



CITY COUNCIL 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 (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
7. Citizen Communication (5 minutes or less)

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Change the Date of March City Council Meetings
 - B. 4th Quarter 2007 Insurance Report
 - C. Big Dry Creek Trail at Wadsworth Boulevard Project – Utility Relocation Costs
 - D. Roof Replacement at Fire Station #1
 - E. Award Contract re Semper Water Treatment Facility Raw Water Vault Rehabilitation
 - F. Raw/Reclaimed Water Interconnection Construction Contract Award
 - G. Raw/Reclaimed Water Interconnection Construction Design Contract Change Orders
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 3 Amending Title II, Chapter 5, WMC re Special Permit & License Board Authority
 - B. Resolution No. 7 re Recovery Contract Interest Rate
 - C. Resolution No. 8 re Wadsworth Crossing Annexation Compliance Hearing
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
 - B. Executive Session – Obtain Direction from City Council re Proposed Annexation Agreement and Economic Development Agreement for the Orchard Park Place Project pursuant to WMC §1-11-3 (C) (7) and C.R.S. §24-6-402 (4) (e)
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

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, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Dittman and Councillors Briggs, Kaiser, Major, and Winter were present at roll call. Councillor Lindsey was absent and excused. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Kaiser, to approve the minutes of the regular meeting of January 28, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported there would be no study session on February 18 and City Hall would be closed in observance of Presidents' Day. The Westminster Economic Development Authority (WEDA) Board of Directors would convene a meeting immediately following this meeting; and Council would convene a post-meeting in the Council Board Room after the WEDA meeting adjourned. After the post-meeting, Council would meet in executive session to provide direction on a proposed annexation agreement and economic development agreement for the Orchard Park Place project pursuant to Westminster Municipal Code Section 1-11-3 (C) (7) and Colorado Revised Statutes, Section 24-6-402 (4) (e).

CITY COUNCIL COMMENTS

Mayor Pro Tem Dittman reported that on Saturday, February 9, Council had interviewed several applicants interested in being appointed to the City's Boards and Commissions. The applicant pool was well qualified and appointments would be forthcoming.

Councillor Major reported that Council also attended the Police Academy Alumni Luncheon at the Outback Steakhouse on Saturday. The fundraising function was sold out and everyone enjoyed having their beverage orders filled by participating Police Officers.

Councillor Briggs reported having attended his first Rocky Flats meeting as Council's liaison. Approximately \$4.6 million remained in the clean-up fund, and the federal government had provided guidelines for use of those funds and solicited ideas from the group to expend them. While the funding could not be used to build pedestrian/bike trails for citizens, it could be used to develop wildlife corridors, such as an overpass so animals could safely cross abutting busy highways.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: change the date of the regularly scheduled City Council meetings in March from March 10 to March 17 and from March 24 to March 31; accept the 4th quarter 2007 Insurance Report; authorize the expenditure of \$92,779 to Xcel Energy for utility relocations attendant to the improvement of the Big Dry Creek Trail at Wadsworth Boulevard project; authorize the City Manager to execute a contract with Alpine Roofing, Inc. in the amount of \$98,820 for roof replacement at the City's Fire Station #1 facility, authorize a \$10,000 contingency bringing the total project budget to \$108,820; authorize the City Manager to execute a contract with American West Construction in the amount of \$145,500 for the rehabilitation of Raw Water Control Vault No. 2 at the Semper Water Treatment Facility (SWTF), authorize \$14,500 in contingency funding and a transfer of \$31,000 from the 2007 Capital Improvement

Project SWTF Filter 1-14 Media Replacement Project to the SWTF Raw Water Value Re-build Capital Improvement Project to fully fund the project; authorize the City Manager to execute a contract with Duran Excavating Inc. in the amount of \$2,523,547 for construction of the Raw/Reclaimed Water Interconnect pipelines and pump station and authorize a 10% construction contingency in the amount of \$252,355 for a total construction budget of \$2,775,902; and authorize Change Orders in the amount of \$18,877 increasing Stantec Consulting Inc.'s July 30, 2007 contract for design and construction engineering services to \$473,378.

Mayor McNally inquired if any member of Council wished to remove an item from the consent agenda for individual consideration. No one made such a request.

It was moved by Mayor Pro Tem Dittman, seconded by Councillor Major, to approve the consent agenda as presented. The motion passed with all Council members voting yes.

COUNCILLOR'S BILL NO. 3 AMENDING CITY CODE RE SP&L BOARD AUTHORITY

It was moved by Councillor Major, seconded by Councillor Kaiser, to adopt, as an emergency ordinance, Councillor's Bill No. 3 amending Chapter 5 of Title II of the Westminster Municipal Code concerning authority of the Special Permit and License Board. At roll call, the motion passed unanimously.

RESOLUTION NO. 7 RE 2008 RECOVERY CONTRACT INTEREST RATE

Councillor Briggs moved to adopt Resolution No. 7 establishing the 2008 calendar year interest rate for non-City funded public improvement recovery contracts at 9.25 percent and an interest rate of 4.44 percent for City-funded public improvements. The motion, seconded by Councillor Kaiser, passed unanimously on roll call vote

RESOLUTION NO. 8 RE WADSWORTH CROSSING ANNEXATION COMPLIANCE HEARING

Councillor Kaiser moved, seconded by Mayor Pro Tem Dittman, to adopt Resolution No. 8 accepting the annexation petition submitted by George Stroberg, owner; making the findings required by State Statute on the sufficiency of the petition; and setting March 31, 2008 as the date for the annexation hearing. On roll call vote, the motion passed unanimously.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:08 p.m.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the City of Westminster City Council meeting of Monday, February 11, 2008. Mayor McNally, Mayor Pro Tem Dittman, and Councillors Briggs, Kaiser, Major, and Winter were present at roll call. Councillor Lindsey was absent and excused.

The minutes of the regular meeting of January 28, 2008, were approved as presented.

Council approved the following: change the date of March City Council meetings; 4th quarter 2007 Insurance Report; Big Dry Creek Trail at Wadsworth Boulevard Project – Utility Relocation Costs; roof replacement at Fire Station #1; award contract re Semper Water Treatment Facility Raw Water Vault Rehabilitation; Raw/Reclaimed Water Interconnection construction contract award; and Raw/Reclaimed Water Interconnection construction design contract change orders.

Council adopted the following Resolutions: Resolution No. 7 re the 2008 recovery contract interest rate; and Resolution No. 8 re the Wadsworth Crossing Annexation compliance hearing.

