



**WESTMINSTER
COLORADO**

**March 25, 2002
7:00 P.M.
AGENDA**

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Presentation by Westminster 7:10 Rotary Club re Computers for Kids Program
 - B. Recognition of Environmental Advisory Board Member Ben Beaty
 - C. Proclamation re Standley Lake & Westminster High School Wrestlers
- 5. Citizen Communication (5 minutes or less)**
- 6. Report of City Officials**
 - A. City Manager's Report
- 7. City Council Comments**

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

- 8. Consent Agenda**
 - A. Financial Report for February 2002
 - B. Ranch Reserve Parkway Funds
 - C. Open Space Acquisition re Wadsworth Wetlands Property along Wadsworth Pkwy/93rd Ave
 - D. Open Space Acquisition re Lombardi Property on 92nd Ave along Niver Canal
 - E. Park Services Division Gang Mower Replacement
 - F. Semper Water Treatment Facility Improvements Project Design Services
 - G. England Water Line Design Contract
 - H. 2002 Wastewater Collection System Maintenance Contract
 - I. 2002 Inflow & Infiltration Study Contract
 - J. Legal Services Agreement with Carlson Hammond & Paddock
 - K. Gas Chromatograph Purchase
 - L. Municipal Service Center Gasoline Recovery System (GRS) Project Management Amended Contract
 - M. CB No. 7 re Costco BAP (Atchison-Hicks)
- 9. Appointments and Resignations**
- 10. Public Hearings and Other New Business**
 - A. Resolution No. 17 re DeVry Institute as Economic Development Project
 - B. Resolution No. 18 re Summa Property (107th & Simms) Annexation Petition
 - C. Resolution No. 19 re Supplemental Compensation for Employees serving in Operation Enduring Freedom
- 11. Old Business and Passage of Ordinances on Second Reading**
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Executive Session
 1. Discussion on Semper Appeal
 2. Butterfly Pavillion land negotiations
- 13. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MARCH 25, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro Tem Atchison, Councillors Dittman, Dixon, Hicks, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent Kauffman.

CONSIDERATION OF MINUTES:

Mayor Pro-Tem Atchison moved, seconded by McNally to accept the minutes of the meeting of March 4, 2002 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Garth Godwin of the Westminster 7:10 Rotary Club thanked Council for their support in the Computer for Kids Program.

Mayor Moss, Councillor Hicks, Rachel Harlow-Schalk, Environmental Compliance Coordinator, and Yvonne Martin, Environmental Advisory Board member presented Ben Beaty with a plaque in recognition for his past service on the Environmental Advisory Board.

Mayor Moss and Standley Lake High School Wrestling Coach Ron Granieri, presented a proclamation to the Standley Lake High School Wrestling Team for winning the Class 5A State wrestling team championship and individuals Chris Nissen 140 lb Champion and Mike Ratzlaff 135 lb Champion.

Councillor Dittman and Westminster High School Wrestling Coach Rich Talmich presented a proclamation to Nathan Gallegos for his individual State wrestling championship won at 103 lbs.

CITY COUNCIL COMMENTS:

Mayor Moss awarded the Transit Utilization award to Councillor Hicks.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Financial Report for February 2002; Ranch Reserve Parkway Funds in the amount of \$220,000; Open Space Acquisition of the Wadsworth Wetlands Property located along Wadsworth Pkwy at 93rd Avenue for \$474,563; Open Space Acquisition of Lombardi Property located on west 92nd Avenue along Niver Canal Open Space for \$270,000; Replacement of the Parks Services Division Gang Mower for \$59,848; Semper Water Treatment Facility Improvements Project Design Services to Integra Engineering for \$140,476; Contract for Design of England Water Line with Integra Engineering for \$116,406; 2002 Wastewater Collection System Maintenance Contract to AquaSource Services and technologies for \$560,822; 2002 Inflow and Infiltration Study Contract with ADS Environmental Services for \$98,986; Legal Services Agreement with Carlson Hammond & Paddock for \$132.50 per hour; Gas Chromatograph Purchase from Varian Chromatography Systems for \$45,143; MSC Gasoline Recovery System project Management amended contract with CH2M-Hill for \$102,000; CB No. 7 re Costco BAP.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Mayor Moss requested that the Open Space Acquisition of the Wadsworth Wetlands Property located along Wadsworth Pkwy at 93rd Avenue for \$474,563; Open Space Acquisition of Lombardi Property located on west 92nd Avenue along Niver Canal Open Space for \$270,000 be removed for separate vote.

Mayor Pro-Tem Atchison moved, seconded by Dixon to adopt the remaining Consent Agenda items as presented. The motion carried unanimously.

