



## 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
  - A. Girl Scout Week Proclamation
  - B. Moises Alcala, State Heavyweight Wrestling Champion, Proclamation
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. 2009 Water Treatment Chemicals Purchase
  - B. 2009 Disposable Medical Supplies Purchase
  - C. Bluegrass and Right-of-Way Mowing Amended Contract
  - D. Second Reading Councillor's Bill No. 4 re 2008 4<sup>th</sup> Quarter Budget Supplemental Appropriation
  - E. Second Reading Councillor's Bill No. 5 re Chapters 1, 2, & 5, Title XIII, W.M.C. re Parkland and Open Space
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 6 re Westminster Center Park and City Park Aquatics Renovation Supplemental Appropriation
  - B. Resolution No. 10 re Payment to Metro Wastewater Reclamation District for Exclusion of Service Area (94<sup>th</sup>/Quitman)
  - C. Councillor's Bill No. 7 re Transfer of Funds to Cover the Payment to Metro Wastewater Reclamation District
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
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 23, 2009 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. 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 Councillor Kaiser, to approve the minutes of the regular meeting of February 9, 2009, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that meetings of the Westminster Economic Development Authority and the Westminster Housing Authority would be conducted after adjournment of this meeting. At the conclusion of those meetings, City Council would hold a post-meeting to which the public was welcome.

CITY COUNCIL COMMENTS

Councillor Briggs reported that Mayor McNally's term as Chair of the Denver Regional Council of Governments had just ended. The Council, Staff, and audience joined him in applauding the Mayor's outstanding leadership and representation of Westminster.

EMPLOYEE SERVICE AWARDS

Councillor Major presented certificates and pins for 20 years of service to Jerry Cinkosky, Viola Duran, Sean Layfield, and Patti Wright. Mayor McNally presented certificates, pins, and monetary stipends for 25 years of service to Jim Feggstad, Paul Spellman, and Steve Baumann.

PRESENTATIONS

Councillor Winter recognized the youth selected for the first phase of the Metropolitan Mayors' and Commissioners' Youth Award, praising them for their achievements. Present with family and friends to accept Certificates of Recognition were: Amanda Apodaca, Jessica Banks, Jerome Bender, Tiffaine Casados, Mercedes Cruz, Leonard Dominguez, David Garcia, Scott Huffer, Orilea Medina, Shaniece Montoya, and Cierra Tenoria.

Patti Wright, Open Space Volunteer Coordinator, presented awards and Certificates of Recognition to open space/forestry volunteers, each with ten years of service to the City. Cited for their tenacity and dedication were Laura Brieser-Smith, Scott Smith, John Carpenter, Marilyn Carpenter, Paul Gutknecht, Eric Knopinski, Bob Saindon, Bob Schmidt, Laurainne Schmidt, and Lloyd Williams.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the January 2009 Financial Report; award the bid to Asphalt Specialties Company and Brannan Sand and Gravel Company for purchase of asphalt materials, and Deery American Corporation for crackseal materials at the unit prices indicated on the bid tabulation on an as-needed basis in an amount not to exceed \$500,000 for asphalt and \$60,000 for crackseal materials; ratify the contracted purchase of 381.540 gallons of unleaded gasoline and #2 diesel fuel from

Gray Oil to be delivered to City sites for a cost of \$1,135,350 in 2009; authorize the City Manager to execute a contract with Schultz Inc. in the amount of \$137,924 for the City's median maintenance and right-of-way spraying with options for two additional one-year renewals in 2010 and 2011; authorize the expenditure of an amount not to exceed \$100,067 for street lights attendant to the improvement of 112<sup>th</sup> Avenue between Clay and Huron Streets; approve a change in the Business Assistance Agreement for the Church Ranch Hotel companies to extend the date for commencement of construction from March 1, 2009 to March 1, 2011; final passage of Councillor's Bill No. 2 amending the FY2008 budgets of the General Fund, Fleet Maintenance Fund and General Capital Improvement Fund; and final passage of Councillor's Bill No. 3 transferring \$1,389,000 from the Utility Capital Project Reserve Fund to the Reclaimed Water Treatment Facility Expansion Project account in the Utility Fund.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. Mayor Pro Tem Dittman removed item 8D and moved to approve the consent agenda as amended by exclusion of item 8D. The motion was seconded by Councillor Kaiser and passed unanimously.

#### MEDIAN MAINTENANCE AND R-O-W SPRAYING CONTRACT AWARD

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to authorize the City Manager to execute a contract with Schultz Inc. in the amount of \$137,924 for the City's median maintenance and right-of-way spraying with options for two additional one-year renewals in 2010 and 2011. The motion passed by a 6:1 margin with Councillor Kaiser abstaining due to a potential conflict of interest.

#### COUNCILLOR'S BILL NO. 4 FOR 2008 4<sup>TH</sup> QUARTER BUDGET SUPPLEMENTAL APPROPRIATION

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Kaiser, the Council voted unanimously at roll call to pass Councillor's Bill No. 4 on first reading to provide for supplemental appropriations of funds to the 2008 budget of the General, Water, Fleet, and General Capital Improvement Funds.

#### COUNCILLOR'S BILL NO. 5 AMENDING CITY CODE PROVISIONS ON PARKLAND & OPEN SPACE

It was moved by Councillor Briggs, seconded by Councillor Major, to pass Councillor's Bill No. 5 on first reading to amend Chapters 1, 2, and 5 of Title XIII of the Westminster Municipal Code concerning parkland and open space. At roll call, the motion passed unanimously.

#### RESOLUTION NO. 8 ADOPTING POLICIES FOR USE OF OPEN SPACE, PARKLAND & PUBLIC AREAS

Councillor Major moved to adopt Resolution No. 8 authorizing the adoption of policies for use of open space properties, parklands, and other City-owned properties. Councillor Lindsey seconded the motion, which passed unanimously on roll call vote.

#### RESOLUTION NO. 9 AUTHORIZING R-O-W PURCHASES FOR 112<sup>TH</sup> AVENUE IMPROVEMENTS

Councillor Kaiser moved, seconded by Mayor Pro Tem Dittman, to adopt Resolution No. 9 authorizing Staff to proceed with the acquisition of rights-of-way and easements necessary for the construction of improvements to 112<sup>th</sup> Avenue between Clay and Huron Streets, and authorizing an expenditure not to exceed \$250,000 to acquire the necessary property interests. At roll call, the motion passed with all Council members voting affirmatively.

#### ADJOURNMENT

There being no further business to come before the City Council, the Mayor adjourned the meeting at 7:42 p.m.

ATTEST:

---

City Clerk

---

Mayor



## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
March 9, 2009



**SUBJECT:** Girl Scout Week Proclamation

**Prepared By:** Linda Yeager, City Clerk

### Recommended City Council Action

Councillor Mary Lindsey to present the proclamation for Girl Scout Week in the City of Westminster.

### Summary Statement

- March 12, 2009, marks the 97<sup>th</sup> anniversary of the Girl Scouts of the USA.
- Locally, the Girl Scouts Peak to Peak Service Unit is honing the leadership skills of Westminster girls between the ages of 5 and 17 by building self-confidence, providing creative decision-making opportunities and promoting teamwork.
- Girl Scouts from throughout the Peak to Peak Service Unit will be present to accept the proclamation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** Girl Scout Week Proclamation

Page 2

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Girl Scouts is the largest organization for girls in the world with more than 3.5 million current members nationwide, of which 38,000 are in Colorado. For 97 years, millions of girls have been inspired with the ideals of courage, confidence, and character advocated by Girl Scout leaders. Annual Girl Scout cookie sales teach financial literacy and provide troop members the opportunity to set and achieve goals that better their troop, their community, and their scouting experience. Through its STEM Program, which stands for science, technology, engineering, and math, members are growing and learning the skills needed to assume leadership roles in our country's future.

Girl Scouts representing troops from throughout the Peak to Peak Service Unit will be present to accept the proclamation.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, Thursday, March 12, 2009, marks the 97<sup>th</sup> anniversary of Girl Scouts of the USA, founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and,

**WHEREAS**, Girl Scouts, the largest organization for girls in the world, is the leading authority and advocate for girls, inspiring millions of girls and women with the highest ideals of courage, confidence and character; and,

**WHEREAS**, Girl Scouts is a safe place for girls to explore their world, develop an understanding and empathy for others and take action to make the world a better place; and,

**WHEREAS**, through leadership experiences that build self-confidence, creative decision-making skills and teamwork, girls develop real-world leadership abilities that will last them a lifetime in Girl Scouts; and,

**WHEREAS**, Girl Scouting is for every girl, everywhere, and is dedicated to serving members from all racial, ethnic, cultural, religious and socioeconomic groups; and,

**WHEREAS**, Girl Scouts of Colorado is a statewide council serving 38,000 girls, ages 5 to 17, across the state.

**WHEREAS**, more than 3.5 million current Girl Scout members nationwide will be celebrating 97 years of an American tradition of teaching girls an innovative program to help them succeed in the 21<sup>st</sup> century.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim March 8 through 14, 2009 to be**

## **GIRL SCOUT WEEK**

Signed this 9th day of March 2009.

---

Nancy McNally, Mayor



## Agenda Item 6 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 9, 2009

**SUBJECT:** Proclamation Recognizing State Heavyweight Wrestling Champion, Moises Alcala

**Prepared By:** Melissa Salazar, Administrative Secretary

**Recommended City Council Action:**

Mayor McNally to present the attached proclamation recognizing Moises Alcala, Westminster High School's Class 5A Wrestling Champion.

**Summary Statement:**

- The City Council is recognizing Moises Alcala, who won the Class 5A Wrestling Championship on Saturday, February 28, 2009 at the Pepsi Center.
- Moises Alcala is the first state champion in any sport since Westminster and Ranum High Schools merged to form the Westminster Wolves.
- Mayor Nancy McNally will present the proclamation recognizing Mr. Alcala's accomplishment.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue:**

None identified

**Alternative:**

None identified

**Background Information:**

For Moises Alcala, this year marks a significant personal accomplishment as he becomes the first state champion in the history of the Westminster High School Wolves. Moises won the Class 5A heavyweight wrestling championship match on Saturday, February 28 at the Pepsi Center. Moises is the first state champion in any sport since Westminster and Ranum High Schools merged to form the Westminster Wolves.

In conjunction with this achievement, Moises is also being honored for many other wrestling honors that he has received in the past: 5<sup>th</sup> at the State Tournament 2008 at 285 lbs; State Qualifier 2007; Regional Champion 2008, 2009; Skyline League All-Conference First Team 2008, 2009, Second Team, 2007; UNC Tournament Champion 2009; 42-2 Season Record 2008-09 Season; Team Captain 2008, 2009; MVP 2008, 2009.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, Moises Alcala has become the first state champion in the history of the Westminster High School Wolves; and

**WHEREAS**, Moises Alcala, through example, inspires others to participate in high school sports and be all that they can be; and

**WHEREAS**, Moises Alcala placed 5<sup>th</sup> at the 2008 State Tournament at 285 lbs.; and

**WHEREAS**, Moises Alcala was Regional Champion in 2008 and 2009; and

**WHEREAS**, Moises Alcala, was Skyline League All conference First Team in 2008 and 2009; and

**WHEREAS**, Moises Alcala was UNC Tournament Champion in 2009; and

**WHEREAS**, Moises Alcala with a 42-2 Season Record 2008-09 season; and

**WHEREAS**, Moises Alcala was Westminster Wolves Team Captain and MVP for 2008 and 2009.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby issue this proclamation to honor**

### **MOISES ALCALA**

by publicly honoring him for his outstanding achievements in wrestling and congratulate him for deservedly winning the Class 5A Heavyweight Wrestling Championship.