The following Councillor's Bill was passed as an emergency ordinance:

A BILL FOR AN EMERGENCY ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING SPECIAL PERMIT AND LICENSE BOARD AUTHORITY. Purpose: Amending Chapter 5 of Title II of WMC concerning authority of the Special Permit and License Board to cancel, deny renewal, suspend and revoke contractor registrations.

The meeting adjourned at 7:08 p.m.

By order of the Westminster City Council
Linda Yeager, MMC, City Clerk
Published in the Westminster Window on February 21, 2008

A BILL
FOR AN EMERGENCY ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING SPECIAL PERMIT AND LICENSE BOARD AUTHORITY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-5-2, subsection (B), W.M.C., is hereby AMENDED to read as follows:

2-5-2: POWERS AND DUTIES:

(B) The Special Permit and License Board shall conduct public hearings, approve or deny applications for licenses, renew or deny renewal of licenses, and cancel, suspend or revoke the following licenses. All decisions of the Board on these licenses are final, subject only to appeal to a court of competent jurisdiction.

1. Massage Parlor Licenses, pursuant to Chapter 15 of Title V of this Code;
2. Escort Service Licenses, pursuant to Chapter 19 of Title V of this Code;
3. Special Use Permits, pursuant to Section 8, Chapter 4 of Title XI of this Code.
4. Amusement center licenses, pursuant to Chapter 9 of Title V of this eCode; and
5. Dance hall and cabaret licenses, pursuant to Chapter 16 of Title V of this eCode.
6. Business licenseS, INCLUDING CONTRACTOR REGISTRATIONS under review for denial, revocation, or suspension shall be reviewed in a public meeting conducted by the Special Permit and License Board.

Section 2. This ordinance shall take effect February 11, 2008.

Section 3. Because of a pending hearing date of February 20, 2008, before the Special Permit and License Board for revocation of a contractor registration, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on February 11, 2008, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY
ORDINANCE this 11th day of February, 2008.



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008

SUBJECT: Change the Date of March City Council Meetings

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the regularly scheduled City Council meetings in March from March 10 to March 17 and from March 24 to March 31.

Summary Statement

- City Council normally conducts regular meetings on the second and fourth Mondays of each month. The majority of Council will attend the National League of Cities (NLC) Annual Conference in Washington, D.C. from March 5 to 10. March 10 is the second Monday of March and the Council meeting scheduled for that night needs to be rescheduled.
- There are five Mondays in March. To mirror Council's usual meeting schedule of two regular monthly meetings and to accommodate Council's participation in the NLC conference, staff recommends that both regular meetings in March be changed from March 10 to March 17 and from March 24 to March 31.
- If approved, City Council will conduct study sessions on March 3 and 24. No meetings of Council will occur on March 10.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

Council could decide to conduct the first regular meeting of March on a different date and to leave the March 24 regular meeting date unchanged.

Background Information

Occasionally, conflicts arise with dates of regularly scheduled Council meetings and the dates of important civic events and/or conferences the City Council traditionally attends, and the Council's schedule of meetings is changed to accommodate participation. For instance, meeting dates have been changed so that Council can attend the Colorado Municipal League Annual Conference, the 911 Public Safety Banquet, and the National League of Cities Annual Conference. Council's representation at these functions benefits the community, as topics of common interest to local elected officials are discussed and ideas exchanged that help resolve issues facing the community.

The public is aware that regular Council meetings and study sessions are held on Mondays, thus it makes sense to reschedule meetings to a different Monday of the month when conflicts arise. Fortuitously, the month of March 2008 has five Mondays and Council's meeting schedule can be changed so that regular meetings remain two weeks apart rather than conducted on consecutive Mondays, and the business to come before Council can be scheduled to accommodate participation in the NLC Annual Conference.

Respectfully submitted,

J. Brent McFall
City Manager



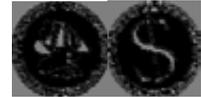
Agenda Item 8 B

WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Quarterly Insurance Report: October - December 2007

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Accept the 4th Quarter 2007 Insurance Report.

Summary Statement

- The attached report provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer, acting as the City Manager's designee, has the authority to settle claims of less than \$30,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjuster and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Information on the status of each claim received during the 4th quarter of 2007 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee Representatives and Department Heads. Follow up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the 4th quarter of 2007, Staff has noted the following summary information:

- Six of the 12 claims reported in the 4th quarter of 2007 are closed at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

Department	4th Qtr 2007			YTD
	Total Claims	Open	Closed	Total
Police	7	5	2	19
PR&L	1	1	0	17
PWU - Streets	2	0	2	15
PWU - Utilities	0	0	0	18
PWU – Water Admin	1	0	1	1
N/A	0	0	0	1
GS – BO&M	0	0	0	1
GS – COURT	0	0	0	1
CD	1	0	1	2
TOTAL	12	6	6	75

The Risk Management program addresses Council’s Strategic Plan goals of Financially Sustainable City Government and Safe and Secure Community by working to mitigate the cost of claims to the City and maintaining a loss control program to keep our city streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

**Quarterly Insurance Report
October - December 2007**

Claim Number	Loss Date	Dept	Claimant	Address	Claim Description	Payment	Status	Notes
2007-427	10/11/2007	PD	Sandra Beasley	12605 Home Farm Dr, Westminster CO 80234	Police Officer driving his city patrol car was distracted by an uncooperative prisoner in the back seat and rear ended one vehicle that was then pushed into another vehicle.	\$416.14	Closed	
2007-427	10/11/2007	PD	Loney Mascarenas	4548 W. 63rd Dr, Arvada CO 80003	Police Officer driving his patrol car was distracted by an uncooperative prisoner in the back seat and rear ended one vehicle that was then pushed into another vehicle.	\$1,724.99	Closed	
2007-441	10/27/2007	PD	Ruth Duerr	6637 W. 95th Pl, Westminster CO 80021	Police Officer driving her city patrol car rear ended a stopped vehicle that was then pushed into another vehicle.	\$0.00	Open	CIRSA determining damages
2007-441	10/27/2007	PD	Christine Rost	6969 W. 90th Ave #624, Westminster CO 80021	Police Officer driving her city patrol car rear ended a stopped vehicle that was then pushed into another vehicle.	\$5,358.12	Open	CIRSA determining damages
2007-450	11/12/2007	PWU - Water Admin	Danuta Ostrowska	8831 Hastings Way, Shaw Heights CO	Claimant alleges she tripped and injured herself on an edge/crack of some new asphalt.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was referred to Tierdael Construction who was doing the work on the street.
2007-477	11/22/2007	PRL	Laura Larsen	Submitted by Constitution State Services, P O Box 2930, Overland Park KS 66201-1330	Claimant filed a claim against AMC Entertainment Inc. alleging she slipped on ice on the edge of the steps outside the AMC theaters at the Promenade. AMC's claims administrator put the City on notice of the claim.	\$0.00	Open	CIRSA Investigating
2007-458	11/6/2007	CD	Craig Myers	7472 Depew St, Westminster CO 80031	Claimant alleges a city inspector, who came to inspect his new furnace installation, tracked tar on their basement carpet.	\$129.95	Closed	
2007-466	12/8/2007	PWU - Streets	Marnie Nocon	9600 Carr St, Westminster CO 80021	Streets employee driving a city snowplow slid on ice and struck claimant's parked vehicle.	\$4,901.60	Closed	
CLAIMS SUBMITTED IN 4th QUARTER WITH OCCURRENCE DATES PRIOR TO 4th QUARTER 2007:								
2007-443	4/21/2007	PD	Noah Collin	13606 S.E. Frank Ave, Boring OR 97009	Claimant alleges he was assaulted by Westminster police officers during an arrest.	\$0.00	Open	CIRSA Investigating
2007-420	5/2/2007	PD	Daniel Reimer	Sterling Correctional Center, PO Box 6000, Sterling CO 80751	Claimant alleges he was physically assaulted by police officers when he was arrested on an outstanding warrant.	\$0.00	Open	CIRSA Investigating

