigation is used to completely remove prairie dogs from a site that is about to be developed. It is the intention of this document that this be used as the last resort. To comply with EPA requirements, this method uses Aluminum phosphate tablets that are dropped into the burrows, and the holes are then plugged with newspaper. This process causes all the animals in the holes to die. A licensed and reputable exterminator must be used. An experienced exterminator will be able to tell the difference between a prairie dog hole, and one that is occupied by another wildlife species, such as a burrowing owl. It is very important to make sure if using this process that no prairie dogs are allowed to die above ground and enter the ecosystem as a food source. Poisoning of a colony on a regular basis is not recommended for it can release plague-carrying fleas into the environment causing the flea to find a new host, such as household pets or humans.

Disease Control

Plague, a natural management condition, is a disease of rodents that is transmitted by fleas, which can be found in prairie dog populations. Prairie dogs are the host of the fleas, which are the actual carriers of the disease. An indication that the colony has the plague is the presence of aboveground dead or dying prairie dogs. Immediate action by the appropriate health department should be requested. The use of insecticide dusting powder on the prairie dogs to kill the flea is effective in controlling the spread of plague, with the powder being placed directly into the burrows. Once prairie dog colonies are infected with the plague, there is a rapid death rate. Diagnostic support or additional information is available through the appropriate county Department of Health.

Implementation

The following will be used as a step by step guide to the management of prairie dogs on public lands within the City of Westminster's parks and open space.

Open Space

1. Determine if the prairie dog colony is suitable to the current land use, including future use and adjacent uses.
2. Determine the most effective management practice for the site
 - do nothing
 - enhance effectiveness of natural predators
 - introduce indigenous predators
 - habitat enhancement, improve seed mix
 - habitat manipulation, mowing, fertilization, seed mix
 - barriers, vinyl fencing, shrubs, berms
 - relocation; entire site, portion
 - removal
3. Monitor/survey site
4. Research new laws, technology (ex. sterilization)
5. Public relations/education

Parks and Projects on City-owned Property

1. Determine when site is scheduled for construction, and budget for appropriate prairie dog management technique. Allow six months lead time if relocation process is selected.
2. Determine if project will allow for prairie dogs on site, (compatibility with intended use and per recommendation by Division of Wildlife). If not, coordinate with the Open Space staff to identify an acceptable relocation site.
3. Select the appropriate management technique
 - A. Do nothing / begin construction (low impact projects)
 - B. Relocation per Division of Wildlife's requirements
 - determine if it is a good time of year for proactive relocation
 - allow minimum of six months lead time for relocation process
 - establish management plan for potential relocation sites
 - select a licensed relocation company
 - obtain permits for both host and relocation sites from appropriate entities (Division of Wildlife, Board of County Commissioners)
 - establish days to relocate, coordinate with relocation company, use volunteers if appropriate and acceptable to the relocation company, and inform public prior by signage, mailings, Channel 8, newspaper, or City Edition
 - dust relocation holes, prairie dogs for fleas
 - monitor relocation site
 - use proper habitat management as necessary, such as barriers, berms, predator enhancement, and habitat manipulation
 - C. Removal (if on-site retention or relocation is not an option)

Background

The task force, along with the Division of Wildlife, has identified some open space areas to be targeted as prairie dog relocation sites. These sites include Standley Lake Park, Woman's Creek Open Space, and Colorado Hills Open Space in Jefferson County. At this writing, Staff is investigating viable relocation sites in Adams County. The following background gives a historical perspective of the Westminster area, including these study sites.

Natural Features

The physiography of the Westminster City limits can be described as “the plains,” which is considered gently rolling, and is typical of the metro area.

The plains have rock and sediment deposits created by the forces of wind, water, and slope that have been locally dissected and reworked by streams and rivers. The surface elevation is approximately 5,200 feet above sea level.

The South Platte River is the major drainage system of the entire area. Two major creeks that appear on the Standley Lake Regional Park study site for proposed relocation are Big Dry Creek from the northeast and Woman Creek from the northwest. Little Dry Creek and Walnut Creek are other significant drainage systems in Westminster.

Surface gradients range from nearly level to gently sloping to high terraces and fans, which is due to the modification of the dissection caused by rivers and streams. Close to the flood plains are more moderately sloping to moderately steep hills.

The soils are generally deep to moderately deep. The material tends to be clayey due to the parent material. There is still evidence of the Pierre Shale and the interbedded shales of the Denver Formations.

Climate

The climate of the Westminster City limits can generally be described as warm or hot in the summers and mild to cold in the winters. Average daily temperatures range from winter months being 32 degrees Fahrenheit to summer months of 80 degrees Fahrenheit.