Signed this 9th day of March, 2009.

---

Nancy McNally, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 9, 2009



**SUBJECT:** 2009 Water Treatment Chemicals Purchase

**Prepared By:** Joe Lachermeier, Purchasing Officer

**Recommended City Council Action**

Award the bids for the purchase of Ferric Chloride to PVS Technologies, Caustic Soda and Sodium Hypochlorite to DPC Industries, and based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding 15% of the annual usage of Sodium Hypochlorite to Treatment Technologies. The unit prices indicated on the bid tabulation for the three chemicals are for purchases on an as-needed basis up to a maximum of \$578,680.

**Summary Statement**

- Adequate funds for the purchase of water treatment chemicals were included in the approved 2009 Water Resources Division Budget.
- Three chemicals will be purchased in large quantities in 2009. They are Ferric Chloride, Caustic Soda, and Sodium Hypochlorite.
- In January 2009, the Multiple Assembly of Procurement Officials (MAPO) issued a bid for water treatment chemicals. This bid is being recommended for the purchase of Ferric Chloride, Caustic Soda, and Sodium Hypochlorite.

**Expenditure Required:** Not to exceed \$578,680

**Source of Funds:** Utility Fund - Water Resources and Treatment Division Budget

**Policy Issue**

Should the City accept the MAPO bids for water treatment chemicals?

**Alternative**

Reject the MAPO bids and re-bid the chemicals. This is not recommended as the bids received through MAPO are valid bids that the City would most likely not to be able to improve upon.

**Background Information**

As part of the 2009 Budget, City Council approved the purchase of water treatment chemicals for the City’s water supply. Information regarding each chemical and its approximate annual usage and bid price follows:

<b>CHEMICAL</b>	<b>APPROXIMATE QUANTITY</b>	<b>PRICE</b>	<b>EXTENDED PRICE</b>	<b>VENDOR</b>
Ferric Chloride	400 Tons	\$814.00 Ton	\$325,600	PVS Technologies
Caustic Soda	25,000 Gallons	\$ 2.10 Gallon	\$ 52,500	DPC Industries
Sodium Hypochlorite	140,000 Gallons	\$ 1.29 Gallon	\$180,600	DPC Industries
Sodium Hypochlorite	13,500 Gallons	\$ 1.48 Gallon	\$ 19,980	Treatment Technologies
			\$578,680	

Ferric Chloride is used for coagulation/clarification in the treatment process at the Semper Water Treatment Facility. Caustic Soda is used for pH control. Sodium Hypochlorite is used for disinfection in the water treatment facilities. Staff recommends purchasing 15% of this chemical from Treatment Technologies to ensure an alternative supplier. The reason to ensure an alternative supplier is that chemical shortages have been happening for the past couple of years, and it is easier to get supplies of critical chemicals if we are an existing customer. There are only two manufacturers of Sodium Hypochlorite in the Rocky Mountain Region. These chemicals are used at the Semper Water Treatment Facility, the Northwest Water Treatment Facility and the Reclaimed Water Treatment Facility. The usage numbers are approximate since this is for the whole year’s usage, and factors such as weather and demand are unpredictable. The approximate usage figures are based on last year’s actual usage.

This bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district and other local government agencies. This is a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Westminster City Code 15-1-4-A1 specifically states that this is an acceptable form of purchasing for the City.

Forty-eight chemicals were put out on the MAPO bid. Ten water chemical vendors responded to the bid notification. They were Dimmit Sulfur Products LTD; DPC Industries, Inc.; General Chemical; Industrial Chemical Corp.; Peak Polymer Performance, Inc.; Polydyne Inc.; Prominent Systems Inc.; PVS Technologies, Inc; SNR Enterprises; and Thatcher Company.

The low bids for the three primary chemicals, Ferric Chloride to PVS Technologies in the annual approximate amount of \$325,600, Caustic Soda to DPC Industries in the annual approximate amount of \$52,500, Sodium Hypochlorite to DPC Industries in the annual approximate amount of \$180,600 and an alternative source for Sodium Hypochlorite to Treatment Technologies in the annual approximate amount of \$19,980 meets all specifications and requirements set by the City.

The annual estimated cost of the chemicals is within the amount previously approved by City Council for this expense.

This project meets Council's Strategic Plan goals of Safe and Secure Community, Financially Sustainable City Government and Beautiful City by keeping the City's water supply clean and safe and improving the service level of the treatment plants at the best possible price.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 9, 2009



**SUBJECT:** 2009 Disposable Medical Supplies Purchase

**Prepared By:** Richard Spahn, Emergency Medical Services Coordinator

**Recommended City Council Action**

Authorize the Fire Department to purchase disposable medical supplies from BoundTree Medical.

**Summary Statement**

- In order to operate the City's ambulance program, the Fire Department purchases and stocks an inventory of disposable medical supplies for use in patient treatment. Disposable medical supplies are items routinely used, such as bandages, intravenous supplies, immobilization equipment and oxygen delivery devices.
- In accordance with City purchasing policies, Staff sent bid requests to nine vendors with six vendors responding. This process was accomplished through a Co-op agreement with the City of Thornton. BoundTree Medical, the largest provider of medical supplies in the state, remained competitive with the other vendors. They are and have been able to meet department needs as it relates to disposable medical supplies.
- The bid specification for all vendors was specific to some brands and models due to quality and ease of use concerns. Quality and familiarity of these items are important to the Fire Department personnel using them. Several items provided by some vendors did not meet these requirements. BoundTree Medical's prices were higher on some items; however they were the only vendor able to meet all requirements of the bid specifications.
- Medical supply purchases are made frequently throughout the year and the department anticipates spending more than \$50,000 with this vendor. The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for formal consideration.
- Adequate funds were included in the approved 2009 Fire Department budget for these purchases.

**Expenditure Required:** Approximately \$80,000 to \$100,000

**Source of Funds:** General Fund - Fire Department Operating Budget

**Policy Issue**

Should the City continue to purchase disposable medical supplies from BoundTree Medical based on their ability to meet all of the City's needs?

**Alternative**

Re-bid disposable medical supplies: This is not recommended based on the products and working relationship with this vendor. It is Staff's recommendation to continue utilizing this vendor for the purchase of disposable medical supplies through 2009.

**Background Information**

The Fire Department has purchased disposable medical supplies from BoundTree Medical since July 2003. BoundTree has continually demonstrated exceptional customer service. Regional representatives are based locally and are readily accessible in times of need.

Additionally, BoundTree offers an electronic tracking system that facilitates the ordering and inventory process minimizing Fire Department staff hours required to perform this task manually. Based on the past years working with BoundTree Medical, Fire Department Staff is recommending the continued use of BoundTree Medical for the purchase of the bulk of disposable medical supplies.

Respectfully submitted,

J Brent McFall  
City Manager



## Agenda Item 8 C

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
March 9, 2009



**SUBJECT:** Bluegrass and Right-of-Way Mowing Amended Contract

**Prepared By:** Richard Dahl, Park Services Manager  
Marty Chase, Parks Contract Maintenance Specialist

### Recommended City Council Action

Authorize the City Manager to execute an amended contract for the remaining years 2009, 2010 with Schultz Industries, Inc in the amount of \$425,943 for Bluegrass and Right-of-Way mowing services. This amendment is due to additional locations added to the contract.

### Summary Statement

- In 2008, City Council awarded a multi-year contract to Schultz Industries, Inc for \$374,750 for landscape maintenance and for right of way mowing/spraying. The entire bluegrass and Right-of-Way (ROW) mowing contract is scheduled to be re-bid for the 2011 season.
- The City's Bluegrass and ROW mowing contracts will exceed their original approved spending limits due to additional areas added to the maintenance schedule over the last year. Areas added include Lowell Street ROW, Legacy Ridge Parkway ROW, Cotton Creek Greenbelt, 136th and I-25 Interchange, 144<sup>th</sup> and I-25 Interchange and other smaller landscape sites.
- These newer areas have added an additional \$35,304 to the original contract costs; the square footage costs for the additional areas are consistent with the original 2008 bid.
- The contract also has a renewal of 3.9% CPI-U increase to the original bid for \$15,889.68.
- The total 2009 contract increases are \$51,193.
- City Council appropriated adequate funds for these additional expenditures in the 2009 budget.
- With increasing park acreage and maintenance responsibilities, Park Staff has found it more cost effective to use contractors to maintain non-park areas. Using contractors to mow, irrigate, and clean non-park areas such as streetscapes and medians allows Staff the time to properly maintain new and existing parks to standards expected by Westminster residents as expressed in the Citizen Survey.

**Expenditure Required:** \$425,943

**Source of Funds:** General Fund - Parks, Recreation and Libraries Operating Budget  
General Capital Improvement Fund - Community Enhancement Project



**Policy Issue**

Does the City wish to continue the use of outside contractors to perform specific park maintenance operations instead of using in-house Staff, supplies and equipment, and modify the current contract to add additional maintenance services?

**Alternatives**

1. Do not approve the additional expenditure for increased maintenance areas and rely on City Staff to take over the added maintenance of the additional properties. Staff estimates that this alternative would require an expenditure of \$175,000 to hire additional personnel and purchase the necessary equipment to maintain the additional designated areas.
2. Take no action. Due to the limited time frame involved for spring maintenance, Staff does not recommend this option if service levels are to be maintained.

**Background Information**

For the past twelve years, the use of private contractors to maintain these areas has been an effective use of resources and City Council has been supportive in providing funding for contract maintenance. This private contractual approach has worked very well by allowing City crews to concentrate on services they can perform more efficiently and at a greater level of detail. A multi-year contract allows the contractor to amortize equipment required to maintain the areas, builds a working relationship with Staff, and results in more favorable bidding results.

City Council previously allocated adequate funds in the 2009 Park, Recreation and Libraries Department operating budget and the Capital Improvement Projects Community Enhancement fund for the maintenance of City-owned streetscapes and medians in addition to open space areas.