OPEN SPACE ACQUISITIONS OF THE WADSWORTH WETLANDS AND LOMBARDI PROPERTIES

Councillor Dixon moved, seconded by Hicks to authorize the City Manager to execute the purchase agreements and closing documents for the acquisition of the 12.0 acre open space parcel, located along Wadsworth Parkway near 93rd avenue for \$474,563 with the Open Space Land Purchases Account fund used for the purchase; and authorize the City Manager to execute the Purchase Agreement and closing documents for the acquisition of the 1.2 acre open space parcel, located on West 92nd Avenue along the Niver Canal, for \$270,000 with the Open Space Land Purchases Account used for the purchase. The motion carried unanimously.

RESOLUTION NO. 17 RE DEVRY INSTITUTE AS ECONOMIC DEVELOPMENT PROJECT

Councillor Hicks moved, seconded by Atchison to adopt Resolution No. 17 designating DeVry Institute officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 18 RE SUMMA PROPERTY ANNEXATION PETITION

Councillor Dittman moved, seconded by Atchison to adopt Resolution No. 18 accepting the annexation petition submitted by Carl Dixon as representative of the Summa Group, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of May 13, 2002 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 19 SUPP. COMPENSATION FOR EMPLOYEES IN OPER. ENDURING FREEDOM

Mayor Pro-Tem Atchison moved, seconded by McNally to adopt Resolution No. 19 which extends pay and benefits to those City employees who have been or will be called into active military duty in connection with the military operation Enduring Freedom for an additional period of six months per employee, for a total extended pay and benefit coverage period of twelve months per employee. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION:

The Mayor announced there would be three items discussed as part of the executive session: Semper Appeal, Butterfly Pavilion land negotiations and an Economic Development item.

ADJOURNMENT:

The meeting was adjourned at 7:40 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Presentation re Computers for Kids Program

Prepared By Matt Lutkus, Deputy City Manager for Administration

Summary Statement:

- Mr. Garth Godwin from the Westminster 7:10 Rotary Club has requested time on Monday night's agenda to address City Council regarding the City's past support for the Club's Computers For Kids Program.
- Since the program began in 1999, the Club has accepted donations of used surplus computers from public entities, businesses and individuals. The computers are rebuilt and upgraded as necessary and loaded with new software by volunteers. The computers are then donated to students who are selected on the basis of need by the schools. In several cases, the Club has donated the computers directly to schools and other non-profit organizations.
- Over the past two and a half years, the City has donated more than 300 of its surplus computers to the Westminster 7:10 Rotary Club for the Computers for Kids Program. The donation of City equipment is permitted under the Westminster Municipal Code under the approval provided by Council on March 27, 2000. In addition, during 2001, the City Council made a donation of \$2500 to the Club that was used for this program.
- The City computers provided to the Club are those that can no longer run the types of applications used throughout the City organization.
- The City's donations to this program represent a very worthwhile use of City surplus computer equipment that would otherwise bring in very little revenue in public auctions.

Expenditure Required: \$0

Source of Funds: Not applicable

Recommended City Council Action:

Call on Garth Godwin from the Westminster 7:10 Rotary Club for a brief presentation on the Club's Computer for Kids Program.

Policy Issue

None identified.

Alternative

None identified.

Background Information:

In May 1999, the Westminster 7:10 Club initiated a program whereby surplus computer equipment is retrofitted by volunteers and then donated to eligible students attending Westminster area schools. Since 1999, 1174 computers have been donated to eligible students attending Westminster and Ranum High Schools, Clear Lake, Shaw Heights, and Scott Carpenter Middle Schools, and several elementary schools. In addition, the Club has given computers directly to St. Vincent, Mandalay, and Hyand Hills schools, the Adolescent Support Center and the Senior Support Services.

In June 1999, the City Council authorized staff to donate all of its 1999 surplus computer equipment that would otherwise have been disposed of through the City's auction service to the Computers for Kids Program. In March 2000, the City Council authorized the continuation of these donations on an on-going basis. Since June 1999, the City has donated more that 300 of its used surplus computers to this program. This equipment is still operable but is not compatible with current City computer applications. Prior to leaving City facilities, the Information Technology Department removes all software and data from these computers.

The volunteers who retrofit the computers were recruited by the Westminster 7:10 Rotary Club and also through the City's Community Volunteer Program. In addition to Mr. Godwin, the current volunteers are: Pat Zeyman, Denis DuFresne, John Zemyan, Paul Wagner, Ian Reeve, Duc Truong, and Don Conti. The volunteers reformat the hard drives, load Windows 95 or 98 depending on the computer configuration, load Office 97 and add any devices required, such as CD Rom, modem, and more RAM, as necessary.