Claim Number	Loss Date	Dept	Claimant	Address	Claim Description	Payment	Status	Notes
2007-419	8/8/2007	PWU - Streets	Ronald Hooper	11008 Vrain Ct, Westminster CO 80031	Claimant alleges his truck was damaged during concrete replacement near his home.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was referred to Keene Concrete who was doing the work in that area.
2007-421	9/22/2007	PD	Richard Collins, Jr.	13140 Shoshone St, Westminster CO 80234	Claimant alleges his civil rights were violated while he was being arrested by Westminster police officers.	\$0.00	Open	CIRSA Investigating
					GRAND TOTAL	\$12,530.80		

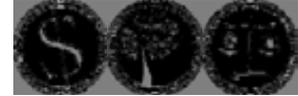


Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Big Dry Creek Trail at Wadsworth Boulevard Project - Utility Relocation Costs

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Authorize the expenditure of \$92,779 to Xcel Energy for utility relocations attendant to the improvement of the Big Dry Creek Trail at Wadsworth Boulevard project.

Summary Statement:

- The Big Dry Creek Trail at Wadsworth Boulevard project will necessitate the relocation of existing utility lines that are in conflict with the proposed improvements. These include facilities operated by Qwest, Comcast, Xcel Energy, and the City itself. The City's facilities will be relocated as part of the construction contract and the Qwest and Comcast facilities will be covered under our franchise agreement with them. Taking into account applicable credit under the franchise agreement with Xcel, the cost to underground the existing overhead electric lines is \$92,779.
- The short window of time available to construct this project makes it desirable to authorize the relocation of these utilities before construction bids are requested later this year. This will allow for the relocation of the majority of these utilities prior to roadway construction, which will help accelerate the completion of this project.

Expenditure Required: \$ 92,779

Source of Funds: General Capital Improvement Fund – Big Dry Creek Trail at Wadsworth Project

Policy Issue

Should the City proceed with utility relocations that are necessary in advance of the Big Dry Creek Trail at Wadsworth Boulevard project to maintain the project schedule?

Alternative

1. Council could choose to have utilities relocated during the roadway construction instead of prior to roadway construction. This alternative is not recommended since the project schedule for completing the bridge would require a detour through the project during the winter of 2008. Undergrounding the utilities in advance of this work removes delays in the construction of the roadway, which may allow enough construction progress so that the public could use the new bridge before winter 2008.
2. A second alternative relating to payment is to charge Xcel's portion of these costs to the franchise agreement "1% funds." This is also not recommended since the project budget should pay for these utility relocation costs. By not using the 1% funds for this project the funds would then still be available for other undergrounding projects that are not associated with a major capital improvement project or those that will not be undergrounded by a developer.

Background Information

The Big Dry Creek Trail at Wadsworth Boulevard Project is an important link in the Big Dry Creek trail system. The current trail crossing of Wadsworth Boulevard is the only location where the Big Dry Creek Trail crosses a major street at-grade rather than through an underpass. The major element of this project will be the construction of a new bridge on Wadsworth Boulevard to provide the necessary vertical clearance for the trail to pass under the street and to also accommodate the flow of 100-year storm waters under the bridge structure. To meet these requirements, the roadway will need to be raised approximately nine feet above its current elevation at Big Dry Creek. Wadsworth Boulevard will be reconstructed from approximately 99th Place to a point south of 98th Avenue. The new section of trail installed as part of this project will tie into the existing trail on the east side of Wadsworth Boulevard at 99th Avenue and Yarrow Street. The 99th Avenue roadway is currently used as the Big Dry Creek Trail between Yarrow Street and the BNSF railroad. A separate project will later provide a detached trail in this area.

In October 2003, the City of Westminster prepared an application to the Denver Regional Council of Governments (DRCOG) requesting funds in the 2005-2010 Transportation Improvement Program (TIP). The City was awarded Federal funds in the amount of \$2,145,000 under the condition that a local match of \$2,145,000 would be provided. On July 25, 2005, Council appropriated \$350,000 from the 2004 carryover to partially fund this project. CDOT agreed to allow the City to use this amount as a partial local match until 2008 when the City budgeted the remaining local match of \$1,795,000. Under this arrangement, the federal funding available in 2006 was \$1,400,000 and the remaining federal funds of \$745,000 became available in spring 2008, when construction is planned. In advance of the roadway construction, it is desirable to relocate the existing Xcel electric lines so that they are out of the way when roadway construction begins. This approach helps accelerate the completion of the project and has been done on several past projects such as the 144th Avenue and I-25 Interchange project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

EM



North Metro Headquarters
5460 West 60th Avenue
Arvada Colorado 80003

January 29, 2008

City of Westminster
Attn: Mr. Dave Loseman
4800 W. 92nd Ave
Westminster, CO 80031

Subject: Wadsworth Blvd Bridge/Big Dry Creek Trail

Dear Dave,

Enclosed is a design to underground the overhead electric feeder up to a point just north of W. 99th Place. The cost to underground the overhead feeder, relocate a capacitor rack and re-feed the overhead on W. 99th Ave is \$92,779. This new quote reflects boring the feeder from the new switch cabinet to the pole just north of W. 99th Place, and does not differentiate between the original path or the alternate bore path which is straight north of the switch cabinet and then west to the terminal pole north of W. 99th Place.

The sooner you can approve this project the better it will be to coordinate with the ongoing construction around the Big Dry Creek bridge project. This project will be in accordance with the Xcel Energy franchise agreement with the City of Westminster.