Staff has developed the documents and maintenance standards for the Bluegrass and Right of Way Mowing contract that Schultz Industries, Inc. currently operates under. Schultz Industries, Inc. has proven to be a reliable and trustworthy company over the past year.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**AMENDMENT TO THE  
AGREEMENT TO FURNISH SERVICES BETWEEN THE  
CITY OF WESTMINSTER AND Schultz Industries, Inc.  
FOR Bluegrass Mowing & ROW Mowing  
DATED March 18, 2008**

The City of Westminster (hereinafter referred to as "Westminster") and **Schultz Industries, Inc** (hereinafter referred to as "Contractor") agree to amend the Agreement described above as follows:

- Exhibit A of the Agreement is hereby amended to add and remove areas from the Scope of Work as described below:

<b>2008 ADDED AREAS</b>			
1		<b>Lowell ROW-</b> Both sides of Lowell from 76 <sup>th</sup> to 75 <sup>th</sup>	\$2,250
2		<b>Legacy Ridge Prkwy ROW-</b> North side of Stuart St to golf course bridge.	\$8,750
3		<b>Cotton Creek Greenbelt-</b> located in Cotton Creek Subdivision	\$15,000
4		<b>Hydro Pillar-</b> 3333 w 97 <sup>th</sup> ave	\$1,148
5		<b>Independence St ROW-</b> 92 <sup>nd</sup> to Carr st, both sides	\$3,920
6		<b>92<sup>nd</sup> Ave Overpass @ US 36-</b> all 4 sides	\$5,203
7		<b>73<sup>rd</sup> &amp; Meade St ROW-</b> planter boxes on 73 <sup>rd</sup> Lowell west to Bradburn, Grass on both sides of Meade St 73 <sup>rd</sup> to 72 <sup>nd</sup>	\$815
8		<b>Huron ROW-</b> West side of Huron 146 <sup>th</sup> to 150 <sup>th</sup> Description change	\$0
9		<b>Sheridan ROW-</b> East side of Sheridan 72nd to 70th	\$975
10		<b>Promenade @ Walnut Creek-</b> both sides of tunnel between US36 and the Shops at Walnut Creek	\$1,017
11		<b>Promenade @ Splitz-</b> field east of Splitz bowling	\$627
12		<b>Linear Buffer Park-</b> East side of Westminster Blvd from ice arena to just north of 112 <sup>th</sup> Description change	\$0
13		<b>144<sup>th</sup> &amp; I25 interchange-</b> addition for full year service	\$10,316
		<b>Total Additions</b>	\$50,021
		<b>Deleted areas</b>	
		<b>Fire Station # 4-</b> Located at 4580 W112th Av. Irrigated turf, shrub beds	-\$2,232
2		<b>Chevenne Ridge Park-</b> Located at 145thWy & Jason Dr. Irrigated turf	\$0
3		<b>72<sup>nd</sup> &amp; Sheridan –</b> north side of 72 <sup>nd</sup> , Sheridan to Depew-Native	-\$454
4		<b>72<sup>nd</sup> &amp; Sheridan ROW West-</b> Depew to Pierce North side, South side Depew to east of Ingalls	-\$3,425
5		<b>144<sup>th</sup> &amp; Huron-</b> Remove area next to mall	-\$3,857
6		<b>136<sup>th</sup> &amp; I25 interchange-</b> Remove area next to mall	-\$4,750
		<b>Total</b>	\$14717.
		<b>Total of changes</b>	\$35,304

2. Section 5.1 of the Agreement is amended to increase the Contract Price by **Thirty Five Thousand Three Hundred Four Dollars (\$35,304)**, for a revised total Contract Price of **Four Hundred Ten Thousand Fifty-Four Dollars(\$410,054)**.

Deleted: ¶  
¶

3. Pursuant to Section 4 of the Agreement, the term of the Agreement shall be extended for one (1) year beginning March 18, 2009, and ending March 17, 2010. The Scope of Work for this option year shall include the areas added in Paragraph 1 of this Amendment, and exclude the areas deleted in Paragraph 1 of this Amendment.

4. Pursuant to Section 5.3 of the Agreement, the Contract Price for the option year shall be adjusted as follows: The Denver-Boulder-Greeley Consumer Price Index for All Urban Consumers and All Items not seasonally adjusted (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics for 2008 is 3.9%. Therefore, the Agreement for the option year is amended to increase the Contract Price **Fifteen Thousand Eight Hundred Eighty-Nine Dollars (\$15,889)**, for a revised total Contract Price of **Four Hundred Twenty-Five Thousand Nine Hundred Forty Three (\$425,943)**.

Original contract	\$374,750
Amended increases Exhibit A	\$35,304
Amended Contract Price	\$410,054
3.9% CPI-U increase for 2008 additions	\$15,889
2009 Final Contract	<b>\$425,943</b>

5. All other terms and conditions of this Agreement shall remain in effect.

This Amendment is dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CONTRACTOR**

**CITY OF WESTMINSTER**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Secretary

Attest: \_\_\_\_\_

City Clerk

(Corporate Seal,  
if applicable)

(Seal)

I certify that either an appropriation has been made by the City Council or that sufficient funds have otherwise been made available for the payment of this Agreement.

\_\_\_\_\_  
City Manager

Account No. \_\_\_\_\_

Approved as to legal form and content:

\_\_\_\_\_  
City Attorney



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
March 9, 2009



**SUBJECT:** Second Reading of Councillor’s Bill No. 4 re 2008 4<sup>th</sup> Quarter Budget Supplemental Appropriation

**Prepared By:** Gary Newcomb, Accountant

**Recommended City Council Action**

Pass Councillor’s Bill No. 4 on second reading providing for supplemental appropriation of funds to the 2008 budget of the General, Water, Fleet, and General Capital Improvement Funds.

**Summary Statement**

- City Council action is requested to adopt the attached Councillor’s Bill on Second reading authorizing a supplemental appropriation to the 2008 budget of the General, Water, Fleet, and General Capital Improvement Funds.
  - General Fund amendments total: \$1,092,820
  - Water Fund amendments total: \$7,160
  - Fleet Fund amendments total: \$100,000
  - General Capital Improvement Fund amendments total: \$29,720
- This Councillor’s Bill was passed on first reading February 23, 2009.

**Expenditure Required:** \$1,229,700

**Source of Funds:** The funding sources for these expenditures include receipt of a scholarship, energy rebate, cash-in-lieu payment, interest earnings, grants, vending proceeds, program revenues, reimbursements, and project savings.

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO. **3454**

COUNCILLOR'S BILL NO. **4**

SERIES OF 2009

INTRODUCED BY COUNCILLORS  
**Dittman - Kaiser**

**A BILL  
FOR AN ORDINANCE AMENDING THE 2008 BUDGETS OF THE  
GENERAL, WATER, FLEET, AND GENERAL CAPITAL IMPROVEMENT FUNDS  
AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE  
2008 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the General, Water, Fleet, and General Capital Improvement Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$1,229,700. This appropriation is due to the receipt of a scholarship, energy rebate, cash-in-lieu payment, interest earnings, grants, vending proceeds, program revenues, reimbursements, and project savings.

Section 2. The \$1,229,700 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10A dated February 23, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$1,092,820
Water Fund	7,160
Fleet Fund	100,000
General Capital Improvement Fund	<u>29,720</u>
Total	<u>\$1,229,700</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23<sup>rd</sup> day of February, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of March, 2009.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 9, 2009



**SUBJECT:** Second Reading of Councillor's Bill No. 5 re Amending Chapters 1, 2, and 5 of Title XIII of the Westminster Municipal Code Concerning Parkland and Open Space

**Prepared By:** Heather Cronenberg, Open Space Coordinator  
Jane Greenfield, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 5 on second reading amending Chapters 1, 2, and 5 of Title XIII of the Westminster Municipal Code concerning Parkland and Open Space.

**Summary Statement**

- Staff proposes revisions to Title XIII of the City Code related to regulations and use of the City's parks, open space areas, and community buildings. These chapters have not been updated in some cases since they were originally adopted. Outdated language has been updated and language has been added to make the chapters consistent with one another.
- The proposed revisions also establish the process for the policies to be adopted by Council for use of Open Space, Parklands, and other City owned properties.
- This Councillor's Bill was approved on first reading by City Council on February 23, 2009.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment  
Ordinance

BY AUTHORITY

ORDINANCE NO. **3455**

COUNCILLOR'S BILL NO. **5**

SERIES OF 2009

INTRODUCED BY COUNCILLORS  
**Briggs & Major**

**A BILL  
FOR AN ORDINANCE AMENDING CHAPTERS 1, 2 AND 5 OF  
TITLE XIII OF THE WESTMINSTER MUNICIPAL CODE CONCERNING  
PARKLAND AND OPEN SPACE**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The index for Chapter 1 of Title XIII, and section 13-1-1, W.M.C., are hereby AMENDED to read as follows:

**CHAPTER 1**

**~~GENERAL~~ PARKS, OPEN SPACE, AND COMMUNITY BUILDING REGULATIONS**

- 13-1-1: PURPOSE AND INTENT**
- 13-1-2: DEFINITIONS**
- 13-1-3: USE REGULATIONS**
- 13-1-4: ENFORCEMENT OF RULES**
- 13-1-5: ENFORCEMENT OF APPLICABLE LAWS AND ORDINANCES**
- 13-1-6: FISHING, HUNTING, WILDLIFE AND BOATING REGULATIONS**
- 13-1-7: POLICIES FOR NON-PARK USE OF PARKLANDS**
- 13-1-8: REDESIGNATION, SALE, OR TRADE OF PARKLANDS**

**13-1-1: PURPOSE AND INTENT:** The purpose of this Chapter is to regulate the use ~~to~~ OF the CITY'S parkLANDs, OPEN SPACE PROPERTIES, and community buildings ~~of the City~~ in order that all persons may enjoy and make use of such RESOURCES ~~parks and buildings~~ and to protect the rights of those in the surrounding areas.

Section 2. Section 13-1-2, W.M.C., is hereby AMENDED to read as follows:

**13-1-2: DEFINITIONS:** The following words, TERMS, and phrases, WHEN USED IN THIS TITLE XIII, SHALL HAVE THE FOLLOWING MEANINGS, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE ~~whenever used in this Section:~~ (796 815 1889 2910)

- (A) "City:" ~~The term "City" refers to~~ SHALL MEAN the City of Westminster, Colorado.
- (B) "Amplified Sound:" ~~The term "Amplified Sound"~~ SHALL means speech or music projected or transmitted by electronic equipment including amplifiers, loudspeakers, microphones, bull horns or similar devices or combinations of devices which are intended to increase the volume, range, distance or intensity of speech or music and are powered by electricity, battery or combustible fuel.
- (C) "Community Buildings:" ~~The term "Buildings" includes~~ SHALL MEAN ONE OR MORE OF those STRUCTURES, buildings, or any portion thereof, under the supervision of the Westminster Department of Parks, Recreation and Libraries; and ANY ~~all~~ other publicly owned buildings OR STRUCTURE used for recreational purposes within the City.
- (D) "Director:" ~~The term "Director" refers to~~ SHALL MEAN the Director of the Department of Parks, Recreation and Libraries or ~~his~~ THAT PERSON'S designated agent or employee. ~~The Director shall make and publish such regulations, not inconsistent with the terms of this Chapter, as he deems necessary for the orderly use and management of the City's park and recreation facilities and programs.~~

(E) "OPEN SPACE COORDINATOR" SHALL MEAN THE MANAGER OF THE OPEN SPACE PROGRAM OR THAT PERSON'S DESIGNATED AGENT OR EMPLOYEE.