The selection of the individual students to participate in the program is determined by the schools involved. The main focus is to get the computers to students who would otherwise not be able to have computers in their homes. The schools ask the students to fill out a short questionnaire and prepare a short essay that describes why they want the computer, what they would do with, and how they think it will impact their education. The schools then use the responses to these questionnaires and essays to determine which students will receive the equipment.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2001

SUBJECT: Recognition of Environmental Advisory Board Member Ben Beaty

Prepared by: Rachel Harlow-Schalk, Environmental Services Coordinator

Summary Statement:

- The City Council is requested to present an Appreciation Plaque in recognition of time dedicated to the City by Ben Beaty on the Environmental Advisory Board.
- Mr. Beaty recently resigned his position on the Environmental Advisory Board and was appointed to the Open Space Board.
- Prior to Mr. Beaty's resignation, he was the only member of the Environmental Advisory Board who had been on the Board since its inception in March of 1995.
- Mr. Beaty served as the Board's Vice Chair from May 1995 through February 1997 and as Chair of the Board from February 1997 until January 2001.
- A plaque of appreciation has been prepared for Mr. Beaty on behalf of the Mayor and Council in recognition of his six and half years of service on the Environmental Advisory Board.

Expenditure Required: None

Source of Funds: N/A

Recommended City Council Action:

Present an appreciation plaque to Ben Beaty in recognition of his dedicated service on the Environmental Advisory Board.

Policy Issue(s):

Does the City Council wish to continue this method for recognizing Board and Commission members who resign?

Alternative(s):

Council could decide to use some other means to recognize Mr. Beaty.

Background Information:

Ben Beaty was appointed to the Environmental Advisory Board when it was created in March of 1995 and has served continuously since that time. During his time on the Board, Mr. Beaty was instrumental in the success of several projects including: the Board's booth at the Annual Westminster Faire; storm drain stenciling in cooperation with the Boy Scouts and Community Oriented Governance Program in an effort to educate the community on the impacts of the storm sewer to neighboring rivers and streams; Earth Day education activities; six household chemical roundups; and the successful *Green Corner* articles in the City Edition publication.

Mr. Beaty resigned his position on the Board in December of 2001 and was appointed to the Open Space Board continuing his volunteer efforts to the City.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Proclamation re Standley Lake and Westminster High School Wrestlers

Prepared By Lee Birk, Police Captain and Jim Wollack, Police Detective

Summary Statement:

The purpose of this Proclamation is to recognize the Standley Lake High School wrestling team, which won the Class 5A State wrestling championship in February, and to recognize three individual state champions. Mike Ratzlaff and Chris Nissen, both of Standley Lake High School and Nathan Gallegos, of Westminster High School were individual State Champions in their respective weight classes. The accomplishments of these individuals and team are a positive reflection of our community, schools and specific Westminster youth.

Expenditure Required: \$0

Source of Funds: N/A

Recommended City Council Action:

Present the Proclamation to the individual State Champions and representatives of the Standley Lake High School Team Champions.

Policy Issue(s):

No policy issues identified.

Alternatives:

None Identified.

Background Information:

The 2002 State Wrestling Championships were held February 21st through 23rd, 2002, at the Pepsi Center. Standley Lake High School, won the 5A State Title, beating Pomona High School, a cross-town Jefferson County League rival, 139 to 128 for the Championship. Standley Lake, who is coached by Ron Granieri, had 10 wrestlers qualify for state competition. Eight of the 10 qualifiers placed in the top 6 places, in their weight class, including 2 State Champions. In addition to the 2 State Champions, other top 6 finishers were Colton Casady, 103 lbs., 5th, Brandon Baldi, 112 lbs., 6th, Paul Lopez, 125 lbs., 4th, Matt Nissen, 130 lbs., 2nd, Jeff Dunlap, 160 lbs., 5th and Patrick Gragg, 189 lbs., 2nd. The Rocky Mountain News named Coach Granieri, Coach of the Year. Standley Lake finished the regular season undefeated in league competition. Westminster Police Department detective, Jim Wollack, is an assistant coach, with the team.

Chris Nissen, a junior at Standley Lake, was State Champion at 140 lbs. This was his third state championship and he has the opportunity, next year as a senior, to win his 4th state title, something only eight other Colorado wrestlers have accomplished. The Rocky Mountain News named Chris, who finished the season with a record of 34-0, Wrestler of the Year.

Mike Ratzlaff, a junior at Standley Lake, was State Champion at 135 lbs. He finished the season with a record of 43-9.