In the winter months, a series of cold air drainage takes place due to the constant precipitation in the mountain areas. Much of the water supply is created by continuous melting snow. The snow cover during the winter months is often melted due to the Chinook winds that the study area receives. These winds blow downslope and are warm and dry. During the summer, moisture comes from rainfalls and thunderstorms in the area.

The total annual precipitation is fifteen inches. Of this precipitation, approximately seventy percent falls during the months of April through September. Most thunderstorms occur in the summer and average about forty per season.

The average snowfall during the winter months is approximately sixty-five inches. The number of days that snow is actually on the ground varies from year to year.

Average wind speeds are the highest in the spring. Estimates have been made that the windspeed is approximately 10 miles per hour, but can reach 100 miles per hour. Although wind speed is highly variable, southwest winds predominate the area.

Relative humidity varies greatly over the period of the day. Maximum readings usually occur at night and the average at dawn is usually around sixty percent. Mid-afternoon average humidity is closer to forty percent. The sun shines around seventy percent of the time throughout the year, in both summer and winter.

Hydrology

The hydrology of Westminster, including Standley Lake Regional Park, Woman's Creek Open Space, and Colorado Hills Open Space study areas, and the characteristics of the groundwater supply, are directly related to the soil types and the topographic conditions existing in the City. As a result, regional hydrology is the reflection of past geological processes and climatic conditions.

The main source of water supply for the City is the South Platte River and its tributaries. At the turn of the century, however, this system was thought to be an inadequate water supply for the growing community. New systems to collect and store water have been designed to meet the needs of the growing population in the area. Standley Lake itself is a man-made water supply for the surrounding cities as their main source of household water intake.

Primarily contour canals and ditches from major streams throughout the area transport water for agricultural use. A Farmers' Reservoir and Irrigation Company (FRICO) irrigation ditch runs across the northwest side of the Standley Lake Park study area. The uses of these canals in the area have been abandoned in many areas due to urban expansion and the diminishing agricultural population. The Farmers' Highline Canal and FRICO's Big Dry Creek are still used as irrigation sources for downstream users.

Soils

The soils within the Westminster City limits occur in an orderly pattern that relate to geology, the landforms, the relief, climate, and the natural vegetation of the area. The different kinds of soils in the area tend to merge into one another as their characteristics gradually change.

The division of the area soils into their series and great group classification allows for generalizations to be made regarding their formation, characteristics and inherent limitations.

Vegetation

There is a strong link existing between the conditions created by the geology and relational hydrology, both of which in turn determine the soil composition, which holds the vegetation in the City limits and the study sites. The other factor that has influenced the current appearance of the vegetation in the study areas is the historic land use pattern.

Westminster and the study sites were at one time considered short grass prairie. Grasslands used to extend eastward from the base of the mountains for hundreds of miles. The only other vegetation was that of cottonwoods and willows along streams and creeks.

The term *prairie* is derived from the French and it was what the trappers described as the sea of grass they discovered in the center of North America. The short grass prairie is the driest of the prairie grasses. It contains primarily bunch grasses approximately twelve to eighteen inches in height. They have somewhat shallow root systems. It is characterized with ankle high buffalo grass and blue gramma.

Although prairie dogs are often thought the cause of the destruction of the short grass prairie, they are truly the species that saves it. Prairie dogs can maintain the prairie grasslands by preventing woody species such as mesquite from dominating the grasslands. They remove the seeds or pods places there, and clip, fell, or strip the bark from the seedling and juvenile mesquite shrubs planted on the prairie dog colonies.

Today most of the short grass prairie has been replaced by extensive croplands and grazing, destroying the short grass prairie. Many of the native grasslands have been replaced by introduced species. Extensive urbanization has also dramatically changed the character of the grasslands. Throughout Westminister there is non-native vegetation that has been introduced in the past as well as currently in the landscape.

The grasslands blend with ponderosa pines ecosystems, pinion pine-juniper woodlands, or shrublands at the base of the mountains. Most of the plants in a grassland are perennial and have most of their structure below the surface of the soil. Extensive root systems are essential for vigorous growth. The above ground shoots are often characterized by narrow or finely divided leaves.

Prairie fires were once an important part of the short grass prairie ecosystem. Fires were usually during the dormant plant periods and did not damage the grasses, destroying the plant material such as shrubs and trees in the area instead.

Plains grassland has been altered through human use, and natural succession is being prevented by continued use even today.