(F) "OPEN SPACE PROPERTIES" SHALL MEAN THE PARCELS OF LAND COMPRISING THE OPEN SPACE PROGRAM, AS DESCRIBED IN CHAPTER 13-5, W.M.C., INCLUDING ALL PROPERTIES ACQUIRED FOR OPEN SPACE, DONATED TO THE OPEN SPACE PROGRAM, OR DESIGNATED OR REDESIGNATED AS OPEN SPACE BY THE CITY COUNCIL.

(G) "PARK" OR "Parks". ~~The term "Parks" includes~~ SHALL MEAN all grounds, roadways, avenues, parkLANDS, OPEN SPACE PROPERTIES, 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 parkS and recreation facilities within the City, including Standley Lake and the land around it (Standley Lake Recreation Area), the publicly owned areas of the Westminster Promenade, the property on which City Hall is located, and the property on which the public safety center is located. "PARKLANDS" SHALL MEAN A SUBSET OF "PARKS," TRADITIONALLY UNDERSTOOD TO BE DEVELOPED PARCELS OF LAND IMPROVED WITH RECREATIONAL FACILITIES OR COMMUNITY BUILDINGS, FORMALLY PLANTED WITH TURFGRASS AND OTHER VEGETATION, AND DESIGNED AND MAINTAINED FOR ACTIVE RECREATIONAL USES.

~~(F)~~(H) "Persons". ~~The term "Persons" shall include~~ MEAN NATURAL persons, associations, partnerships, firms, ORGANIZATIONS, or corporations.

~~(G)~~(I) "Recreation Facilities." SHALL MEAN THOSE ~~The term "Recreation Facilities" refers to~~ specialized recreation facilities such as swimMING pools, tennis courts, ball fields, PICNIC SHELTERS, 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.~~

~~(I) Written Consent of Director. The term "Written Consent of Director" refers to the power of the director to consent to certain otherwise prohibited uses by organized groups of people. Such consent may not be granted to individuals.~~

(J) "USE PERMIT" SHALL MEAN A PERMIT FOR THE EXCLUSIVE USE OF PARKS, OPEN SPACE PROPERTIES, BUILDINGS AND RECREATION FACILITIES, OR A PORTION THEREOF, AS PROVIDED FOR IN CHAPTER 13-2, W.M.C., AND DOES NOT INCLUDE A SPECIAL ALCOHOLIC BEVERAGE PERMIT.

Section 3. Section 13-1-3, subsections (A), (E), (K), (L), (M), (O), (P), (T), (U), (Y) and (Z), W.M.C., are hereby AMENDED to read as follows:

**13-1-3: USE REGULATIONS:** (796 847 1889 2811) It shall be unlawful for any person to ~~fail to comply with the following:~~

(A) ~~Compliance Required~~ TRESPASS. Enter, be or remain in any park or building of the City unless he OR SHE complies with this Chapter TITLE and regulations promulgated hereunder AND ANY RULES POSTED IN ANY PARK OR BUILDING OF THE CITY.

(E) Amplified Sound. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound in parks or community buildings without the written consent of the Director, except City employees, firemen or law enforcement officers in the performance of their duty.

(K) ~~Bicycles: Operate, drive, or ride upon any motorcycle, snowmobile, auto or other motorized or non motorized vehicle in any park except when posted specifically for such use or with the written consent of the Director, provided that non motorized cycles shall be permitted to use pathways within any park unless such use is specifically prohibited and signs are posted giving notice of such prohibition.~~ VEHICLE USE: OPERATE, DRIVE, OR RIDE UPON ANY MOTORCYCLE, SNOWMOBILE, SCOOTER, SEGWAY™,



AUTO OR OTHER MOTORIZED OR NON MOTORIZED VEHICLE IN ANY PARK EXCEPT WHEN POSTED SPECIFICALLY FOR SUCH USE OR WITH THE WRITTEN CONSENT OF THE DIRECTOR, PROVIDED THAT NON MOTORIZED CYCLES SHALL BE PERMITTED TO USE PATHWAYS WITHIN ANY PARK UNLESS SUCH USE IS SPECIFICALLY PROHIBITED AND SIGNS ARE POSTED GIVING NOTICE OF SUCH PROHIBITION. THIS PROHIBITION OF MOTORIZED OR NON-MOTORIZED VEHICLES WILL NOT APPLY TO A VEHICLE DETERMINED TO BE REQUIRED BY THE AMERICANS WITH DISABILITIES ACT.

(L) Control of Dogs, Cats and Other ~~Animals~~ HOUSEHOLD PETS. Bring or maintain in or upon any park or community building any dog, cat, or other ~~animal~~ HOUSEHOLD PET, unless such dog, cat or other ~~animal~~ HOUSEHOLD PET 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 CAPABLE OF BEING RIDDEN, 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.

(O) Alcoholic Beverage. Possess, distribute, use or consume any alcoholic beverages or 3.2 beer in parks or community buildings, except by A special ALCOHOLIC BEVERAGE permit issued by and at the discretion of the Director ~~of Parks, Recreation and Libraries~~, and then only in conformance with the statutes of the State of Colorado and ordinances of the City of Westminster regarding the sale or consumption of alcoholic beverages or 3.2 beer.

(P) Interference. Use or attempt to use or interfere with the use of any table, space or facility within said park or building which at the time is reserved for any other person or group which has received a USE permit from the Director therefor. Unless the actual use of table, space, area, building, or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate.

(T) Flora, INCLUDING 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. METAL DETECTORS MAY NOT BE USED WITHOUT THE SPECIFIC AUTHORIZATION OF THE DIRECTOR. ADDITIONALLY, TREASURE HUNTING OR GEO-CACHING IS PROHIBITED, UNLESS SUCH SPECIFIC ACTIVITY RECEIVES A PERMIT, YEARLY, FROM THE DEPARTMENT OF PARKS, RECREATION AND LIBRARIES.

(U) Marking, Injuring or Disturbing any Structure. Cut, break, injure, mark, write or print upon or otherwise deface or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment or property in a park; attach thereto any sign, card, display or other similar device, except ~~as authorized by permit~~ WITH THE EXPRESSED WRITTEN CONSENT OF THE DIRECTOR; or attach to any community building materials, devices, or equipment for the purpose of decorating that facility or for any other purpose. Duly authorized City employees in the performance of their duties or persons authorized by the Director shall be 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, OR BETWEEN SUCH HOURS POSTED AT THE FACILITY AS CLOSED, 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.

(Z) Off-leash dog site. NOTWITHSTANDING THE PROHIBITION IN SUBSECTION (L) ABOVE, the Director of Parks, Recreation and Libraries is authorized to establish or discontinue off-leash dog park sites. At such sites, owners may allow dogs to run without a leash, subject to the following conditions:

1. The site will be open from sunrise to sunset seven (7) days a week.
2. Dogs must be leashed when entering or leaving off-leash site and owners must have a visible leash at all times.
3. Dogs are not allowed to chase or harass wildlife or other dogs.
4. Owners may not leave dogs unattended.
5. Animals must be spayed or neutered.
6. Owners must remove dog's waste.
7. The following dogs are not allowed in the off-leash site:
  - (a) aggressive dogs.
  - (b) female dogs in heat.
  - (c) dogs without current vaccination tag attached to collar, worn by the dog.
  - (d) Dogs too young to vaccinate against rabies.
  - (e) Dogs known to be ill or exhibiting signs of illness.
  - (f) Dogs not under voice command.
8. For purposes of this Section, "owner" shall be the person who brings the dog to the site or as defined in section 6-7-1 of this code.
9. All provisions of the animal control code, chapter 7 of title 6 of this code, shall be in force at the off-leash site unless specifically changed by this paragraph (z).
10. The owner assumes the legal responsibility for any damage, disease, or injury to persons, other dogs, or property caused by the dog.

Section 4. Section 13-1-4, W.M.C., is hereby AMENDED to read as follows:

**13-1-4: ENFORCEMENT OF RULES:**

(A) THE DIRECTOR SHALL MAKE AND PUBLISH SUCH REGULATIONS, NOT INCONSISTENT WITH THE TERMS OF THIS TITLE, AS NEEDED, FOR THE ORDERLY USE AND MANAGEMENT OF THE CITY'S PARKS, RECREATION FACILITIES, AND BUILDINGS.

(B) 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, THE CONDITIONS OF ANY USE PERMIT, and regulations promulgated hereunder.

(C) ANY VIOLATION OF THIS CHAPTER IS A CRIMINAL OFFENSE, PUNISHABLE BY A FINE OF NO LESS THAN ONE HUNDRED DOLLARS (\$100) OR IMPRISONMENT, OR BOTH, AS PROVIDED IN SECTION 1-8-1 OF THIS CODE. VIOLATION OF ANY PROVISION SHALL BE A SEPARATE VIOLATION AND EACH DAY OF A CONTINUING VIOLATION SHALL BE A SEPARATE OFFENSE.

Section 5. Section 13-1-5, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**13-1-5: ENFORCEMENT OF APPLICABLE LAWS AND ORDINANCES: (796 2000 2910)**

(A) All persons entering parks or community buildings shall abide by the rules and regulations of the City of Westminster, as provided herein, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the City of Westminster in their line of duty.

Section 6. Section 13-1-6, subsection (D), is hereby DELETED:

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

~~(D) **Penalties:** Any violation of this Section is a criminal offense, punishable by a fine of no less than fifty dollars (\$50) or imprisonment, or both, as provided in Section 1-8-1 of this code. Violation of any provision shall be a separate violation and each day of a continuing violation shall be a separate offense.~~

Section 7. Chapter 1 of Title XIII, W.M.C., is hereby amended BY THE ADDITION OF NEW SECTIONS 13-1-7 AND 13-1-8 to read as follows:

**13-1-7: POLICIES FOR NON-PARK USE OF PARKLANDS:** From time to time, the City may find it desirable and in the public interest to permit certain municipal non-Park uses, and, in limited circumstances, certain private uses on, in, or under parklands. The City Council will adopt, by resolution, such policies to address when and under what circumstances such additional uses of parklands may occur.

**13-1-8: REDESIGNATION, SALE, OR TRADE OF PARKLANDS:**

(A) IN CERTAIN CASES, IT MAY BE DETERMINED BY THE CITY COUNCIL THAT A PROPERTY ORIGINALLY ACQUIRED FOR PARK PURPOSES MAY BE BETTER UTILIZED FOR ANOTHER PUBLIC PURPOSE, INCLUDING BUT NOT LIMITED TO OPEN SPACE. IN SUCH CASES, THE PARKS AND RECREATION CAPITAL RESERVE FUND 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.

(B) IN CERTAIN CASES, IT MAY BE NECESSARY TO ACQUIRE A TOTAL PROPERTY IN ORDER TO PRESERVE A PORTION OF THE PROPERTY AS PARKLANDS. IN SUCH CASES, THE CITY COUNCIL MAY DISPOSE OF THE REMAINDER, AND THE PARKS AND RECREATION CAPITAL RESERVE 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.