Nathan Gallegos, of Westminster High School, was the third City of Westminster state champion. Nathan, who is a sophomore, won the 103 lbs. State Title. He finished the season with a 37-4 record. The head coach of the Westminster High School wrestling team is Rich Talmich.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

WHEREAS, the Standley Lake High School wrestling team, coached by Ron Granieri, won the Colorado 5A State Wrestling Championship and

WHEREAS, the Standley Lake High School wrestling team, qualified ten wrestlers for State competition and had eight medal finishers; and

WHEREAS, Standley Lake High School junior, Chris Nissen, compiled an overall record of 34 wins and no losses and finished as State Champion in the 140 lb. weight class; and

WHEREAS; Standley Lake High School junior, Mike Ratzlaff, compiled an overall record of 43 wins and nine losses and finished as State Champion in the 135 lb. weight class.

WHEREAS, Westminster High School sophomore, Nathan Gallegos, compiled an overall record of 37 wins and four losses and finished as State Champion in the 103 lb. weight class; and

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff hereby recognize the Standley Lake High School Wrestling Team, Coach Ron Granieri, wrestlers Chris Nissen, Mike Ratzlaff and Westminster High School wrestler Nathan Gallegos for an excellent season and a job well done.

Signed this 25th day of March 2002.

Ed Moss, Mayor



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Financial Report for February 2002

Prepared By: Mary Ann Parrot, Finance Director

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached to this monthly financial report; this reflects January sales tax receipts received in February.

- Across all shopping centers, receipts are down 5% over the two-month period from last year (Sales and Use Taxes). Sales Tax receipts only are down 4% year to date from the same period last year.
- The Westminster Mall is down 16% year-to date, compared to last year.
- It is clear these are symptomatic of the recession in the state; additional data shows declines at the state level, and in the other major front range cities in the state.
- These recession responses are delayed compared to other areas in the country. Staff expects the slight recovery beginning nationally will also be delayed in reaching Colorado. The state has historically “lagged” national economic trends.

Key features of the monthly financial report for February are as follows:

- At the end of February, 2 of 12 months or 16.7% of the year has passed. In many cases, actual revenues do not flow evenly at 8.3% per month. Pro-rated revenues will reflect expected revenue flows based on history. Expenditures are pro-rated at 8.3%, reflecting even flows.
- The General Fund currently is at 102% of revenues pro-rated for two months.
- The Water/Wastewater Enterprise currently is over pro-rated budget by \$2.3 million due to tap fees exceeding budget at the beginning of the year.
- The Sales and Use Tax Fund is currently \$616,393 under the pro-rated budget for the year. The February figures reflect the returns for January, received in February. Returns are down for February 2002 compared to February 2001 by approximately 7.0%, and by 6.7% YTD (for two months January and February) due to the pressures of the recession in the metropolitan area. Staff expected the Sales and Use Tax Fund to struggle this year as the City navigates through a year of recession for the Denver area in general. Staff is watching this closely and is preparing a report to City Council in more detail. In addition, Staff has set aside funds in the General Fund to head off any potential year-end shortfall.
- With regard to the Golf Course Enterprise, revenues for Legacy are 21% of pro-rated budget; revenues for Heritage are 17% of pro-rated budget. Seasonal fluctuations are the primary reason for the revenues being reported at these levels.
- All funds currently stand at less than 100% of their respective expenditures when using pro-rated expenditures for this time of year.

Expenditure Required: \$0

Source of Funds: N/A

Recommended City Council Action:

Accept the Financial Report for February as presented.

Policy Issue

A monthly review of the City's financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City's budget and financial position are large and complex, warranting a monthly review by the City Council.

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%. The term "pro-rated," when used with revenues and expenditures, in this report, refers to the expected revenues collected or expenditures incurred by a certain date in time based on historical trends.

General Fund

This fund reflects the results of the City's operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions such as City Manager, City Attorney, Finance, General Services and Information Technology.

At the end of February, the General Fund is in the following position regarding both revenues and expenditures, although it is still very early in the fiscal year:

- Over pro-rated budget in revenues by \$226,164 (102% of pro-rated budget). However, this does not reflect the reduced tax collections noted in the sales tax section below.
- Under pro-rated budget in expenditures by \$2.9 million (76% of pro-rated budget).

Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital expenses. At the end of January, the Enterprise is in a positive position.

- Over pro-rated budgeted revenues by a combined \$2.319 million:
 - Water revenues over pro-rated budget by \$2.006 million (171% of pro-rated budget), mostly due to a developer paying \$2.3 million for residential tap fees during the month. The build up of reserves in this fund will finance capital replacement and necessary expansion over the long term, as planned.
 - Wastewater revenues over pro-rated budget by \$313,219 (120% of pro-rated budget), mostly due to increases in revenues for rates and tap fees. Again, these reserves will finance capital replacement and expansion over the long term.
 - Storm Drainage will be included in the 2nd quarter, as it is a new fund and lacks the long-term viability for a meaningful report, especially this early in the year.
- Under pro-rated budget in expenditures by a combined \$2.415 million:
 - Water under pro-rated expenditures budget by \$1.815 million (51% of pro-rated budget).
 - Wastewater under pro-rated budget by \$599,966 (56% of pro-rated budget).