I can be contacted at 303-425-3953.

Sincerely,

Jim Higby
Planner, NMR

I have reviewed and approve the enclosed design.

Signature: _____ Date: _____

Print name _____

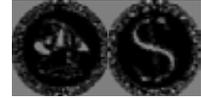


Agenda Item 8 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Roof Replacement at Fire Station # 1

Prepared By: Jerry Cinkosky, Facilities Manager

Recommended City Council Action

Authorize the City Manager to execute a contract with Alpine Roofing, Inc. in the amount of \$98,820 for roof replacement at the City's Fire Station # 1 facility, authorize a \$10,000 contingency bringing the total project budget to \$108,820.

Summary Statement

- The present roofing system at Fire Station # 1 is 17 years old and has begun to show signs of major deterioration. This deterioration has made it necessary for Building Operations & Maintenance Staff to spend a total of \$8,000 in 2007 on repairs to a roof that had been identified by both the Garland Roofing Asset Management Company Inc. and Bornengineering Inc.'s facility needs assessment as outliving its useful life expectancy.
- The present roof condition has required the Fire Department personnel to cover engine apparatus with tarps to prevent hoses from getting wet when the fire engines are parked in the station apparatus bays.
- City Staff has been using the services of the Garland Company Inc. since 2005 to assist with writing roof specifications, bidding of projects, oversight of roofing installations, as well as any possible future warranty issues. Roof projects that have been successfully completed with the services of Garland include City Park Recreation Center, Swim and Fitness Center, Municipal Service Center Administration and Operations buildings, and the Police Department's radio communications facilities.
- In early January 2008, Garland Company assisted Staff with writing specifications, sending out requests for proposals and holding a pre bid meeting with four roofing contractors that included requiring the contractors to examine the roof at Fire Station # 1.
- As a result of the competitive bid process, Staff is recommending awarding the roofing replacement project to Alpine Roofing, Inc. This recommendation is based on their submittal of the lowest competitive bid price and their successful completion of three similar roofing projects for the City.

Expenditure Required: \$108,820

Source of Funds: General Capital Improvement Fund – Building Operations and Maintenance Major Maintenance Project

Policy Issue

Should City Council award a contract to Alpine Roofing, Inc. for replacement of the roof at Fire Station # 1?

Alternative

Do not proceed with roof replacement at Fire Station # 1. Staff is not recommending this action based on the age and existing deterioration of the existing roof, inconvenience to the Fire Department personnel, potential damage to the interior of the facility and the amount of operational funds that will be needed to make necessary repairs to a roof that has outlived its useful life.

Background Information

In 2005, during the heavy snow and rainy seasons, Fire station # 1 began experiencing numerous roof leaks throughout the facility. Although patch repairs were being made on an as needed basis, Building Operations and Maintenance Staff spent \$5,200 in 2006 and \$8,000 in 2007 for these repairs. In addition to operational dollars being spent on repairs, BO&M Staff spent approximately 100 staff hours in 2007 pushing water off the roof to prevent damages to the interior of the facility.

During the recently completed facility needs assessment provided by Borneengineering, the roof at Fire Station # 1 had been identified as outliving its useful life and the recommendation was to replace the existing roof in 2007-2008.

With the assistance of Garland Roofing Company a request for proposals and pre-bid meeting was held on January 4 with four pre-approved roofing contractors.

The bid results received January 14 for the roof replacement at Fire Station # 1 are as follows:

CONTRACTOR	TYPE OF ROOF	BID AMOUNT
Alpine Roofing Inc.	Modified Bituminous	\$98,820
Colorado Moisture Control, Inc.	Modified Bituminous	\$108,499
B&M Roofing	Modified Bituminous	\$118,968
Black Roofing		No bid

Based on Alpine Roofing Inc.'s submittal of the lowest responsive bid and past history with similar roofing projects successfully completed on City facility roofs, Staff is recommending City Council's approval of a contract with Alpine Roofing for the roof replacement project at Fire Station # 1.

The roof replacement project at Fire Station # 1 supports the City Council Strategic Plan Goal of "Financially Sustainable City Government" in the following areas:

- Well-maintained city infrastructure and facilities
- Effective cost containment/control measures for living within revenues and budget

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Award of Semper Water Treatment Facility Raw Water Vault Rehab Contract

Prepared By: Tom Settle, Water Treatment Superintendent

Recommended City Council Action

Authorize the City Manager to execute a contract with American West Construction in the amount of \$145,500 for the rehabilitation of Raw Water Control Vault No. 2 at the Semper Water Treatment Facility (SWTF), authorize \$14,500 in contingency funding and authorize a transfer of \$31,000 from the 2007 Capital Improvement Project SWTF Filter 1-14 Media Replacement Project to the SWTF Raw Water Vault Re-Build Capital Improvement Project to fully fund the project.

Summary Statement

- The Semper Water Treatment Facility has a capacity to treat 44 million gallons per day of potable water via two raw water feed conduits from Standley Lake. The water flow is regulated by two valves in Raw Water Control Vault No. 2 on the facility's site.
- The original vault and first raw water piping and valve were installed in 1973. The second pipe and valve were installed in 1986.
- As a result of normal operation of these valves for throttling flows, the valves will no longer close water-tight and fully stop flow into the water plant. One downstream piece of piping has experienced a failure resulting in a serious water leak and subsequent temporary repairs.
- Staff engaged Boyle Engineering to generate equipment specifications and design details necessary to rehabilitate the vault and piping components to restore the system to full potential at a cost of \$45,061.
- The two control valves were pre-purchased by the City at a cost of \$25,776 in order to have enough lead time for the work to be accomplished before the beginning of the peak water demand season.
- The proposed construction contract with the lowest qualified bidder, American West Construction, is for \$145,500 with a proposed contingency of \$14,500.
- The total project cost including the engineering pre-purchased equipment and the proposed construction contract including contingency will be \$230,837.
- \$200,000 in funding for the project was previously approved by City Council, therefore, it is necessary to transfer \$31,000 from the SWTF Filter 1-14 Media Replacement CIP Project to supplement and fully fund the project as proposed.

Expenditure Required: \$160,000 (construction contract and contingency)

Source of Funds: Utility Fund — Semper Water Treatment Facility Raw Water Vault Re-Build Project

Policy Issue

Should the City proceed with the rehabilitation of the Semper WTF Raw Water Vault No. 2 at this time and award the contract for the construction to American West Construction?

Alternative

The City could choose to postpone the rehabilitation of the Semper WTF Raw Water Vault No. 2. This alternative is not recommended because the control valves and piping in the vault are in poor repair and will no longer completely stop the flow of water into the facility when needed.