Wildlife

The study area, mainly the short grass prairie, supports a variety of wildlife. Most are plant-eating animals, which include many insects, birds, and mammals. Ants are considered a benefit to the grasslands because they move large quantities of nutrients and organic material into the ground, mixing the soil and ultimately improving its quality. Many of the birds in the grasslands eat insects as well as plants. Colorado's state bird, the Lark Bunting, is among several bird species dependent upon breeding habitat in the short grass prairie. Large numbers of rodents, including the Black Tailed Prairie Dog, inhabit the study area. Pronghorn and Mule deer are the only large native herbivores that still live in the grasslands.

Grassland carnivores include many bird and mammal species as well. These tend to prey upon the abundant rodent (including prairie dog) populations. Raptor habitat, including the Golden Eagle and Red Tailed Hawks as well as ferruginous and Swainson Hawks, are often found around a prairie dog colony. The largest predator of the grassland today is the coyote. There are also sightings of the Red Fox.

The warm prairie environment supports many reptile species as well. The more common reptile is the bull snake often seen around open space areas today.

Many grassland animals, including the prairie dog, learn to live in burrows where they can retreat from the summer heat, and escape the cold winters. These burrows also allow them to retreat from predators. Prairie dogs, although severely decreased in numbers, still prove to be an important part of the grassland ecosystem.

Cultivation, cattle grazing, and urbanization have cut back many of these grassland animals. Some have disappeared completely from the ecosystem. New species are arriving, such as the raccoon, due to urbanization. Many other species have been introduced to the area, such as the house mouse. Although the types of prairie have changed, as well as the wildlife, there are still large numbers of wildlife in the area today, just not the historical short grass prairie species of long ago.

Appendix A
Municipal Code – Police Regulations

Animal Control

As of the year 2000, the current City animal code has excerpts from as follows:

3-1-6: ANIMAL WARDEN: (A) There is hereby created the position of Animal Warden. (1242 1696) (B) The Animal Warden is authorized to enforce the provisions of Title VI, Chapter 7 of this Code. (1242 1696) (C) The Animal Warden shall be deemed a peace officer for the limited purpose of enforcing the provisions delineated in Subsection (B), pursuant to Rule 206 of the Municipal Court Rules of Procedure. (1242 1696) (D) The Animal Warden shall not be deemed a sworn member of the Police Department. (1242 1696).

6-7-1: DEFINITIONS: When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows: (1463 1890 1973 2066 2576)

ANIMAL: Any organism in the kingdom animalia, other than a human being.

ANIMAL CONTROL OFFICER: An employee or agent of the City authorized by the Chief of Police to enforce the provisions of this chapter.

DOMESTIC ANIMAL: All species of animals commonly accepted as being domesticated.

ENDANGERED SPECIES: Any species of animal, bird or reptile which is currently listed as endangered by the United States Department of interior or the Colorado Department of Natural Resources.

EXOTIC ANIMALS: Domestic ferrets (*mustelia furo*) arachnids, crocodilians over one foot in length and other reptiles which are not prohibited animals, which are not commonly kept or harbored as a household pet.

HARBORING: The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care.

HUMANE TRAP: A box-type trap which does not cause bodily harm to the animal intended to be captured or to any other animal or person coming in contact with such trap.

LIVESTOCK: Any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, chickens, ducks, geese, pigeons, turkeys, pea fowl, guinea hens, and bees. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the Municipal Court that the animal is not a species of livestock

PERSON: Any natural person, corporation, partnership, association, or other entity.

PROHIBITED ANIMAL: Any animal which is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to, lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes; poisonous snakes and lizards; lethal toads and arachnids (spiders, scorpions, and tarantulas) and nonpoisonous snakes over six feet in length. "Prohibited animal" shall not include domestic ferrets (*mustelia furo*), livestock, rabbits, dogs, cats, and small rodents. Alleged domestication of any prohibited animal shall not affect its status under this definition. In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the Municipal Court.

VICIOUS ANIMAL: Any unprovoked animal that bites or attacks a person or other animal at any place within the City which, regardless of the presence or absence of the owner:

1. Bites or attacks a person or other animal or that threatens to attack a person or other animal; or
2. Has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or other animal; or
3. Has engaged in or been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.

6-7-14: CAPTURING ANIMALS: (1973 2576)

(A) An animal control officer or peace officer is authorized to enter in or upon private property, including motor vehicles and fenced areas but not private buildings, to apprehend an animal running at large, a vicious animal, an animal suspected of being infected with rabies, or an animal which the officer reasonably believes is neglected, sick or injured so that the animal faces a serious risk of death or substantially suffering.