Sales and Use Tax Funds (Sales Tax Fund and Open Space Fund)

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Funds are pledged to meet debt service on the POST bonds and to buy open space and make park improvements on a pay-as-you-go basis. At the end of February, the position of these funds is as follows:

- Sales Tax Fund - Under pro-rated budget in revenues by \$616,393 million (94% of pro-rated budget).
- Sales Tax Fund – Even with expenditures because of the transfers to various other funds.
- Staff has been reviewing the Sales Tax Fund to evaluate the impact of the recession on receipts (returns) and distinguish the difference between monthly revenues and one-time use tax receipts received in annual audit revenues. Staff will report to City Council separately on this item after the year-end figures are finalized.
- Open Space Tax Fund – Under pro-rated budget in revenues by \$100,344 (88% of pro-rated budget).
- Open Space Tax Fund – Under pro-rated budget in expenditures by \$374,141 (63% of pro-rated budget).

Golf Course Funds (Legacy and Heritage- the Golf Course Enterprise)

These funds reflect the operations of the City's two municipal golf courses.

- Legacy - Under pro-rated budget in revenues by \$227,288 (21% of pro-rated budget)
- Legacy - Under average budget in expenses by \$56,819 (75% of pro-rated budget). This variance is operations only and excludes the impact of the debt service payments that will be due in June and in December.
- Heritage - Under pro-rated budget in revenues by \$246,001 (17% of pro-rated budget).
- Heritage – Under average budget in expenditures by \$85,154 (64% of pro-rated budget). Again, this excludes the impact of the debt service payments due in June and December.

Staff will attend at the March 25th City Council Meeting to address any questions.

Respectfully submitted,

J Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For the Two Months Ending February 28, 2002**

Description General Fund	Budget	Pro-rated for Seasonal		Actual	(Under) Over		(Under) Over	
		Flows	Notes		Budget	%	Budget Pro-Rated	% Pro-Rated
Revenues								
Taxes	3,288,000	106,470	(1)	115,026	(3,172,974)	3%	8,556	108%
Licenses & Permits	1,428,000	224,700	(2)	305,185	(1,122,815)	21%	80,485	136%
Intergovernmental Revenue	4,655,000	283,800	(3)	361,960	(4,293,040)	8%	78,160	128%
Charges for Services								
Recreation Services	4,604,000	690,600	(4)	880,814	(3,723,186)	19%	190,214	128%
Other Services	4,958,677	521,701	(4)	610,894	(4,347,783)	12%	89,193	117%
Fines	1,900,000	266,000	(5)	244,188	(1,655,812)	13%	(21,812)	92%
Interest Income	400,000	66,667	(6)	(142,226)	(542,226)	-36%	(208,892)	-213%
Misc	216,496	26,667	(7)	26,095	(190,401)	12%	(571)	98%
Leases	575,000	0	(8)	0	(575,000)	0%	0	
Refunds	(65,000)	(10,833)	(9)	0	65,000	0%	10,833	0%
Interfund Transfers	46,527,000	7,754,500	(10)	7,754,500	(38,772,500)	17%	0	100%
Sub-total Revenues	68,487,173	9,930,271		10,156,435	(58,330,738)	15%	226,164	102%
Carryover	4,104,984		(11)					
Revenues	72,592,157	9,930,271		10,156,435	(58,330,738)	14%	226,164	102%
Expenditures								
City Council	171,123	28,521		23,385	(147,738)	14%	(5,135)	82%
City Attorney's Office	675,085	112,514		100,967	(574,118)	15%	(11,547)	90%
City Manager's Office	819,763	136,627		113,587	(706,176)	14%	(23,040)	83%
Central Charges	18,937,901	3,156,317		2,232,127	(16,705,774)	12%	(924,190)	71%
General Services	4,044,553	674,092		600,303	(3,444,250)	15%	(73,789)	89%
Finance	1,330,439	221,740		167,283	(1,163,156)	13%	(54,457)	75%
Police	15,014,948	2,502,491		2,446,928	(12,568,020)	16%	(55,563)	98%
Fire Emergency Services	7,406,010	1,234,335		1,088,934	(6,317,076)	15%	(145,401)	88%
Community Development	3,698,158	616,360		483,733	(3,214,425)	13%	(132,626)	78%
Public Works & Utilities	7,341,368	1,223,561		377,036	(6,964,332)	5%	(846,525)	31%
Parks Recreation & Libraries	13,152,809	2,192,135		1,526,518	(11,626,291)	12%	(665,616)	70%
Total Expenditures	72,592,157	12,098,693	(12)	9,160,803	(63,431,354)	13%	(2,937,890)	76%
Revenue Over(Under) Expend	0	(2,168,422)		995,632	5,100,616		3,164,054	