(C) THE CITY COUNCIL MAY APPROVE LAND TRADES OF PARKLANDS FOR OTHER LANDS. IN SUCH CASES, FOR THE PURPOSE OF REIMBURSING THE PARKS AND RECREATION CAPITAL RESERVE FUND, THE RELATIVE CURRENT MARKET VALUES OF THE LANDS TRADED SHALL BE AS DETERMINED BY THE CITY COUNCIL AS PART OF THE APPROVAL OF THE TRADE, BUT IN NO EVENT SHALL A VALUE BE PLACED ON THE PARKLANDS THAT IS LOWER THAN ITS COST AT THE TIME OF ITS ORIGINAL ACQUISITION.

(D) ONCE A PROPERTY IS DESIGNATED AS PARKLAND, IT SHALL BE SUBJECT TO ALL OF THE PROVISIONS OF THIS CHAPTER AND CHAPTER 13-2, W.M.C.. PROPERTY THAT IS SUBJECT TO RESTRICTIONS LIMITING ITS USE TO PARKLAND PURPOSES MAY NOT BE REDESIGNATED WITHOUT APPROVAL OF THE RESTRICTING GRANTOR.

(E) FOR THE PURPOSES OF DETERMINING THE "CURRENT MARKET VALUE" UNDER SUBSECTIONS (A), (B), AND (C) ABOVE, THE CITY MANAGER MAY RELY ON AN MAI OR AIA APPRAISAL OF THE PROPERTY OR, FOR PARCELS LESS THAN FIVE ACRES IN SIZE, MAY RELY ON PUBLICLY VERIFIABLE INFORMATION CONCERNING RECENT SALES OF SUBSTANTIALLY SIMILAR PROPERTIES.

(F) NOTWITHSTANDING THE FOREGOING, THE REDESIGNATION BY THE CITY COUNCIL OF PARKLANDS, OPEN SPACE PROPERTY, OR OTHER CITY-OWNED LANDS THAT WERE ACQUIRED THROUGH THE PUBLIC LAND DEDICATION REQUIREMENTS OF §11-6-8, W.M.C., WILL NOT REQUIRE REIMBURSEMENT FROM ONE CITY FUND TO ANOTHER.

Section 8. Section 13-2-1, W.M.C., is hereby AMENDED to read as follows:

**13-2-1: PURPOSE AND INTENT:** The City's parks, community buildings and recreation facilities shall be made available for the exclusive use of persons and groups subject to the issuance of a USE permit by the Director and subject to payment of fees therefore as provided. No use of any park, building or recreational facilities for pre-advertised assemblies or groups consisting of twenty five (25) or more persons may be made without the issuance of permit therefor. All applications for exclusive use of any park, building or recreation facility must be signed or co-signed by some person at least twenty one (21) years of age who shall agree to be responsible for payment for any damage occurring during said exclusive use. No exclusive use permit will be granted, if prior to the time the application was filed, the City has scheduled a City sponsored event at the same time and place as the activity proposed in the application.

No exclusive use permit shall be granted for use of a park or other facility for any activity involving more than one hundred (100) participants during any of the time between one hour before sunset and one hour after sunrise, unless the park or facility has the appropriate program lighting, and the desired park is large enough to accommodate the anticipated number of participants. Special requests, such as for Easter Sunrise Services, will be considered on an individual basis by the Director.

Section 9. Section 13-2-4, subsection (B), W.M.C., is hereby AMENDED to read as follows:

**13-2-4: CONTENTS OF USE PERMIT APPLICATION:** The application shall contain, but not be limited to the following:

(B) The business and residence address and telephone numbers of each person and entity named in ~~subdivision~~ SUBSECTION 13-2-4(A), ABOVE;

Section 10. Section 13-2-5, W.M.C., is hereby AMENDED to read as follows:

**13-2-5: ACTION ON USE PERMIT APPLICATION:**

(A) The Director ~~shall~~ WILL grant or deny such application on or before seven (7) days after the filing of the application unless the time for such granting or denial of the permit has been waived by the applicant in writing. The decision granting or denying said application ~~shall~~ WILL EITHER be delivered in person or mailed to the applicant by ~~certified~~ FIRST CLASS mail.

(B) The Director ~~shall~~ MAY grant the application if the proposed use complies with all applicable ordinances and regulations, and upon granting any permit may impose reasonable requirements and conditions concerning the use of the park, building or recreation facility by applicant.

(C) The Director, upon the advice in writing of the Chief of Police or his designee that the size and activity of the expected crowd will draw from other areas of the City so much police personnel for crowd control that other areas of the City will be left unprotected, shall impose a requirement of one crowd control monitor per one hundred (100) persons expected to attend the proposed activity. The Director shall require a one hour training program to be conducted by the Chief of Police or his designee for the crowd control monitors at a reasonable time and place prior to the proposed activity, which time and place shall be set by the Chief of Police or his designee. The applicant shall, within two (2) days of the receipt of the Director's decision, supply to the Director a list of the proposed crowd control monitors, including their names, addresses and telephone numbers. The applicant may, at his option, provide police reserve personnel or duly licensed private patrolmen instead of crowd control monitors in the numbers approved by the Director and Chief of Police. In the event the applicant provides police reserve personnel or duly authorized patrolmen, no training session will be required.

(D) The Director may grant the application for a park, building or recreation facility ~~or use other than that~~ THE LOCATION applied for, with the consent of the applicant, in the event that a permit has already been issued for ~~said park, building or recreation~~ THE SAME facility FOR THE DATE AND TIME REQUESTED, OR THE REQUESTED FACILITY does not meet the needs of applicant, or THE REQUESTED FACILITY is otherwise unsuitable for the use ~~applied~~ REQUESTED. In the event that more than one application is received for one park, building or recreation facility for use on the same day, the

Director shall ~~first act upon the application first received. Provided however that in considering two (2) or more applications for exclusive use of a park, building or recreation facility on the same date,~~ CONSIDER the following priorities IN DETERMINING WHICH APPLICATION TO GRANT shall be followed:

First - Uses sponsored or cosponsored by the City of Westminster.

Second - Uses sponsored by the School Districts within the boundaries of the City of Westminster.

Third - Groups composed primarily of Westminster residents.

Fourth - Groups composed primarily of nonresidents.

(E) NOTWITHSTANDING THE FOREGOING, THE DIRECTOR MAY ~~Any previously issued permit may be revoked on seven (7) days notice~~ ANY PREVIOUSLY ISSUED PERMIT if the City requires the facility for a City function, UPON GIVING THE PERMIT HOLDER SEVEN (7) DAYS NOTICE.

~~(E)~~ (F) The Director shall deny the application or revoke a permit if he finds that any of the following conditions exist:

~~1-~~ (1) The City has no park, building or recreation facility which will accommodate the activity of applicant;

~~2-~~ (2) The proposed activity is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the areas, that police protection to the City will be impaired.

~~3-~~ (3) The applicant has failed or refused to provide a reasonable means of informing all of the persons participating in the proposed activity of the terms and conditions of such permit.

~~4-~~ (4) That the applicant refuses to agree in writing to comply with all conditions in the permit.

~~5-~~ (5) That the applicant fails to file a timely application, unless waived by Director and applicant waives all right of appeal.

~~6-~~ (6) That the application therefore contains false information.

Such denial shall specify the grounds therefor.

Section 11. Section 13-2-6, W.M.C., is hereby AMENDED to read as follows:

**13-2-6: RIGHT OF APPEAL:** With respect to use permits, an applicant may appeal the decision of the Director to the City Manager. Applicant must file said appeal with the City Manager within five (5) days of the Director's mailing of such decision. The City Manager shall hold a hearing following the filing of said appeal at the office of the City Manager. Said hearing must be held within two (2) weeks of the date of the filing of said appeal, at which time applicant may present any and all evidence, testimony and information relevant to the application. The City Manager shall within twenty four (24) hours of said appeal hearing issue ~~his~~ A decision either affirming the denial of the application or directing the Director ~~of Parks, Recreation and Libraries~~ to issue a permit as applied for subject to ~~the~~ ANY reasonable terms and conditions as outlined in ~~Section 13-2-5 herein.~~ (A1889)

Section 12. Section 13-2-7, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**13-2-7: FEES AND DEPOSITS:** (A2431)

(A) Upon the granting of a permit under this Chapter, any fees or deposits required for the use of City personnel, parks, COMMUNITY building, equipment, ~~and~~ OR RECREATIONAL facilities FACILITY shall be contained in said permit and said fees or deposits shall be paid by applicant prior to issuance of the permit. Fees and deposits required shall be set by the Director subject to the approval of the City Council. Fees for special equipment and/or personnel unknown at time of application will be billed after the activity when computation thereof is accomplished.

Section 13. Section 13-2-10, W.M.C., is hereby AMENDED to read as follows:

**13-2-10: ENFORCEMENT OF RULES:** The Director ~~and his duly authorized employees~~ and any law enforcement officer acting in the line of duty shall diligently enforce the provisions herein and shall have the authority to eject, from any park, COMMUNITY building or recreation facility any person acting in violation of ~~these~~ THE PROVISIONS OF THIS TITLE OR ANY POSTED rules ~~and~~ OR regulations PROMULGATED HEREUNDER. Further, the Director shall have the authority to deny use of parks, COMMUNITY buildings or recreational facilities to individuals or groups who refuse to comply with the provisions of this ~~Chapter~~ TITLE and regulations promulgated hereunder.

Section 14. Section 13-2-11, W.M.C., is hereby AMENDED to read as follows:

**13-2-11: ENFORCEMENT OF APPLICABLE LAWS AND ORDINANCES:** All persons entering parks, COMMUNITY buildings or recreational facilities shall abide by the rules and regulations of the City of Westminster, as provided herein ~~and in Chapter 4~~ of Title XIII of the Westminster City Code, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the City of Westminster in their line of duty. (796)

Section 15. The index for Chapter 5, Title XIII, and Chapter 5, Title XIII, W.M.C., are hereby AMENDED to read as follows:

## CHAPTER 5

### OPEN SPACE PROGRAM

- 13-5-1: ~~OPEN SPACE PROGRAM POLICY STATEMENT~~
- 13-5-2: ~~CRITERIA FOR ACQUISITION~~
- 13-5-3: ~~PRESERVATION OF LAND AND OTHER OPEN SPACE USES~~
- 13-5-4: ~~REDESIGNATION, SALE, OR TRADE OF OPEN SPACE PROPERTY~~
- 13-5-5: ~~USAGE OF OPEN SPACE FUNDS~~
- 13-5-6: ~~RESTRICTIONS ON MANAGEMENT OF OPEN SPACE PROPERTY~~
- 13-5-7: ~~MAINTENANCE OF OPEN SPACE PROPERTIES~~
- 13-5-8: ~~DONATIONS TO OPEN SPACE PROGRAM~~
- 13-5-9: ~~UTILITIES AND RIGHT OF WAYS~~
- 13-5-10: ~~STATEMENT ON DEED~~
- 13-5-11: ~~ENFORCEMENT OF APPLICABLE RULES AND ORDINANCES~~
- 13-5-12: ~~POLICIES FOR NON-OPEN SPACE USE OF OPEN SPACE PROPERTY~~

**13-5-1: OPEN SPACE PROGRAM POLICY STATEMENT:** ~~In the broadest sense the~~ 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~~ WHICH can be enjoyed from the hills and sloping sites ~~which~~ THAT 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 COMMUNITIES ~~life-compliment~~ COMPLEMENT 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~~ THOSE SALES TAX DOLLARS DESIGNATED FOR THE OPEN SPACE PROGRAM.