Background Information

The Semper Water Treatment Facility, the City's largest and primary potable water treatment plant, was first constructed in 1969 with a capacity of 6 million gallons per day (mgd). The plant underwent major expansions in 1973, 1979, 1985 and 1995 resulting in its current capacity of 44 mgd. Raw Water Control Vault No. 2 was constructed in 1973 and modified to its current configuration in 1985.

The vault contains flow control valves and metering equipment that regulate the flow of water piped from Standley Lake to the Semper WTF. The components in the vault experience a wide range of stresses while controlling the flow that accelerates the wear to the valve seats and downstream piping. One of the two pipe systems has already experienced a deterioration of the downstream piping, producing a significant leak. Additionally, the valve seats are now worn to the point that they will not seal water-tight, preventing a full shutdown of the facility without utilizing upstream isolation valves. The normal life expectancy for this type of valve utilization is 20 years and Staff has been able to attain over 20 years of service from both valves. Work will also include replacing the corroded light and heat system, improving the chemical feed points, replacing a hazardous ladder system with a stairway and painting all pipe components in the vault.

Staff solicited proposals from appropriate contractors and four proposals were received as summarized in the table below. American West Construction provided the lowest cost proposal meeting all requirements of the bid request. Velocity Construction's bid indicated that they could not perform the required work within the time frame set forth in the request for bids.

Company	Quoted Cost
Velocity Construction	\$134,853
American West Construction	\$145,500
Aslan Construction	\$164,000
T. Lowell Construction	\$243,000

The bid amounts include two bid alternatives that were requested in the Request for Bids, one for \$22,500 and one for \$24,500. The contractor and engineers will inspect the two pipelines for damage downstream of the control valves being replaced. If unrepairable damage is detected on either pipeline, then the bid alternative for that component will be immediately executed to obtain and install replacement pipe. Execution of the alternatives is not anticipated, but the pre-planning was determined to be the best approach to keep the project on time and completed prior to the increased water demands in late spring and summer.

In addition to the construction costs, the project has already incurred costs for the engineering design work and the pre-purchase of the two new control valves. Fees of \$45,061 will be paid to Boyle Engineering for design work and \$25,776 to Municipal Valve for the new valves and controllers. The total cost of the vault rehab project, based on the proposals received, will be \$216,337. The project was originally funded at \$200,000. The difference of \$16,337 and the requested contingency requirements will be paid with savings from the SWTF Filter 1-14 Media Replacement Project.

This project helps achieve the City Council's Strategic Plan Goal of Financially Sustainable City Government by contributing to the objective of a Well-maintained City Infrastructure and Facilities.

Respectfully submitted,

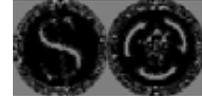
J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Raw/Reclaimed Water Interconnect Construction Contract and Design Contract Change Order Approval

Prepared By: Dan Strietelmeier, Senior Engineer, Capital Projects & Budget Management

Recommended City Council Action

1. Authorize the City Manager to execute a contract with Duran Excavating Inc. in the amount of \$2,523,547 for construction of the Raw/Reclaimed Water Interconnect pipelines and pump station and authorize a ten percent construction contingency in the amount of \$252,355 for a total construction budget of \$2,775,902.
2. Authorize Change Orders in the amount of \$18,877 increasing Stantec Consulting Inc.'s July 30, 2007 contract for design and construction engineering services to \$473,378.

Summary Statement

- The design of the Raw/Reclaimed Water Interconnect project has been completed under a contract with Stantec Consulting Inc. (Stantec) approved by City Council in 2007. The project consists of a new pipeline between the Northwest Water Treatment Facility and the existing Reclaimed system pipeline in 108th Avenue, construction of a six million gallons per day pump station at the Northwest Water Treatment Facility, extension and connection of new customers to the Reclaimed Water distribution system.
- The City advertised the construction phase project bids on January 11, 2008 and received three qualified bids on January 29, 2008. The lowest bidder subsequently withdrew their bid due to a math error and Duran Excavating Inc. presented the lowest responsible bid in the amount of \$2,523,547.
- Construction is tentatively scheduled to begin this month and project completion is anticipated to occur by the end of August, 2008.
- Stantec's scope of work has increased resulting in change orders due to the need to address Reclaimed water system operational issues that have been presented by staff during design review meetings. The issues are a result of staff attempting to optimize Reclaimed system operations by addressing problems encountered during operation of the relatively new system.
- The Raw/Reclaimed Water Interconnect project is needed in order for the Reclaimed water system to meet full build-out Reclaimed user water demands.
- The requested funding is within the funding authorized by City Council in the 2008 Utility Fund Capital Budget for reclaimed water system improvements.

Expenditure Required: \$2,775,902 (construction)

Source of Funds: Utility Fund Capital Improvements
- Raw/Reclaimed Water Interconnect
- Reclaimed User Connections
- 102nd Avenue Reclaimed Pipeline Extension
- Reclaimed Water Project New Customer Connections
- Reclaimed Water Project User Retrofits

Policy Issue

Should the City proceed with the construction of the Raw/Reclaimed Water Interconnect project and authorize additional funding for Stantec's design and construction management contract?

Alternatives

The City could choose from the following alternatives:

1. Re-design and construct the Raw/Reclaimed Water Interconnect project at a later date; however, this will delay completion of the Interconnect project, which could lead to inadequate water supply for the Reclaimed Water System.
2. Award the contract to another bidder, however this would only unnecessarily increase the project costs since the low bidder is responsible and qualified to perform this work.
3. Re-bid the project as currently designed; however, the cost proposal received is within the Engineer's estimated range.

Staff does not recommend any of these alternatives.

Background Information

The Reclaimed Water Master Plan, completed in 2006, recommended supplementing the Reclaimed Water system supply of Big Dry Creek Wastewater Treatment Facility effluent, with raw water from the Standley Lake pipelines for peak demand reduction. Stantec determined that capacity is available in the 36 inch Northwest Water Treatment Facility pipeline for both the raw water/reclaimed and potable supply needed to meet build out demands. An alternative analysis was performed and the recommended alternative of using existing Northwest raw water pipeline capacity, building a six million gallons per day pump station at Northwest and constructing the interconnect pipeline to the Reclaimed system in 108th Avenue ranked well above all other alternatives, and was the lowest cost alternative. The new pump station will pump raw water from the existing Northwest Water Treatment Facility pipeline to the Reclaimed Water System.

The project will include connecting new customers to the Reclaimed water system along 102nd Avenue and extending the Reclaimed Water distribution system piping approximately 2,400 feet along 120th Avenue. Pumps, motors and a raw water strainer have been pre-procured by the City due to the long lead time required for manufacture and delivery of this equipment.