(B) An animal control officer or peace officer is authorized to use tranquilizer guns, humane traps or other suitable devices to subdue or apprehend a stray animal, pet animal running at large, or wild animal, and is authorized to destroy an animal which the officer reasonably believes to be an immediate danger to the offer or to the public.

(C) An animal control officer or peace officer is authorized to place a humane trap on private property for the purpose of capturing a stray animal, wild animal, or pet animal running at large, when requested to do so by the owner or possessor of the property.

(D) It shall be unlawful for any person to set or cause to be set any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing an animal whether wild or domestic, excepting a licensed or recognized business which has been given permission by the Colorado Division of Wildlife, the Colorado Department of Health, or the animal control supervisor to trap problem wildlife. Any trapping authorized under this chapter must be in compliance with the Colorado Constitution and Statutes.

Appendix B
Municipal Code – Land Development and Growth Procedures

Growth Management

11-3-1: FINDINGS: (2534) The City Council of the City finds that there is substantial evidence that the municipal services, which relate to the quality of the environment, fiscal soundness, carrying capacities of the utility and transportation systems and other related elements which affect residents of the City, will be negatively impacted by an excessive rate of growth within the City if prudent growth management practices are not administered by the City which take into account the following elements:

(E) The service capacities which the City can develop while conforming with requirements imposed by other governmental entities with jurisdiction over programs affecting the City including, but not limited to, environmental regulatory agencies; and

The City Council further finds that, although the City has implemented water conservation techniques and programs within the City, has entered into a water reuse program and has taken other steps to maximize the efficient use of the resources available to the City, because of the elements set forth in subparagraphs (A) through (F) above, it is essential to the preservation of the health, safety and welfare of the citizens of Westminster that the City maintain and modify, from time to time, a growth management program which balances growth and the ability of the City to effectively and safely absorb and serve such growth. The City Council further finds that in order for the City and for developers, landowners and individual residents of the City to plan effectively, the City can and should adopt a growth management program commencing July 1, 1990, and continuing through December 31, 2000.

Procedures and Requirements

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS (ODP'S): (2534 2598) (A) Application Procedures for ODPs. 1. Applicants shall consult with the City prior to submitting an application for approval of an ODP to discuss the project concept and to gather information regarding City policies, codes, standards and procedures. 2. Following the initial discussion, an applicant may submit a concept plan for review prior to formal application in a format specified in the City's Plan Submittal Document. 3. Following the concept plan review, the applicant shall submit a formal application for approval and prepare a detailed submittal for technical review of the proposed plans in the format specified in the City's Plan Submittal Document. Comments shall be prepared and returned to the applicant. Additional submittals may be required at the option of the City. Staff review and feedback concerning a concept plan shall not be construed as a type of approval or pre-approval of any aspect of the submittal. 4. Prior to any technical review of a proposed ODP, the applicant shall provide: (a) Either the written consent of all owners of the property to the proposed ODP or evidence otherwise satisfactory to the Planning Manager of the applicant's authority to represent the owners of the property; (b) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development; (c) A non-refundable application fee as specified in the Planning and Engineering Development Review Fee Schedule set forth in Section 11-1-6 shall be paid at the time of application for approval of any proposed ODP. In addition, a recording fee of \$20 per sheet shall also be paid for all plans and plats that have been approved by the City prior to their recording. (2598) (B) Approval Process for ODPs: 1. Administrative Approvals. The City Manager may, but shall not be required to, approve any ODP or ODP waiver without hearing or notice which: (a) Does not introduce a new land use. (b) Meets all requirements of the zoning district in which it is located, and the requirements of any PDP for the property. (c) Does not involve a parcel or lot more than 10 acres in size, or involves a proposed non-residential development of 20 acres or less in size that is determined by the City Manager to further the City's economic development goals and if such development meets guidelines established by City Council to qualify for economic development

assistance. 2. ODPs Requiring Public Hearings. (a) The City Manager may, in his sole discretion, elect to refer any ODP to Planning Commission and City Council for their consideration at a public hearing. _ 8/98 11-5-8 (B) 2 11-5-10 (b) Any ODP not administratively approved by the City Manager or not eligible for such administrative approval shall, upon the request of the applicant, be referred to the Planning Commission and City Council for consideration pursuant to the procedures set forth in section 11-5-13 of this Code. 3. Final Approval by Planning Commission. The decision of the Planning Commission regarding an original or amended ODP shall be final unless a timely appeal of such decision is filed in accordance with section 11-5-13(B).