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 FOR ACQUISITION:** The following six major criteria shall guide the selection of specific sites for possible acquisition and preservation. Prospective open spaces PROPERTY shall satisfy at ~~least~~ LEAST one of these criteria: (1855)

(A)- AESTHETICS: Unique or dramatic visual impact; protectIOns OF scenic view corridorS; visually enhanceMENTs OF primary transportation corridorS; 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, NATIVE grasses, wildlife AND WILDLIFE HABITAT, 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.

(D)- 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 wells, erosion control, PUBLIC safety, ~~prevent~~ floodplain ~~encroachment~~); PRESERVATION, ~~allowing~~ solitude, noise buffers, ANCILLARY HISTORIC PRESERVATION); continued agricultural production.

(E)- NEED FOR IMMEDIATE ACTION: Development pressure; development status; potential to remain as open space; attitude of property owner.

(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 AND OTHER OPEN SPACE USES:**

(A) 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.

(B) ADDITIONAL ACTIVITIES THAT MAY BE ALLOWED ON CERTAIN OPEN SPACE PROPERTY, OR PORTIONS THEREOF, AFTER THE CITY MANAGER DETERMINES SUCH ACTIVITIES WILL NOT HAVE A DETRIMENTAL EFFECT ON THE NATURAL QUALITIES FOR WHICH THE OPEN SPACE WAS ORIGINALLY ACQUIRED INCLUDE FISHING, BIKING, HORSEBACK RIDING, BOATING, AND THE DEVELOPMENT OF OFF-LEASH DOG EXERCISE AREAS, RESTROOMS, TRAILHEAD PARKING LOTS, AND LIMITED STRUCTURES THAT ENHANCE THE PASSIVE RECREATIONAL EXPERIENCE. "LIMITED STRUCTURES" MAY INCLUDE PONDS OR OTHER WATER BODIES DESIGNED TO ENHANCE WILDLIFE HABITAT, BENCHES, FISHING PIERS, SIGNS, AND EDUCATIONAL DISPLAYS.

(C) Development of traditional, active recreational facilities such as athletic fields, swimming pools, tennis courts and formal picnic areas are precluded. THE USE OF MOTORIZED VEHICLES BY THE PUBLIC FOR ANY RECREATIONAL PURPOSE IS PROHIBITED, EXCEPT AS MAY BE REQUIRED BY THE AMERICANS WITH DISABILITIES ACT.

(D) Certain "Open Space" properties may be leased for continued agricultural uses, such as farming or grazing, OR FOR SHORT OR LONG TERM RESIDENTIAL USES OF STRUCTURES THAT WERE LOCATED ON THE PROPERTIES AT THE TIME OF ACQUISITION. This approach can provide a glimpse of Westminster's past, protect the land from development, and/OR ~~eat~~ shift some maintenance costs to the lessee. Generally, the leased properties will continue to afford public access for passive enjoyment, TO THE EXTENT SUCH ACCESS IS CONSISTENT WITH THE LEASE.

(E) PROPERTIES ACQUIRED WITH FUNDS DERIVED FROM THE OPEN SPACE PORTION OF THE PARKS, OPEN SPACE AND TRAILS SALES TAX AND PROPERTIES DONATED TO THE OPEN SPACE PROGRAM, PURSUANT TO SECTION 13-5-8, SHALL NOT BE USED FOR TRANSPORTATION CORRIDORS OR THE INSTALLATION OF UNDERGROUND OR ABOVE GROUND UTILITIES EXCEPT IN ACCORDANCE WITH THE POLICIES PROMULGATED UNDER SECTION 13-5-12.

~~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, SALE, OR TRADE OF OPEN SPACE PROPERTY:**

(A) In certain cases, it may be determined BY THE CITY COUNCIL that a property originally acquired for open space PURPOSES may be better utilized for another public purpose, INCLUDING BUT NOT LIMITED TO such as an active park. In such cases, the Open Space LAND ACQUISITION ACCOUNT 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)

(B) 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 COUNCIL MAY DISPOSE OF THE REMAINDER, AND THE OPEN SPACE LAND ACQUISITION ACCOUNT 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.

(C) IN CERTAIN CASES, IT MAY BE DETERMINED BY THE CITY COUNCIL THAT A PROPERTY ORIGINALLY ACQUIRED FOR PARK PURPOSES MAY BE BETTER UTILIZED FOR OPEN SPACE. IN SUCH CASES, THE PARKS AND RECREATION CAPITAL RESERVE FUND 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.

(D) THE CITY COUNCIL MAY APPROVE LAND TRADES OF OPEN SPACE PROPERTY FOR OTHER LANDS. IN SUCH CASES, FOR THE PURPOSE OF REIMBURSING THE OPEN SPACE LAND ACQUISITION ACCOUNT, THE RELATIVE CURRENT MARKET VALUES OF THE LANDS TRADED SHALL BE DETERMINED BY THE CITY COUNCIL AS PART OF THE APPROVAL OF THE TRADE, BUT IN NO EVENT SHALL A VALUE BE PLACED ON THE OPEN SPACE PROPERTY THAT IS LOWER THAN ITS COST AT THE TIME OF ITS ORIGINAL ACQUISITION.

(E) IN CERTAIN CASES, IT MAY BE DETERMINED BY THE CITY COUNCIL THAT A PROPERTY ORIGINALLY ACQUIRED FOR UTILITY PURPOSES MAY BE BETTER UTILIZED FOR OPEN SPACE. IN SUCH CASES, THE CURRENT MARKET VALUE OF THE AFFECTED PROPERTY AT THE TIME OF ITS CONVERSION WILL BE DETERMINED AND THE UTILITY ENTERPRISE FUND WILL RECEIVE A CREDIT IN THAT AMOUNT AGAINST FUTURE UTILITY RELATED USES OF OPEN SPACE PURSUANT TO SUBSECTION (A), ABOVE. PAYMENT IN CASH OR A LAND TRADE PURSUANT TO SUBSECTION (D), ABOVE, MAY ALSO OCCUR.

(F) ONCE A PROPERTY IS DESIGNATED AS OPEN SPACE, IT SHALL BE SUBJECT TO ALL OF THE PROVISIONS OF THIS CHAPTER. PROPERTY THAT IS SUBJECT TO RESTRICTIONS LIMITING ITS USE TO OPEN SPACE PURPOSES MAY NOT BE REDESIGNATED WITHOUT APPROVAL OF THE RESTRICTING GRANTOR.



(G) FOR THE PURPOSES OF DETERMINING THE "CURRENT MARKET VALUE" UNDER SUBSECTIONS (A), (B), AND (C) ABOVE, THE CITY MANAGER MAY RELY ON AN MAI OR AIA APPRAISAL OF THE PROPERTY OR, FOR PARCELS LESS THAN FIVE ACRES IN SIZE, MAY RELY ON PUBLICLY VERIFIABLE INFORMATION CONCERNING RECENT SALES OF SUBSTANTIALLY SIMILAR PROPERTIES.

(H) NOTWITHSTANDING THE FOREGOING, THE REDESIGNATION BY THE CITY COUNCIL OF PARKLANDS, OPEN SPACE PROPERTY, OR OTHER CITY-OWNED LANDS THAT WERE ACQUIRED THROUGH THE PUBLIC LAND DEDICATION REQUIREMENTS OF §11-6-8, W.M.C., WILL NOT REQUIRE REIMBURSEMENT FROM ONE CITY FUND TO ANOTHER.

**13-5-5: USAGE OF OPEN SPACE FUNDS:** Generally, funds derived from THE OPEN SPACE PORTION OF the PARKS, Open Space AND TRAILS SALES TAX ~~Program~~ shall be expended only for acquisition of lands or interests in lands, FOR IMPROVEMENTS ~~and initial efforts~~ to restore OR ENHANCE the LAND'S natural OR HISTORIC resources, TO afford public access and safety, and/or TO remove improvements ~~which~~ THAT are incompatible or hazardous. Fencing ~~and/or signage~~ may be installed to delineate and protect certain properties. EXAMPLES OF IMPROVEMENTS TO OPEN SPACE PROPERTIES INCLUDE NATURAL OR NATIVE ~~"Natural" improvements such as~~ plantings, wetland enhancements, ~~and~~ natural surfaced AND, WHERE APPROPRIATE, PAVED trails, SIGNAGE FOR DIRECTIONAL AND EDUCATIONAL PURPOSES, AND CONSTRUCTION OF ITEMS APPROVED UNDER SUBSECTION 13-5-3(B) HEREIN ~~may be paid for with Open Space Funds.~~ (1855)

**13-5-6: MANAGEMENT OF ~~RESTRICTIONS ON~~ OPEN SPACE PROPERTY:**

(A) ALL PROVISIONS OF CHAPTER 13-1 AND 13-2, W.M.C. ARE APPLICABLE TO OPEN SPACE PROPERTY, EXCEPT THAT CERTAIN USES, PERMITTED UNDER SECTION 13-1-3, W.M.C., ARE PROHIBITED ON OPEN SPACE PROPERTY AS PROVIDED BELOW:

(A) HUNTING OR TRAPPING IS PROHIBITED.

(B) OFF-LEASH DOG OR CAT USAGE IS PROHIBITED UNLESS THE LAND IS SPECIFICALLY SIGNED TO ALLOW SUCH USAGE.

(C) THE USE OF MOTORIZED VEHICLES BY THE PUBLIC FOR ANY PURPOSE IS PROHIBITED, EXCEPT AS MAY BE REQUIRED BY THE AMERICANS WITH DISABILITIES ACT.

(D) THE SALE, VENDING, OR DISTRIBUTION OF ANY MERCHANDISE, SERVICES, OR TICKETS IS PROHIBITED UNLESS WRITTEN PERMISSION IS GRANTED BY THE OPEN SPACE COORDINATOR.

(E) THE SOLICITATION OF CONTRIBUTIONS IS PROHIBITED.

(F) THE DISTRIBUTION, POSTING, OR DEPOSITION OF ANY HANDBILLS, CIRCULARS, PAMPHLETS, ADVERTISEMENTS, OR EVENT NOTICES IS PROHIBITED.

(G) AMPLIFIED SOUND IS PROHIBITED UNLESS WRITTEN PERMISSION IS GRANTED BY THE OPEN SPACE COORDINATOR.