Stantec's July 30, 2007 design and construction management contract for \$454,501 was approved with contingency amount of 5% or \$22,725. The \$18,877 in change orders are a result of Stantec providing additional surveying and design work to accommodate changes and additions requested by City staff that are outside the original scope of services.

Changes to the scope originated from the City taking the initiative to improve Reclaimed system operations. A major improvement will be to eliminate the discharge of reclaimed water to streams and storm drainage from blow-off valves. Reclaimed water discharges to streams and storm sewers need to be reported as spills. The new blow-offs will be piped to the sanitary sewer, which will allow the Reclaimed water system to be drained for maintenance and repair. Stantec's change orders provide for field survey and final design for the blow-off drain pipelines. Additional services were also needed to design a pressure surge tank that will protect the Reclaimed Water system from pipeline breaks during Interconnect pump station operation. A hydraulic analysis revealed that the high capacity pumps and high pressures in the area could lead to surge problems. Standley Lake High School, a future Reclaimed water

customer, requested that their proposed 6” service line connection be moved from the original agreed upon location. Additional survey and design was required for the relocated 6” service pipeline for the high school. Additional survey was also required for four easements needed to facilitate the construction of the pipeline extensions. In anticipation of some complex pipeline work and pump station construction, staff recommends authorizing additional funds for Stantec’s contract to assure adequate funding through completion of the project.

The City received three qualified construction bids on January 29, 2008 and Edge Contracting Inc. withdrew their bid on January 30, 2008. The following is a summary of the bids received:

<u>Contractor Name</u>	<u>Base Bid Amount</u>
Edge Contracting Inc.	\$1,919,402 (withdrawn)
Duran Excavating Inc.	\$2,523,547
BT Construction	\$2,882,948

After thoroughly reviewing the two remaining bids and checking references, Staff is recommending the award to Duran Excavating Inc. who has successfully completed several projects in the area and was the lowest responsible bidder.

The approximate breakdown of current funding for the project is as follows:

<u>Item</u>	<u>Amount</u>
Special Studies	\$183,079
Design/Construction Management Services	\$454,501
Design/Construction Management Contingency (5%)	\$22,725
Design/Construction Management Change Orders	\$18,877
Construction	\$2,523,547
Construction Contingency (10%)	\$252,355
Equipment	\$112,020
Street Cut Impact Fees	\$20,000
Easements	<u>\$25,000</u>
Total	\$3,612,104
Current Authorized Budget	\$5,000,000
Budget Surplus/(Shortfall)	\$1,387,896

The construction contract with Duran Excavating Inc. will mark the end of the design and bidding phase, the anticipated construction schedule is listed below:

Notice of Award	February 13, 2008
Mobilization	February 29, 2008
Tie-in to 108 th Avenue Reclaimed Pipe	March 15, 2008
Tie-in to Northwest Pipeline	June 1, 2008
Delivery of Pre-Procured Equipment	June 15, 2008
Substantial Completion	August 6, 2008
Final Completion	August 21, 2008

The timely completion of the Raw/Reclaimed Water Interconnect Project will assist the City in meeting the City Council’s Strategic Plan goal of a “Financially Sustainable City Government” by promoting

good stewardship with the use of reclaimed water and also will help maintain a “Beautiful City” using this water for irrigation of Parks, golf courses, and common areas. The Interconnect project will be needed for full development of the Reclaimed water system providing the City with additional water supply yield by freeing up demand from the potable water system.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Councillor's Bill No. 3 Amending Chapter 5 of Title II,
W.M.C. re Special Permit and License Board Authority

Prepared By: Leslie Annand, Assistant City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 3 as an emergency ordinance amending Chapter 5 of Title II, W.M.C. concerning Special Permit and License Board authority.

Summary Statement

- An amendment to Chapter 5 of Title II of the Westminster Municipal Code is necessary to clarify that the Special Permit and License Board has the power to cancel, deny renewal, suspend and revoke contractor registrations that are required by Chapter 5 of Title V of the Code.
- A conflict currently exists in the Code. Chapter 5 of Title V requires that a contractor receive a hearing before the Board before a registration can be cancelled, denied renewal, suspended or revoked, but Chapter 5 of Title II listing the powers of the Board does not include a grant of jurisdiction over contractor registrations.
- An emergency ordinance is being proposed to address a current situation that needs to come before the Special Permit and License Board in a timely manner.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council adopt an ordinance amending the Westminster Municipal Code to clarify the jurisdiction of the Special Permit and License Board?

Alternatives

1. Do not pass the ordinance. This is not recommended because there is inconsistency in the Westminster Municipal Code as it currently exists.
2. Delay the adoption of this ordinance. This is not recommended as the City is seeking a hearing to revoke certain contractor registrations and would like to clarify the authority of the Special Permit and License Board to conduct such hearings.

Background Information

Title V, Chapter 5, W.M.C., governs contractor registration in the City of Westminster. Section 5-5-2 requires any person who performs work as a contractor to obtain a registration pursuant to Chapter 5. The section further provides that no building permits will be issued for work to be done by an unregistered contractor.

Section 5-5-7 provides for the denial, cancellation, denial of renewal, suspension and revocation of a contractor's registration. This section provides that a registration may be cancelled, denied renewal, suspended or revoked only after the contractor has been given notice and a hearing before the Special Permit and License Board. Specifically, the section states: "Said notice shall be given no less than ten (10) days prior to a hearing to be scheduled before the Special Permit and License Board."

However, Title II of the Code governs Boards and Commissions, and Chapter 5 of Title II addresses the jurisdiction of the Special Permit and License Board. The powers and duties of the Special Permit and License Board are set forth in section 2-5-2. Subsection (B) provides that the Special Permit and License Board shall conduct public hearings, approve or deny applications for licenses, renew or deny renewal of licenses, and cancel, suspend or revoke the following licenses:

1. Massage Parlor Licenses
2. Escort Service Licenses
3. Special Use permits
4. Amusement Center Licenses
5. Dance Hall and Cabaret Licenses
6. Business Licenses

Although a contractor's registration could be considered a type of business license, the above list does not expressly include authority over contractor registrations, notwithstanding the contrary assumption set forth in Chapter 5, Title V of the Code. The City Attorney's Office believes this was an oversight and that the proposed ordinance will clarify the intended authority of the Board to conduct hearings for the cancellation, denial of renewal, suspension and revocation of contractor's registrations.