11-5-9: FORMAT AND APPROVAL PROCESS FOR AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS (PDPs): (2534) (A) Application Procedures for PDP Amendments. 1. The application procedures, format and fee for a PDP amendment shall be the same as for an original PDP approval as set forth in section 11-5-7(A). 2. An amendment to a PDP may be initiated by: (a) The owner of the property covered by the plan; or (b) By the City when the City Council determines that: 1. Approved land uses for the Planned Unit Development are no longer appropriate due to changed conditions in the vicinity, revisions to the City's Comprehensive Plan, any incompatibilities between an existing land use and surrounding zoning or development, or Council finds that the PDP no longer meets the requirements of section 11-5-14. 2. Public facilities are inadequate or do not meet current standards; or 3. Natural hazards or other environmental problems exist which threaten the public health, safety or welfare. (B) Approval Procedures for PDP Amendments: 1. Administrative Approvals. The City Manager may approve any amendment to a Preliminary Plan which does not: (a) Add a new land use to the Preliminary Plan; or (b) Change the land area devoted to any use by more than 10 percent; or (c) Change the density or intensity of use by more than 10 percent; or (d) Constitute a significant change in the PDP, in the opinion of the City Manager. A report of any administratively approved PDP amendment shall be submitted to the Planning Commission and City Council detailing action taken by the City Manager under this procedure. (C) Amendments to PDP's Requiring Public Hearings. Any amendment to a PDP not administratively approved by the City Manager or not eligible for such administrative approval shall, upon the request of the applicant, be referred to the Planning Commission and City Council for their consideration at a public hearing in accordance with the procedures set forth in section 11-5-13 of this Code, provided, however, the City Manager shall also have the option to refer any proposed PDP amendment otherwise eligible for administrative approval to the Planning Commission and City Council for their review and to require or waive public notice and hearing requirements for such amendments. _ 8/98 11-5-10 11-

5-10 11-5-10: FORMAT AND APPROVAL PROCESS FOR AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS (ODP'S): (2534) (A) Application Procedures for ODP Amendments. 1. The application procedures, format and fee for an ODP amendment shall be the same as for an original ODP approval as set forth in section 11-5-8

(A). 2. An amendment to an ODP may be initiated by: (a) The owner of the property covered by the plan; or (b) The City when the City Council determines: (i) That approved land uses for the Planned Unit Development are no longer appropriate due to changed conditions in the vicinity, revisions to the City's Comprehensive Plan, any incompatibilities between an existing land use and surrounding zoning or development, or Council finds that the ODP no longer meets the requirements of section 11-5-15; (ii) That public facilities are inadequate or do not meet current standards; or (iii) That natural hazards or other environmental problems exist which threaten the public health, safety or welfare. 3. The City Manager may, in his or her sole discretion, on a case-by-case basis, waive any of the normal submittal requirements for amendments to ODP's within his or her administrative approval authority that the City Manager deems to be minor in substance and scope and reduce the fee for such minor amendments to \$75.

B) Approval Process for ODP Amendments: 1. Administrative Approvals. The City Manager may approve any amendment to an ODP which does not: a. Change the land area devoted to any approved use by more than 10 percent, or b. Change the density or intensity of any approved use by more than 10 percent, c. Constitute a significant change in the ODP in the opinion of the City Manager. A

report of any administratively approved ODP shall be submitted to the Planning Commission and City Council . 2. Amendments to ODP's Requiring Public Hearings. a. Any amendment to an ODP not administratively approved by the City Manager or not eligible for such administrative approval shall, upon request of the applicant, be referred to the Planning Commission for their consideration at a public hearing in accordance with the provisions of section 11-5-13 of this Code, provided, however, the City Manager shall also have the option to refer any proposed ODP amendment otherwise eligible for administrative approval to the Planning Commission for its review and to require or waive public notice and hearing requirements for such amendments. b. The decision of the Planning Commission regarding an ODP amendment shall be final unless a timely appeal of such decision is filed in accordance with section 11-5-13(B) of this Code. The decision of the Planning Commission shall be deemed final as of the date its decision is announced. _ 8/98 11-5-11 11-5-12

Appendix C
Municipal Code – Parks and Recreation
(includes Open Space)

Park Management

13-1-1: PURPOSE AND INTENT: The purpose of this Chapter is to regulate the use to the Parks and Community Buildings of the City in order that all persons may enjoy and make use of such parks and buildings and to protect the rights of those in the surrounding areas.

13-1-2: DEFINITIONS: The following words and phrases, whenever used in this Section:

(A) City. The term "City" refers to the City of Westminster, Colorado.