(H) THE DRIVING, PUTTING, OR PRACTICE OF GOLF OR USE OF GOLF CLUBS IS PROHIBITED.

(I) THE WASHING, WAXING, REPAIRING OR SERVICING OF AUTOMOBILES OR OTHER VEHICLES IS PROHIBITED.

(J) THE DISCHARGE, FIRING, OR USE OF ANY FIREARM, AIR GUN, SLINGSHOT, BOW AND ARROW, OR OTHER PROJECTILE OR PROJECTILE LAUNCHING DEVICE IS PROHIBITED.

(K) NO FAUNA OR FLORA MAY BE TAKEN, MOLESTED, OR REMOVED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE OPEN SPACE COORDINATOR, WHICH CONSENT MUST BE IN THE POSSESSION OF THE PERSON OR PERSONS SO PERMITTED DURING THE TIME ANY FAUNA OR FLORA IS TAKEN.

(L) LIGHTING OR MAINTAINING A FIRE OR POSSESSING OR IGNITING ANY FIREWORKS ARE PROHIBITED.

(B) THE PARKS, OPEN SPACE AND TRAILS (POST) COMMITTEE, APPOINTED BY THE CITY MANAGER, WILL NORMALLY REVIEW ALL GRANT APPLICATIONS, MAJOR CONSTRUCTION IMPROVEMENTS, MASTER PLAN DEVELOPMENT, PROPOSED TRAIL PROJECTS AFFECTING OPEN SPACE PROPERTIES AND MAKE RECOMMENDATIONS THEREON TO THE CITY MANAGER OR CITY COUNCIL, AS APPROPRIATE. ALTHOUGH PRIMARY RESPONSIBILITY FOR RECOMMENDATIONS ON PROPOSED ACQUISITIONS LIES WITH THE OPEN SPACE ADVISORY BOARD, THE POST COMMITTEE MAY ALSO REVIEW PROPOSED ACQUISITIONS.

(C) It may be necessary to close an Open Space property temporarily, in order to protect a natural resource, FOR RESTORATION PURPOSES, 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 CITY'S general operating budget AND FUNDS DERIVED FROM THE OPEN SPACE PORTION OF THE PARKS, OPEN SPACE AND TRAILS SALES TAX. (1855 1889)

**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 SUCH DONATED 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~~ SO AS NOT TO DEFEAT the objectives of the Open Space Program. (1855)

**13-5-10: STATEMENT ON DEED:** Any deed conveying to the City Open Space property that was purchased using Open Space Sales Tax Funds shall contain the notation "This land was purchased with Open Space Sales Tax Funds". (1855)

**13-5-11: ENFORCEMENT OF APPLICABLE RULES AND ORDINANCES:**

(A) THE DIRECTOR, OR THE DIRECTOR'S 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 OPEN SPACE PROPERTY, ANY PERSON ACTING IN VIOLATION OF THESE RULES AND REGULATIONS. FURTHER, THE DIRECTOR SHALL HAVE THE AUTHORITY TO DENY USE OF OPEN SPACE PROPERTY TO INDIVIDUALS OR GROUPS WHO REFUSE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER AND REGULATIONS PROMULGATED HEREUNDER.

(B) ALL PERSONS ENTERING OPEN SPACE PROPERTY SHALL ABIDE BY THE RULES AND REGULATIONS OF THE CITY OF WESTMINSTER, AS PROVIDED HEREIN, AND THE INSTRUCTIONS AND DIRECTIONS OF DULY AUTHORIZED AGENTS, EMPLOYEES OR LAW ENFORCEMENT OFFICERS OF THE CITY OF WESTMINSTER IN THEIR LINE OF DUTY.

(C) IT SHALL BE UNLAWFUL TO VIOLATE ANY PROVISION OF THIS CHAPTER OR ANY REGULATION PROMULGATED BY THE CITY MANAGER, PURSUANT TO SUBSECTION 13-5-6(A), ABOVE. A PERSON CONVICTED OF A VIOLATION OF A PROVISION OF THIS CHAPTER OR OF A REGULATION PROMULGATED BY THE DIRECTOR SHALL BE FINED AS PROVIDED IN SECTION 1-8-1 OF THIS CODE.

(D) IN ADDITION TO ANY OTHER FINES OR PENALTIES PROVIDED FOR BY THIS CODE, ANY PERSON CAUSING DAMAGE TO OPEN SPACE PROPERTIES OR IMPROVEMENTS THEREON SHALL BE REQUIRED TO, AT THE OPTION OF THE CITY, EITHER RESTORE THE PROPERTY OR PAY ALL COSTS THAT THE CITY INCURS IN RESTORING THE PROPERTY TO ITS PRE-DAMAGED CONDITION.

**13-5-12: POLICIES FOR NON-OPEN SPACE USE OF OPEN SPACE PROPERTY:** FROM TIME TO TIME, THE CITY MAY FIND IT DESIRABLE AND IN THE PUBLIC INTEREST TO PERMIT CERTAIN NON-OPEN SPACE MUNICIPAL USES, AND, IN LIMITED CIRCUMSTANCES, CERTAIN PRIVATE USES ON, IN, OR UNDER OPEN SPACE PROPERTIES. THE CITY COUNCIL WILL ADOPT, BY RESOLUTION, SUCH POLICIES TO ADDRESS WHEN AND UNDER WHAT CIRCUMSTANCES SUCH ADDITIONAL USES OF OPEN SPACE PROPERTIES MAY OCCUR.

Section 16. This ordinance shall take effect upon its passage after second reading.

Section 17. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of February, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of March, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 9, 2009



**SUBJECT:** Councillor’s Bill No. 6 re Westminster Center Park and the City Park Recreation Center Aquatics Renovation Supplemental Appropriation

**Prepared By:** Kathy Piper, Landscape Architect II  
Becky Eades, Landscape Architect II

**Recommended City Council Action**

Pass Councillor’s Bill No. 6 on the first reading making supplemental appropriations in the amount of \$200,000 reflecting the City’s receipt of a Great Outdoors Colorado Grant for Westminster Center Park, and in the amount of \$300,000 reflecting the City’s receipt of a Jefferson County Open Space Grant for the City Park Recreation Center Aquatics Renovation.

**Summary Statement**

- In July of 2008, Staff received City Council’s approval to submit a request for a Great Outdoors Colorado Grant (GOCO) to help fund the development of Westminster Center Park. The City was notified in December of 2008 that it was successful in receiving grant funds for the full amount of the application, \$200,000.
- In November of 2008, Staff received City Council’s approval to submit a request for a Jefferson County Open Space Grant to help fund the development of the City Park Recreation Center Aquatics Renovation. The City was notified in January of 2009 that it was successful in receiving grant funds for the full amount of application, \$300,000.
- The Parks, Recreation and Libraries Department has the appropriate matching funds available in the Parks, Open Space and Trails Bond Fund.
- Construction of both projects is anticipated to begin in the Spring of 2009.

**Expenditure Required:** \$200,000 - Westminster Center Park  
\$300,000 - City Park Recreation Center Aquatics Renovation

**Source of Funds:** \$200,000 - Great Outdoors Colorado Grant  
\$300,000 - Jefferson County Open Space Grant

### **Policy Issue**

Does Council wish to continue to pursue the use of grant funds to help fund the Westminster Center Park and City Park Recreation Center Aquatics Renovation projects?

### **Alternative**

Council could choose not to appropriate these grant funds. However, this is not recommended because the City and the residents will benefit from these additional funds as they will allow greater enhancements for both projects and because the City has successfully used grant funds from both entities in the past.

### **Background Information**

Westminster Center Park is a 9.5-acre park located across the street from City Hall. In 1994, a master plan was designed and completed by EDAA utilizing public and Staff input. Since that time, budget constraints and ongoing maintenance costs have caused Staff to reevaluate the original master plan and scale it back to include more realistic components.

In October 2007, Staff solicited proposals from local reputable and experienced design firms to refine the master plan and subsequently selected Architerra Group. Construction documents will be complete in the spring of 2009. Construction should also begin in spring of 2009 and completed by the end of 2009. The master plan includes seating walls, a plaza area, shelter, planting areas, an amphitheater and a pop jet fountain. This park, because of its location, is not a traditional neighborhood park but more of an urban park that will include an extensive amount of hardscape.

The City Park Recreation Center, located at 10455 Sheridan Boulevard, opened in 1986 as one of the first leisure/aquatic facilities in the United States. The aquatic area currently consists of three pools; a deep pool, with a waterfall dropping into a lap pool; and a wading pool for younger users. The natatorium also offers a hot tub, sauna, and steam room. Over the years, the Center has been used as a model for other cities who have built their own leisure/aquatic centers. Newer leisure centers that have been built have also included aquatic components such as lazy rivers, therapy pools, zero depth play areas, newer and more exciting slides, separate lap lanes, complimentary outdoor pools for seasonal use, and family changing rooms. The City Park Aquatics Renovation will incorporate some of these, or similar, features into the facility to provide better services to the Westminster community and make the facility more competitive regionally.

In January of 2008, Council approved a contract with Sink Combs Dethlefs for architectural design services for the Aquatics Renovation; and in December of 2008, Council approved a Construction Manager/General Contractor Contract (CMGC) with Adolphson and Peterson Construction. Staff anticipates returning to Council with a contract amendment to establish a Guaranteed Maximum Price (GMP) for the construction. Construction is anticipated to begin in spring 2009 and be complete by the end of 2009, or early 2010.

These projects meet City Council's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services" by providing alternative funding sources for capital improvement projects.

**SUBJECT:** Councillor's Bill re Westminster Center Park & City Park Aquatics Renovation Page 3

These appropriations will amend General Capital Improvement Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
OS Grant JEFFCO	7501.40630.0020	\$0	\$300,000	\$300,000
GOCO Grant	7501.40620.0026	\$0	<u>\$200,000</u>	\$200,000
Total Change to Revenues			<u>\$500,000</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
City Park Aquatic Enhancement	80855050753.80400.8888	\$219,165	\$300,000	\$519,165
Westminster Center Park	80875050792.80400.8888	\$583,332	<u>\$200,000</u>	\$783,332
Total Change to Expenses			<u>\$500,000</u>	

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **6**

SERIES OF 2009

INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE AMENDING THE 2009 BUDGET OF THE GENERAL CAPITAL  
IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION  
FROM THE 2009 ESTIMATED REVENUES IN THE FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2009 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 3432 is hereby increased by \$500,000. This appropriation is due to the receipt of grants.

Section 2. The \$500,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10A dated March 9, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$500,000</u>
Total	<u>\$500,000</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9<sup>th</sup> day of March, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of March, 2009.

ATTEST:

\_\_\_\_\_  
Mayor

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

93<sup>rd</sup> AVE.

CITY CENTER DRIVE

- OFF STREET PARKING (54 SPACES)
- DROP-OFF
- PLAYGROUND
- BLUEGRASS MEADOW (TYP)
- SEMI-CUSTOM SHELTER/RESTROOM
- OFF STREET PARKING (29 SPACES)
- WATER FEATURE
- PLAZA
- CONCRETE WALKS (TYP)
- SEMI-CUSTOM SHELTER/STAGE
- AMPHITHEATER SEATING
- SPECIAL PAVING (TYP)
- MONUMENT (TYP)
- 92<sup>nd</sup> AVE. UNDERPASS (FUTURE-BASED ON AVAILABLE FUNDING.)