The need for this clarification came to light as the City was preparing to move forward with the revocation of two contractor registrations for repeated violations of Title IV, specifically failure to file tax returns and pay assessed use taxes.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO. **3398**

COUNCILLOR'S BILL NO. **3**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
MAJOR - KAISER

A BILL

FOR AN EMERGENCY ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING SPECIAL PERMIT AND LICENSE BOARD AUTHORITY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-5-2, subsection (B), W.M.C., is hereby AMENDED to read as follows:

2-5-2: POWERS AND DUTIES:

(B) The Special Permit and License Board shall conduct public hearings, approve or deny applications for licenses, renew or deny renewal of licenses, and cancel, suspend or revoke the following licenses. All decisions of the Board on these licenses are final, subject only to appeal to a court of competent jurisdiction.

1. Massage Parlor Licenses, pursuant to Chapter 15 of Title V of this Code;
2. Escort Service Licenses, pursuant to Chapter 19 of Title V of this Code;
3. Special Use Permits, pursuant to Section 8, Chapter 4 of Title XI of this Code.
4. Amusement center licenses, pursuant to Chapter 9 of Title V of this eCode; and
5. Dance hall and cabaret licenses, pursuant to Chapter 16 of Title V of this eCode.
6. Business licenseS, INCLUDING CONTRACTOR REGISTRATIONS under review for denial, revocation, or suspension shall be reviewed in a public meeting conducted by the Special Permit and License Board.

Section 2. This ordinance shall take effect February 11, 2008.

Section 3. Because of a pending hearing date of February 20, 2008, before the Special Permit and License Board for revocation of a contractor registration, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on February 11, 2008, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY
ORDINANCE this 11th day of February, 2008.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

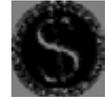
City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Resolution No. 7 re Recovery Contract Interest Rate

Prepared By: Frances A. Velasquez, Secretary

Recommended City Council Action

Adopt Resolution No. 7 establishing the 2008 calendar year interest rate for non-City funded public improvement recovery contracts at 9.25 percent and an interest rate of 4.44 percent for City-funded public improvements.

Summary Statement

- In accordance with Section 7(F) of Title XI, Chapter 6, of the City Code, Staff requests that City Council establish interest rates on recovery agreements for 2008. For more than 15 years, it has been City practice to add two percent to the Prime Rate for non-City funded recovery contracts. The Prime Rate on January 1, 2008, was 7.25 percent. It is proposed that the recovery interest rate for 2008 on non-City funded public improvements be the Prime Rate plus two percent, or 9.25 percent.
- Staff is proposing that the recovery interest rate on City-funded projects for 2008 be set at 4.44 percent in accordance with the average Bond Buyer 20 Index for 2007, which is consistent with the methodology used to set the rate for the past three years.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does the City Council concur with the proposed methods of assessing interest on recoveries associated with new private developments and City-funded projects?

Alternative

Council could establish a different interest rate for recovery agreements than the proposed rates. This is not recommended as the proposed rates are tied to the established indexes that provide good credibility for recovery interest paid to developers or the City.

Background Information

Several years ago, City Council established a recovery system that enables developers to recover a portion of certain costs associated with public improvements installed with their developments that also benefit adjacent, undeveloped properties. Recovery contracts are executed between the City and the developer. When subsequent development occurs in those areas benefited by the improvements installed by the original developer, the new development is assessed its proportionate share plus interest, which is then returned to the original developer. The recovery system has also allowed the City to be reimbursed for public improvements installed by the City when subsequent private development occurred abutting the improvements.

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement Projects is usually much less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, in the past City Council has felt that it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. From 1993 through 2004, Council approved the use of the Municipal Bond Index as the recovery interest rate for City projects. Because this Index is set weekly and can fluctuate greatly throughout the year, Staff proposed a different approach two years ago. In 2005, Council selected the average Bond Buyer 20 Index for the preceding year as a more representative benchmark of the City's true cost of borrowing money. Staff recommends that this method of calculating the interest rate for recoveries associated with City-funded projects be used again this year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **7**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

ESTABLISHING THE 2008 RECOVERY CONTRACT INTEREST RATE

WHEREAS, Section 11-6-7 (F) 1 of the Westminster City Code provides the City Council shall establish the interest rates to be utilized for the assessment of interest costs relating to recovery costs for public improvements; and

WHEREAS, the Westminster City Code provides that such interest rates are to be established from time to time; and

WHEREAS, these interest rates have traditionally been calculated at the beginning of each calendar year.

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster hereby establishes the 2008 calendar year interest rate for any non-City funded public improvement recovery contract to be 9.25 percent and the 2008 calendar year interest rate for City-funded public improvements to be 4.44 percent.

PASSED AND ADOPTED this 11th day of February 2008.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Item 10 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 11, 2008



SUBJECT: Resolution No. 8 re Wadsworth Crossing Annexation Compliance Hearing

Prepared By: David Falconieri, Planner III

Recommended City Council Action

Adopt Resolution No. 8 accepting the annexation petition submitted by George Stroberg, owner, and make the findings required by State Statute on the sufficiency of the petition. This resolution sets the date of March 31, 2008, for the annexation hearing.

Summary Statement

- The Wadsworth Crossing property is located at the southwest corner of Church Ranch Boulevard and Wadsworth Boulevard and consists of approximately 4.76 acres. (See attached vicinity map.)
- The applicant wishes to annex and acquire approval of a Preliminary and Official Development Plan for a 34,000 square foot retail center.
- The property is subject to the requirements of the Northeast Comprehensive Development Plan which permits general retail as proposed.

Expenditure Required: \$0

Source of Funds: NA

Policy Issue

Should City Council accept the annexation petition and set a hearing for the Wadsworth Crossing property at this time?

Alternative

Make a finding that there is no community of interest with the Wadsworth Crossing property and take no further action. If this course is taken, the property in question will remain unincorporated, and the owner could proceed with his proposed development in the County. The City would still be required to provide water and sewer service.

Background

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

1. Is signed by the landowners of more than 50% of the area, excluding streets and alleys.
2. Contains an allegation that the annexation is desirable and necessary.
3. Contains an allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
4. Contains mailing addresses of the signers and the date each signed (in this case, George Stroberg, signer of the petition, owns 100% of the property.)
5. Contains the legal description of the land to be annexed.
6. Contains the affidavit of the circulator stating that each signature is the signature of the person whose name it purports to be.
7. Is accompanied by a map showing the boundaries of the area, the location of each ownership, including the lots and blocks if platted, and the contiguous boundaries of any abutting municipalities.