(C) Buildings. The term "Buildings" includes those buildings, or any portion thereof, under the supervision of the Westminster Department of Parks, Recreation and Libraries; and all other publicly owned buildings used for recreational purposes within the City. (796 1889)

(E) Parks. The term "Parks" includes all grounds, roadways, avenues, parks, parking lots and areas and recreation facilities therein under the supervision of the Westminster Department of Parks, Recreation and Libraries; and all other publicly owned or operated park and recreation facilities within the City, including Standley Lake and the land around it (Standley Lake Recreation Area). (A1889)

(F) Persons. The term "Persons" shall include persons, associations, partnerships, firms or corporations.

(G) Recreation Facilities. The term "Recreation Facilities" refers to specialized recreation facilities such as swim pools, tennis courts, ball fields, and similar facilities under the supervision of the Westminster Department of Parks, Recreation and Libraries.

(H) Permit. The term "Permit" means a permit for exclusive use of parks, buildings and recreation facilities as provided for and defined in this Chapter.

12/99 13-1-2 13-1-3

13-1-3: UNLAWFUL REGULATIONS: It shall be unlawful for any person to:

(A) Compliance Required. Enter, be or remain in any park or building of the City unless he complies with this Chapter and regulations promulgated hereunder.

(B) Sales for Profit. Conduct sales for profit in any park or community building except with the expressed written consent of the Director and full compliance with the business license ordinance of the City of Westminster.

(C) Sell, Distribute or solicit. Sell, vend, peddle, or distribute any merchandise or property whatever, or sell tickets (for any event whatsoever) so solicit contributions in any park or community building except with the expressed written consent of the Director.

(D) Advertising Matter. Distribute, circulate, give away, throw or deposit in or on any park or community building any handbills, circulars, pamphlets, papers, advertisement, or post or affix the same to any tree, fence, or structure in any park or community building without the written consent of the Director.

(H) Parking. Operate or park any vehicle as defined in the Colorado Motor Vehicle Code within a park, except upon areas designated for such use. Vehicles in violation of this Section shall be subject to being towed away at owner's expense.

(L) Control of Dogs, Cats and Other Animals. Bring or maintain in or upon any park or community building any dog, cat, or other animal, unless such dog, cat or other animal is kept at all times on a leash, not to exceed fifteen feet (15') in length, and under full control of its owner or custodian, except with the written consent of the Director. Persons shall not leave or deposit dogs, cats, fowl, fish, or other animals, whether dead or alive, in any park, lake, or community building except with the written consent of the Director.

(M) Riding Horses and Other Animals. Ride upon any horse or any other animal in any park except in areas designated and posted specifically for such use, or with the expressed written consent of the Director. No cattle, sheep, goats, horses or any animal shall graze in any park except in areas designated and posted specifically for such use or with the expressed written consent of the Director.

(N) Littering Prohibited. Leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere than in the receptacles provided therefor. It shall be unlawful for any person to use the receptacles provided for in this Section for the purpose of depositing yard clippings or other garbage or trash generated on private property. (796)

(S) Fauna - Disturbing Wildlife. Take, seize, molest, injure or hunt any bird, reptile, fish or animal in any park or community building, or portion thereof unless posted specifically for that purpose or with the expressed written consent of the Director, and in compliance with the game, fish and wildlife laws of the State of Colorado.

(T) Flora - Turf and Soil. Dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing in any park or area of a community building, or to remove any wood, turf, grass, soil, rock, sand or gravel from any park. Duly authorized City employees in the performance of their duties or persons participating in City sponsored activities are excepted from the foregoing provisions.

(Y) Parks Closed Eleven P.M. - Sunrise. Remain in any park or building between eleven o'clock (11:00) P.M. and sunrise, other than a City employee in the performance of his duty or persons participating in City sponsored activities, or with the written consent of the Director.

13-1-4: ENFORCEMENT OF RULES: The Director, his duly authorized agents and employees, and any law enforcement officers acting in the line of duty shall diligently enforce the provisions herein and shall have the authority to eject, from any park or community building, any person acting in violation of these rules and regulations. Further, the Director shall have the authority to deny use of parks or community buildings to individuals or groups who refuse to comply with the provisions of this Chapter and regulations promulgated hereunder.