92<sup>nd</sup> AVE.

XAVIER ST.

NOTE: IMPLEMENTATION OF IMPROVEMENTS SHOWN IS BASED ON AVAILABLE AND FUTURE FUNDING.

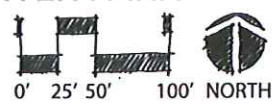
CITY HALL

# WESTMINSTER CENTER PARK

SITE MASTER PLAN

ARCHITERRA GROUP/  
CHEVO STUDIOS

3-12-08







Westminster City Park Recreation Center  
**AQUATIC RENOVATION AND ADDITION**

**Design Concept**



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 9, 2009



**SUBJECT:** Resolution No. 10 and Councillor's Bill No. 7 re Payment to Metro Wastewater Reclamation District for Exclusion of Service Area in the Vicinity of 94<sup>th</sup> Avenue and Quitman Street

**Prepared By:** Mike Happe, Water Resources and Treatment Manager  
Christine Gray, Management Analyst

**Recommended City Council Action**

1. Adopt Resolution No. 10 consenting to the terms and conditions set forth by the Metro Wastewater Reclamation District excluding a portion of Westminster from the Metro Wastewater Reclamation District and authorizing the payment of \$1,964,350 to the Metro Wastewater Reclamation District.
2. Pass Councillor's Bill No. 7 on first reading transferring \$1,964,350 from the Utility Capital Project Reserve Fund to the Special Assessments Metro Wastewater Reclamation District Regular operating account to cover the payment to Metro Wastewater Reclamation District.

**Summary Statement**

- Approximately 35% of the City's wastewater flow is treated by the Metro Wastewater Reclamation District (District). The City pays the District for treatment of these flows.
- Due to significant repair issues arising with a failing sewer lift station located at 94<sup>th</sup> Avenue and Quitman Street, Staff began discussion with the District in 2007 requesting an exclusion of that region of Westminster from the District.
- District regulations state that connectors cannot be excluded from the District service area when the District's finances will be negatively affected.
- Rather than repair the lift station for pumping flows to the District, the lift station will be eliminated and the area's wastewater will be re-directed via gravity to the City's Big Dry Creek Wastewater Treatment Facility for treatment.
- The District is willing to exclude the area in exchange for financial compensation for the loss of treatment revenue from that lift station's flows.
- Staff recommends payment of \$1,964,350 to the District, which represents ten years' worth of charges that the District would stand to lose in the exclusion.
- Elimination of this lift station will result in the reduction of over \$250,000 in annual payments to the District and will eliminate all costs to repair and maintain this lift station in the future.
- Over the long term, the City will save more than \$3.4 million dollars by treating this area's flows at the Big Dry Creek Wastewater Treatment Facility, resulting in a net savings to the City of over \$1.4 million dollars in the next twenty years.
- Funds are available in the Utility Capital Reserve Fund to make this payment to Metro Wastewater Reclamation District.

**Expenditure Required:** \$1,964,350

**Source of Funds:** Utility Capital Project Reserve Fund

**Policy Issue**

Should the City agree to the exclusion of the 94<sup>th</sup> Avenue and Quitman Street region from the District's service area under the terms of the District's resolution?

**Alternative**

Keep the 94<sup>th</sup> Avenue and Quitman Street lift station in operation and keep this portion of the service area in the District. Staff does not recommend this alternative. The City will realize a savings of approximately \$250,000 annually by sending this area's wastewater flows to the City's treatment facility. Over the long term the City will save more than \$3.4 million dollars with this plan, with a net savings of over \$1.4 million dollars realized over twenty years. Also, the lift station has reached the end of its useful life, is currently experiencing significant repair issues and cannot handle any additional wastewater flows. Retaining this lift station could result in sewage backups in residents' homes. This area's wastewater can flow via gravity to the City's wastewater treatment facility.

**Background Information**

The City's wastewater is treated by two different facilities depending upon the source of the flow. Flows originating in the Big Dry Creek basin are treated at the City's Big Dry Creek Wastewater Treatment Facility and represent approximately 65% of the City's total flow. Per a service agreement, dated March 30, 1964, Westminster sends the wastewater flows from the Little Dry Creek basin to the District for treatment and pays the District for this service. These flows represent approximately 35% of the City's total wastewater flow.

In 2007, Staff initiated discussions with the District about excluding the area served by a lift station that required substantial repair. Located at 94<sup>th</sup> Avenue and Quitman Street, this pump station currently pumps approximately 0.5 million gallons per day (MGD) of wastewater to the District plant for treatment. The station has reached the end of its useful life. Based on its current condition, if it is kept in service it will fail, which could result in sewer backups in residents' homes in that area. Staff approached the District about removing this specific section of the City from the District's service area and re-directing it via gravity to the City's treatment facility.

The District's regulations prohibit territory exclusion when their finances will be negatively affected. As their budgets have been developed to include the annual payment from Westminster for flow treatment, the District would stand to lose more than \$250,000 per year (2008 dollars) in revenue by excluding this area from their service district. In discussions with the District, Staff negotiated a settlement whereby the City would re-direct the wastewater flows from the 94<sup>th</sup> Avenue and Quitman Street lift station to the City's wastewater treatment facility and would compensate the District for lost treatment revenues associated with this 0.5 MGD of flow. The reimbursement amount of \$1,964,350 is an amount that the District provided and reflects ten years' worth of the fixed portion of the District's treatment charges. The time period of ten years reflects the estimated amount of time needed to replace this re-directed flow with new wastewater flow from growth in the Little Dry Creek basin.

Financially this is a favorable arrangement for the City. In the short term, the City will save approximately \$250,000 per year by sending the flows to the city's wastewater treatment facility. Over the course of twenty years, a savings of approximately \$3.4 million will be realized by sending the flow to the city's facility for treatment. This will result in a net savings of \$1.4 million after considering the payment to the District. This savings also takes into consideration the cost of treating the flow at the Big Dry Creek facility, as well as the construction costs associated with the elimination of the 94<sup>th</sup> Avenue and Quitman Street lift station.

Funds are available in the Utility Capital Project Reserve Fund to make the payment to Metro Wastewater Reclamation District. In order to fund this payment, an ordinance authorizing the supplemental appropriation from the Utility Reserve must be enacted. These funds would be transferred into the Wastewater Operating Account for payment.

This project achieves the City Council’s Strategic Plan Goal of a Financially Sustainable City Government Providing Exceptional Services by supporting the objectives of ensuring a well-maintained infrastructure and providing efficient, cost-effective internal and external services.

This appropriation will amend Wastewater Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
TRF Utility Reserve	2100.45000.0205	\$1,571,398	\$1,964,350	\$3,535,748
Total Change to Revenues			<u>\$1,964,350</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Special Assess MWRD Reg	21035490.66500.0513	\$2,311,394	\$1,964,350	\$4,275,744
Total Change to Expenses			<u>\$1,964,350</u>	

This appropriation will amend Utility Reserve Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2050.40020.0000	\$11,281,853	\$1,964,350	\$13,246,203
Total Change to Revenues			<u>\$1,964,350</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers to Wastewater	20510900.79800.0210	\$1,571,398	\$1,964,350	\$3,535,748
Total Change to Expenses			<u>\$1,964,350</u>	

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 10

INTRODUCED BY COUNCILLORS

SERIES OF 2009

**A RESOLUTION  
AUTHORIZING \$1.9 MILLION PAYMENT TO  
METRO WASTEWATER RECLAMATION DISTRICT**

WHEREAS, on July 23, 2007, the City of Westminster (“City”) adopted Ordinance No. 3369 requesting that a certain area of Westminster be excluded from the Metro Wastewater Reclamation District (“District”), finding the area can no longer feasibly be served by the District because of the City’s inability to deliver flows from the area as a result of a failing lift station; and

WHEREAS, the area the City wishes to exclude is generally bounded by 92<sup>nd</sup> Avenue on the south, 97<sup>th</sup> Avenue on the north, Federal Boulevard on the east, and Xavier Street on the west (“Exclusion Area”) and is currently served by the District through a lift station at 94<sup>th</sup> Avenue and Quitman Street; and

WHEREAS, the lift station has reached the end of its useful life, needs significant upgrades, and has experienced overflows; and

WHEREAS, the City wishes to decommission the lift station and have those flows originating in the Exclusion Area go by gravity for treatment to the City’s Big Dry Creek Wastewater Treatment Facility (“BDCWTF”); and

WHEREAS, the BDCWTF has sufficient capacity to treat the flows from the Exclusion Area without the need for expansion; and

WHEREAS, on July 25, 2007, the District received the request by the City to exclude the Exclusion Area from the District’s service area; and

WHEREAS, after receipt of the exclusion ordinance from the City, the Metropolitan Sewage Disposal Districts Act (“Act”) requires the District to investigate whether the area the City has requested to exclude can feasibly be served by the District’s facilities; and

WHEREAS, in the opinion of the District, when the District has outstanding securities, the Act prohibits the exclusion of territory from the District, which will reduce its revenue; and

WHEREAS, the Board of Directors of the District has reviewed the matter and has adopted Resolution 1008-5.h on October 21, 2008; and

WHEREAS, the District’s Board of Directors, pursuant to its Resolution 1008.5h, has determined to approve the City’s request for exclusion of the Exclusion Area upon the following conditions:

1. The exclusion will become effective on the date that the City is able to redirect flows from the Exclusion Area to the BDCWTF; and
2. On or before the effective date of the exclusion, the City will make payment to the District of \$1,964,350, representing 10 years’ worth of the fixed portion of Annual Charges for Service for flows which no longer will come to the District; and

WHEREAS, City Staff has reviewed the proposed conditions for exclusion and is recommending that they be accepted by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Westminster:

1. The City Council of the City of Westminster consents to the terms and conditions set forth above.

2. The City Council authorizes the City Manager to execute all documents necessary to make payment to the Metro Wastewater Reclamation District of \$1,964,350, representing 10 years’ worth of the fixed portion of Annual Charges for Service for flows that no longer will come to the District.

PASSED AND ADOPTED this 9th day of March, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **7**

SERIES OF 2009

INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE AMENDING THE 2009 BUDGETS OF THE WASTEWATER AND  
UTILITY RESERVE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION  
FROM THE 2009 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2009 appropriation for the Wastewater and Utility Reserve Funds initially appropriated by Ordinance No. 3432 is hereby increased by \$3,928,700. This appropriation is due to the transfer of reserve funds.

Section 2. The \$3,928,700 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10B dated March 9, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Wastewater Fund	\$1,964,350
Utility Reserve Fund	\$1,964,350
Total	<u>\$3,928,700</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9<sup>th</sup> day of March, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of March, 2009

ATTEST:

\_\_\_\_\_  
Mayor

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