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

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Vicinity Map
- Resolution
- Petition

RESOLUTION

RESOLUTION NO. **8**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

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

WHEREAS, the City Council has been presented evidence by the City Staff that the petition submitted by George Stroberg and accompanying map are in substantial compliance with Sections 31-12-107 (1), Colorado Revised Statutes, as amended;

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

1. City Council finds the said petition and annexation map to be in substantial compliance with the requirements of Section 31-12-107 (1) C.R.S.,
2. City Council hereby establishes March 31, 2008, 7 p.m. at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by Subsection 31-12-108 (1), C.R.S.,
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with Subsection 31-12-108 (2), C.R.S.

Passed and adopted this 11th day of February, 2008.

ATTEST:

Mayor

City Clerk

Approved as to form:

City Attorney's Office

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
WESTMINSTER CITY HALL, 4800 W. 92ND AVENUE
MONDAY, February 11, 2008
7:00 P.M.**

- 1. Roll Call**
- 2. Minutes of Previous Meeting (January 28, 2008)**
- 3. New Business**
 - A. 128th Avenue Widening - Delaware Street to I-25
- Construction Engineering Contract - J.F. Sato and Associates
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, FEBRUARY 11, 2008 AT 7:08 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Dittman, and Board Members Briggs, Kaiser, Major, and Winter. Board Member Lindsey was absent and excused. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney for the Authority, and Linda Yeager, Secretary.

CONSIDERATION OF MINUTES

Board Member Briggs moved, seconded by Kaiser, to approve the minutes of the meeting of January 28, 2008 with no additions or corrections. The motion carried unanimously.

CONSTRUCTION ENGINEERING CONTRACT TO WIDEN 128TH AVENUE (DELAWARE TO I-25)

Vice Chair Dittman moved to authorize the Executive Director to execute a contract with J. F. Sato and Associates in the amount of \$74,738 for construction engineering services for the south side of 128th Avenue and the Tanglewood Creek drainage/pedestrian underpass between Delaware Street and I-25, and authorize a \$7,474 project contingency for a total project budget of \$82,212. Board Member Major seconded the motion and it carried unanimously.

ADJOURNMENT

There being no other business to come before the Authority, the meeting adjourned at 7:09 p.m.

ATTEST:

Secretary

Chairperson

WEDA Agenda Item 3 A

Agenda Memorandum

Westminster Economic Development Authority Meeting
February 11, 2008



SUBJECT: 128th Avenue Widening – Delaware Street to I-25
Construction Engineering Contract-J.F. Sato and Associates

Prepared By: Richard M. Kellogg, Jr., Senior Projects Engineer

Recommended Board Action

Authorize the Executive Director to execute a contract with J.F. Sato and Associates in the amount of \$74,738 for construction engineering services for the south side of 128th Avenue and the Tanglewood Creek drainage/pedestrian underpass between Delaware Street and I-25, and authorize a \$7,474 project contingency, for a total project budget of \$82,212.

Summary Statement

- The City of Westminster, in accordance with an Intergovernmental Agreement with Adams 12 Five Star School District pertaining to the development of the new school complex at 128th Avenue and Huron Street, widened the south side of 128th Avenue to arterial street standards between Huron Street and Delaware Street in 2006.
- The Colorado Department of Transportation (CDOT) recently determined that the two-lane 128th Avenue overpass of I-25 required replacement. The CDOT plan was to replace the bridge with a minimal two-lane structure, but both adjoining cities, Westminster and Thornton, financially participated in the widening of the bridge to a four-lane structure with wider sidewalks and certain aesthetic enhancements. This project is currently under construction.
- With the completion of the replacement overpass by CDOT in mid-2008 and the widening by the City between Huron Street and Delaware Street in 2006, a “bottleneck” will occur between Delaware Street and the I-25 overpass on the south side of 128th Avenue.
- The WEDA Board, at its regularly meeting of January 28, 2008, authorized various construction contracts and funding including: 1.) Jalisco International Inc. for the construction of this project, 2.) Street Lighting by Xcel Energy and 3.) A Letter of Map Revision fee to be paid to FEMA.
- The J.F. Sato and Associates construction engineering contract provides the overview, inspection and quality control of the contractors work for the widening of 128th Avenue and the installation of the Tanglewood Creek drainage/pedestrian concrete box culvert which will serve as the pedestrian trail underpass for the connection of the future Tanglewood Trail north and south of 128th.
- This project lies within the defined boundaries of the North Huron Urban Renewal Area. Funds are available from the North I-25 WEDA Bonds issued for street improvements in this WEDA area.

Expenditure Required: \$82,212

Source of Funds: WEDA Bond Funds

Policy Issue

Should WEDA proceed with funding for the construction engineering of the widening of the south side of 128th Avenue between Delaware Street and I-25? Does the WEDA Board agree that it is in the public interest to execute a contract with J.F. Sato and Associates to perform this work?

Alternatives

Alternatives include not executing the construction engineering contract. This alternative is not recommended due to the Board’s authorization for the construction contract and attendant contracts at their regular meeting of January 28, 2008. Monitoring of the construction contractors operations is mandatory for providing safety and quality control for the project.

Background Information

The widening of the south side of 128th Avenue between Delaware Street and I-25 has become a critical project due to the “bottleneck” that will soon be created by the construction of adjacent roadway improvements projects. Over a year ago, the City sponsored a project to enhance access to the new Mountain Range High School by widening the south side of 128th Avenue between Huron Street and Delaware Street. CDOT has commenced with the construction of a new four-lane bridge over I-25, but this widening will not extend nearly as far west as Delaware Street. The WEDA Board has authorized the funding and has approved a contract with Jalisco International Inc. to widen the “missing link” of unimproved roadway that currently exists between the bridge over I-25 and Delaware Street, thus removing the transitions from four-lane to two-lane and back to four-lane sections along this relatively short stretch of 128th Avenue. The currently vacant property on the north side of 128th Avenue is being developed by Erickson Retirement Communities. The westbound portion of the roadway is being designed and will be constructed in the near future by Erickson to complete the full arterial street section on the north side of 128th Avenue between I-25 and Huron Street.

Recognizing that construction engineering is vital to this construction project, staff requested proposals from five qualified engineering firms. Staff reviewed the proposals based first upon qualifications to perform the services and secondly upon review of the proposed fees. These proposals were received January 25, 2008 and the results of this process are listed below:

Consultant	Proposed Fee
J.F. Sato and Associates	\$74,738
Stantec Consulting Inc.	\$107,660
Short Elliott Hendrickson Inc. (SEH)	\$199,835
Felsburg Holt and Ullevig	Declined to respond
Wilson & Company	Declined to respond

Staff is recommending awarding the construction engineering contract to J.F. Sato and Associates in the amount of \$74,738. In addition, authorization is sought for \$7,474 for a project contingency.

Respectfully submitted,

J. Brent McFall
Executive Director