12/99 13-1-5 13-1-6

13-1-5: ENFORCEMENT OF APPLICABLE LAWS AND ORDINANCES:

(B) It shall be unlawful to violate any provision of this Chapter. A person convicted of a violation of a provision of this Chapter shall be fined as provided in Section 1-8-1 of this Code. (2000)

13-1-6: FISHING, HUNTING, WILDLIFE & BOATING REGULATIONS: (2670)

(A) Statutes and Regulations: The following are adopted by this reference:

1. Article 13 (Vessels) of Title 33 (Wildlife and Parks and Outdoor Recreation) of the Colorado Revised Statutes
2. The Rules and Regulations promulgated by the state of Colorado pursuant to Section 33-1-106 C.R.S. regulating the taking, possession and use of wildlife and fish; and
3. The Rules and Regulations promulgated by the state of Colorado pursuant to Section 33-1-106 C.R.S. regulating the use, operation and equipment of vessels.

(B) Fishing, Hunting Wildlife Regulations: It shall be unlawful for any person to fail to comply with the following:

1. Any person sixteen years of age or over who fishes for or takes fish, amphibians, mollusks or crustaceans shall have a proper and valid fishing license, issued by the state of Colorado on his or her person. Persons under sixteen years of age are not required to have a fishing license but shall be entitled to only one-half bag or possession limit set by the state.
2. Any person regardless of age, who hunts or takes wildlife shall procure a proper and valid license therefor, issued by the state of Colorado, and shall have the valid license on his or her person when exercising the benefits it confers.
3. No person shall alter, transfer, sell, loan, or assign his or her own or another person's lawfully acquired license to another person.
4. No person shall hunt, take, or have in such person's possession any wildlife that is the property of the state as provided in Section 33-1-101, C.R.S., except as permitted by statutes or Rule and Regulation.
5. No person shall hunt or take any wildlife or fish outside the season establish by or in an area closed by Rule or Regulation.

6. No person shall fail to immediately dress or care for and provide for human consumption the edible portions of any game wildlife, including fish.
7. Colorado Rules and Regulation for the taking, possession or use of wildlife or fish.

Open Space

13-5-1: OPEN SPACE PROGRAM POLICY STATEMENT: In the broadest sense the objective of the Open Space Program is to promote quality of life for citizens of Westminster through the preservation and protection of the quality of the natural environment which has given Westminster much of its character. This natural environment includes many spectacular views to the foothills and mountains, that can be enjoyed from the hills and sloping sites which make up the City's predominant land form. The occasional natural streams and man-made canals and ponds with their water and related plant and animal life compliment the scenic vistas and remind us of the area's early history. These natural areas, water bodies, tremendous vistas and panoramas, characteristic terrains and native flora and fauna are intended to be preserved and protected for the enjoyment of this and future generations by the judicious use of Open Space Funds. As Westminster continues to grow, open spaces should be provided and woven into the fabric of the City. These open spaces may define developed areas within the community, and in certain areas may define the boundary of the City. They are intended to obtain a balance and harmony between physical development and open space for the benefit of Westminster citizens. Preservation of open space in all parts of the City will foster appreciation of the natural environment, provide increased opportunities for passive recreation, and improve the quality of life. The objective of open space is an important part of being "Proud of our past, prepared for our future." (1855)

13-5-2: CRITERIA: The following six major criteria shall guide the selection of specific sites for possible acquisition and preservation. Prospective open spaces shall satisfy at least one of these criteria: (1855)

- A. AESTHETICS: Unique or dramatic visual impact; protects scenic view corridor; visually enhances primary transportation corridor; unique view from site; natural features that enhance quality of life (e.g., rock formation, body of water, trees).
- B. PROTECTION AND PRESERVATION: Protection of environmentally sensitive features (e.g., wetlands, trees, grasses, wildlife, floodplain encroachment).
- C. LOCATION: Spatial definition of urban area; protection of sole remaining undeveloped land within large developed area of City; geographical distribution throughout City; provides key link or extension/addition to existing park/open space area; proximity to existing or proposed urban shaping and open space buffers; access; large number of potential beneficiaries.

USE POTENTIAL: Ability of the land to be used for passive recreational purposes including trail linkages; potential secondary benefit to community (e.g., watershed protection, drainage, or regional detention areas, water well, erosion control, safety, prevent floodplain encroachment, allowing solitude, noise buffer); continued agricultural production. _ 8/89 13-5-2 13-5-7.

- D. NEED FOR IMMEDIATE ACTION: Development pressure; development status; potential to remain as open space; attitude of property owner.
- E. F. ACQUISITION CONSIDERATION: Availability of land; ease of acquisition; price of land; significance of economic loss to City; potential for increase in price in the near future; potential for acquiring other sources of funds.