- (1) Property Taxes estimated at 2% in February; Admissions Taxes historically are at average 19% by this time of year.
(2) Licenses 18%, Comm'l Permits 15%, Res'l Permits 16%.
(3) Cig Tax 0%, HUTF 8%, AutoOwnr 8%, Veh Regis 7%, Road & Bridge(Adco) 0%, Road & Bridge(Jeffco) 0%.
(4) Recreation 15%, Metricom & ATT Cable start in 2nd Qtr, CAM & EMS billings 10%, PubSvc 12%, AT&T 0%, all others 8.3%.
(5) Fines historically at 14%.
(6) Governmental Accounting Standards Board requires that unrealized gains and losses be recorded.
 These numbers reflect the reversal of the gain recorded at FYE.
(7) Miscellaneous and Westminster Faire Receipts.
(8) Timing delays of lease payments paid to City; billed 1st Qtr, received 2nd Qtr
(9) Refund payments generally apply to recreation charges in general.
(10) Transfers from Sales Tax Fund and Sheridan Park GID.
(11) Carryover from Year 2000 is always budgeted for the next year; included here to render correct balanced budget perspective.
 Carryover (Actual) represents use of prior year fund balance, as budgeted.
(12) Expenditures are based on even 1/12 per month or 8.33% per month.

**City of Westminster
Financial Report
For the Two Months Ending February 28, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget	%	(Under) Over	
							Budget Pro-Rated	% Pro-Rated
Water Fund								
Revenues								
License & Permits	70,000	11,667		15,780	(54,220)	23%	4,113	135%
Charges for Services								
Rates and Charges	20,141,775	1,809,794	(1)	2,055,880	(18,085,895)	10%	246,086	114%
Tap Fees	3,900,000	852,300	(1)	3,212,518	(687,482)	82%	2,360,218	377%
Interest Income	1,000,000	140,000	(2)	(447,185)	(1,447,185)	-45%	(587,185)	-319%
Miscellaneous	175,000	29,167	(3)	12,060	(162,940)	7%	(17,107)	41%
Sub-total Water Revenues	<u>25,286,775</u>	<u>2,842,928</u>		<u>4,849,053</u>	<u>(20,437,722)</u>	19%	<u>2,006,125</u>	<u>171%</u>
Carryover	0		(4)					
Total Revenues	<u>25,286,775</u>	<u>2,842,928</u>		<u>4,849,053</u>	<u>(20,437,722)</u>	19%	<u>2,006,125</u>	<u>171%</u>
Expenses								
City Council	26,273	4,379		4,379	(21,894)	17%	0	100%
City Attorney's Office	98,463	16,411		16,411	(82,052)	17%	0	100%
City Manager's Office	165,597	27,600		27,599	(137,998)	17%	(0)	100%
Central Charges	7,947,403	1,324,567	(5)	583,682	(7,363,721)	7%	(740,885)	44%
General Services	323,883	53,981		53,980	(269,903)	17%	(0)	100%
Finance	647,726	107,954		80,089	(567,637)	12%	(27,865)	74%
Fire Emergency Services	20,264	3,377		3,377	(16,887)	17%	0	100%
Community Development	343,062	57,177		57,177	(285,885)	17%	(0)	100%
Public Works & Utilities	10,637,431	1,772,905		745,099	(9,892,332)	7%	(1,027,806)	42%
Parks, Recreation & Libraries	47,025	7,838		7,837	(39,188)	17%	(0)	100%
Information Technology	2,069,175	344,863		326,309	(1,742,866)	16%	(18,553)	95%
Total Operating Expenses	<u>22,326,302</u>	<u>3,721,050</u>		<u>1,905,941</u>	<u>(20,420,361)</u>	9%	<u>(1,815,109)</u>	<u>51%</u>
Revenues Over(Under) Expenses	<u>2,960,473</u>	<u>(878,123)</u>	(6)	<u>2,943,112</u>	<u>(17,361)</u>		<u>3,821,235</u>	

(1) Res Sales 7.7%, Commr Sales 8.6%, Wholesale Sales 11.8%, Meter Svc Fees 16.0%, Reclaimed Charges projected at 1/12 per month until more data is available, Res Taps 21.3%, Commr Taps 24.0%.

(2) Interest Income historically at 14% at this time of year; current variance is due to reversal of FYE gain from 2001, required per the Governmental Accounting Standards Board.

(3) Includes Misc Income only (Commerce City Water Purchased moved to prior year, as required).

(4) Carryover from prior year is included to present total budget perspective;
Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(5) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

**City of Westminster
Financial Report
For the Two Months Ending February 28, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget	%	(Under) Over	
							Budget Pro-rated	% Pro-rated
Wastewater Fund								
Revenues								
Charges for Services								
Rates and Charges	8,386,834	1,273,138	(1)	1,448,848	(6,937,986)	17%	175,710	114%
Tap Fees	1,011,000	181,254	(1)	835,602	(175,398)	83%	654,348	461%
Interest Income	750,000	124,500	(2)	(391,555)	(1,141,555)	-52%	(516,055)	-315%
Miscellaneous	5,000	833		50	(4,950)	1%	(783)	6%
Sub-total Water Revenues	10,152,834	1,579,726		1,892,945	(8,259,889)	19%	313,219	120%
Carryover	1,816,000		(3)					
Total Revenues	11,968,834	1,579,726		1,892,945	(8,259,889)	16%	313,219	120%
Expenditures								
City Council	13,724	2,287		2,287	(1,601)	17%	(0)	100%
City Attorney's Office	49,167	8,195		8,194	(3,891)	17%	(0)	100%
City Manager's Office	80,819	13,470		13,470	(6,862)	17%	(0)	100%
Central Charges	1,393,704	232,284	(4)	326,665	(784,766)	23%	94,381	141%
General Services	202,617	33,770		33,770	(16,036)	17%	0	100%
Finance	66,702	11,117		11,117	(4,977)	17%	0	100%
Fire Emergency Services	13,510	2,252		2,252	(1,001)	17%	0	100%
Community Development	156,932	26,155		26,155	(12,432)	17%	(0)	100%
Public Works & Utilities	6,146,759	1,024,460		330,113	(2,378,910)	5%	(694,347)	32%
Parks, Recreation & Libraries	78,373	13,062		13,062	(6,553)	17%	(0)	100%
Total Operating Expenses	8,202,307	1,367,051		767,085	(3,217,028)	9%	(599,966)	56%
Revenues Over(Under) Expenses	3,766,527	212,674		1,125,860	(5,042,861)		913,185	

(1) Res'l Sales 15.4%, Comm'l Sales 14.9%, Res'l Taps 21.4%, Comm'l Taps 9.7%.

(2) Interest Income historically at 16.6% at this time of year; current variance is due to reversal of gain from 2001, required by the Governmental Accounting Standards Board.

(3) Carryover from Year 2000 is budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

**City of Westminster
Financial Report
For the Two Months Ending February 28, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget	%	(Under) Over Budget Pro-rated	%
Sales and Use Tax Fund								
Revenues								
Sales & Use Tax								
Sales Tax Returns	44,020,000	8,717,683	(1)	7,908,044	(36,111,956)	18%	(809,639)	90.71%
Sales Tx Audit Revenues	447,000	107,500		162,926	(284,074)	36%	55,426	151.56%
Use Tax Returns	9,000,000	991,167		1,187,099	(7,812,901)	13%	195,932	119.77%
Use Tax Audit Revenues	350,000	70,000		39,166	(310,834)	11%	(30,834)	55.95%
Interest Income	50,000	8,333	(3)	(18,945)	(68,945)	-38%	(27,279)	-227.34%
Sub-total Revenues	<u>53,867,000</u>	<u>9,894,683</u>		<u>9,278,290</u>	<u>(44,588,710)</u>	17%	<u>(616,393)</u>	93.77%
Carryover	900,000		(2)					
Total Revenues	<u>54,767,000</u>	<u>9,894,683</u>		<u>9,278,290</u>	<u>(44,588,710)</u>	17%	<u>(616,393)</u>	93.77%
Expenditures								
Central Charges	<u>54,767,000</u>	<u>9,127,833</u>		<u>9,127,833</u>	<u>(45,639,167)</u>	17%	<u>0</u>	100.00%
Revenues Over(Under) Expenses	<u>0</u>	<u>766,850</u>		<u>150,457</u>	<u>1,050,457</u>		<u>(616,393)</u>	

(1) At end of February, historical averages are as follows: Sales Tax Returns 19.8%, Sales Tax Audit 24%, Use Tax Returns 20%, Building Use Tax 15%, Auto Use Tax 7%, Use Tax Audit 20%.

(2) Carryover from Year 2000 is always budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year fund balance, as budgeted.

(3) These numbers reflect the reversal of the gain recorded for FYE2001, as required by the Governmental Accounting Standards Board.