13-5-3: PRESERVATION OF LAND: Generally, lands acquired with open space funds shall be preserved and managed in a natural condition. Such lands might include scenic vistas, floodplains, trail corridors, farm lands, highly visible natural areas along arterial streets and open space buffers at the City's perimeter. Open spaces will generally be open for passive public use and enjoyment, and trails will be developed where possible to provide access. Examples of compatible passive recreation include hiking, nature study and photography. Development of traditional, active recreational facilities such as athletic fields, swimming pools, tennis courts and formal picnic areas are precluded.

Certain open space properties may be leased for continued agricultural uses such as farming or grazing. This approach can provide a glimpse of Westminster's past, protect the land from development, and can shift some maintenance costs to the leasee. Generally, the leased properties will continue to afford public access for passive enjoyment. In certain cases, it may be necessary to acquire a total property in order to preserve a portion of the property as open space. In such cases, the City may determine to dispose of the remainder, and the open space fund shall be reimbursed the current market value of the disposed land at the time of its sale, or the cost of that land at the time of its original acquisition, whichever is higher. (1855)

13-5-4: REDESIGNATION OF PROPERTY: In certain cases, it may be determined that a property originally acquired for open space may be better utilized for another public purpose, such as an active park. In such cases, the Open Space Program shall be reimbursed the current market value of the affected property at the time of its conversion, or the cost of that land at the time of its original acquisition, whichever is higher. (1855)

13-5-5: USAGE OF OPEN SPACE FUNDS: Generally, funds derived from the Open Space Program shall be expended only for acquisition of lands or interests in lands, and initial efforts to restore the natural resources, afford public access and safety, and/or remove improvements which are incompatible or hazardous. Fencing and/or signage may be installed to delineate and protect certain properties. "Natural" improvements such as plantings, wetland enhancement and natural surfaced trails may be paid for with Open Space Funds. (1855)

13-5-6: RESTRICTIONS ON OPEN SPACE PROPERTY: It may be necessary to close an open space property temporarily, in order to protect a natural resource, or to make the property safe for public enjoyment. (1855)

13-5-7: MAINTENANCE OF OPEN SPACE PROPERTIES: The Department of Parks, Recreation and Libraries shall be responsible for the regular maintenance and operation of the Open Space properties, with funds made available in the general operating budget. (1855 1889) _ 6/89

13-5-8 13-5-10 13-5-8: DONATIONS TO OPEN SPACE PROGRAM: The City of Westminster encourages residents of this community and other concerned persons or parties to donate certain lands or monies for use in the Open Space Program. City Council may by resolution accept properties not acquired with Open Space Funds into the Open Space Program. (1855)

13-5-9: UTILITIES AND RIGHT OF WAYS: The City expresses its awareness that extension of major roadways and water and sewer service are frequently the forerunners of new urban development, and intends that every effort should be made to coordinate proposals for extension of these utilities with the objectives of the Open Space Program. (1855)

Appendix D
City of Westminster Study

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 11, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent none.

The minutes of the January 28, 2002 meeting was approved.

Proclamations were presented to the four Westminster citizens who carried the Olympic Torch through Metro Denver on January 31, 2002 and certificates of achievement were presented to Metropolitan Mayors and Commissioners Youth Award recipients.

Council approved: Special Legal Services Contracts with Holme, Roberts & Owen, LLC, and Hall & Evans, LLC; Fire Station 2 Relocation Addendum to Architectural Contract with Dauer Haswell Architecture for \$61,000; Central Control Irrigation Bid purchase of a Rainbird Maxicom central control irrigation system from United GreenTech, for \$96,540; New water meters and retro-fit meters purchasing approval of \$217,875 from Utilities and \$74,386 from CIP; Tischler & Associates Contract for Fiscal Model, not to exceed \$117,940;

Carole Pool was appointed to the Butterfly Pavilion Board of Directors; Council assignments for 2002 were approved; Quail Creek/Bull Canal Relocation project was awarded to Tarco Inc., agreement with Felsburg Holt and Ullevig for engineering design support and construction management services, and \$1,904,000 for the project; Standley Lake Renovation Construction IGA with the cities of Northglenn and Thornton and the Farmers Reservoir and Irrigation Company (FRICO); approved the First Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development

At 7:35 P.M. the public hearing was opened on the 1st Amended PDP for Northridge at Park Centre located at 121st Avenue and Pecos Street.

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

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THESE FUNDS

The following Resolution were adopted:

Resolution No. 7 re DRCOG Transportation Improvements Program for 2003-2008:

Resolution No. 8 re Prairie Dog Management on City Property:

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

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on February 21, 2002.