**City of Westminster
Financial Report
For the Two Months Ending February 28, 2002**

Description	Budget	Pro-rated Budget	Notes	Actual	(Under) Over Budget	%	(Under) Over Budget Pro-rated	% Pro-rated
Open Space Fund								
Revenues								
Sales & Use Tax	4,644,666	867,777	(1)	822,493	(3,822,173)	18%	(45,284)	95%
Intergovernmental Revenue	0	0		0	0		0	
Interest Income	25,000	4,167	(3)	(53,193)	(78,193)	-213%	(57,360)	-1277%
Miscellaneous	0	0		2,300	2,300		2,300	
Interfund Transfers	611,115	0	(4)	0	(611,115)	0%	0	
Sub-total Revenues	<u>5,280,781</u>	<u>871,944</u>		771,600	(4,509,181)		(100,344)	88%
Carryover	723,330		(2)					
Total Revenues	<u>6,004,111</u>	<u>871,944</u>		771,600	(4,509,181)	13%	(100,344)	88%
Expenditures								
Central Charges	<u>6,004,111</u>	<u>1,000,685</u>		<u>626,544</u>	<u>(5,377,567)</u>	10%	<u>(374,141)</u>	63%
Revenues Over(Under) Expend	<u>0</u>	<u>(128,741)</u>		<u>145,056</u>	<u>868,386</u>		<u>273,797</u>	

(1) Open Space Sales Taxes 20%; Open Space Use Tax 12%.

(2) Carryover from Year 2000 is budgeted for the next year; included here to render correct balanced budget perspective.

Carryover (Actual) represents use of prior year fund balance, as budgeted.

(3) These numbers reflect the reversal of the gain recorded for FYE2001, as required by the Governmental Accounting Standards Board.

(4) This was a FYE transfer from General Capital Improvement Fund of carryover funds.

**City of Westminster
Financial Report
For the Two Months Ending February 28, 2002**

Description	Budget	Budget		Actual	(Under) Over		(Under) Over	
		Pro-rated	Notes		Budget	%	Budget	%
Legacy Ridge Fund								
Revenues								
Business Fees								
Charges for Services	1,720,943	286,824	(1)	61,099	(1,659,844)	4%	(225,725)	21%
Interest Income	0	0	(3)	(1,563)	(1,563)		(1,563)	
Miscellaneous	16,000	0		0	(16,000)	0%	0	
Refunds	50,000	0		0	(50,000)	0%	0	
Total Revenues	1,786,943	286,824		59,536	(1,727,407)	3%	(227,288)	21%
Expenses								
Central Charges	501,529	83,588		78,337	(423,192)	16%	(5,252)	94%
Recreation Facilities	1,285,414	143,993	(2)	92,425	(1,192,989)	7%	(51,568)	64%
Total Expenses	1,786,943	227,581		170,762	(1,616,181)	10%	(56,819)	75%
Revenues Over(Under) Expenses	0	59,243		(111,226)	(111,226)		(170,469)	

- (1) Revenues and Expenses projected at 16.7%, although weather and seasonal flows will impact revenue flows.
- (2) The budget for expenses reflects the City Council decision to subsidize the debt service for the Golf Course by \$200,000 for the FY 2002. Legacy's scheduled debt service is \$621,458 for the year; this will be reduced by \$200,000 to \$421,658 for the year.
- (3) These numbers reflect the reversal of the gain recorded for FYE2001, as required by the Governmental Accounting Standards Board.

**City of Westminster
Financial Report
For the Two Months Ending February 28, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget	%	(Under) Over Budget Pro-rated	%
Heritage at Westmoor Fund								
Revenues								
Business Fees								
Charges for Services	1,788,765	298,128	(1)	56,063	(1,732,702)	3%	(242,064)	19%
Interest Income	0	0	(3)	(3,937)	(3,937)		(3,937)	
Miscellaneous	25,000	0		0	(25,000)	0%	0	
Refunds	47,989	0		0	(47,989)	0%	0	
Total Revenues	<u>1,861,754</u>	<u>298,128</u>		<u>52,126</u>	<u>(1,809,628)</u>	3%	<u>(246,001)</u>	17%
Expenses								
Central Charges	60,810	10,135		9,668	(51,142)	16%	(467)	95%
Recreation Facilities	1,800,944	227,714	(2)	143,028	(1,657,916)	8%	(84,687)	63%
Total Expenses	<u>1,861,754</u>	<u>237,849</u>		<u>152,695</u>	<u>(1,709,059)</u>	8%	<u>(85,154)</u>	64%
Revenues Over(Under) Expenses	<u>0</u>	<u>60,278</u>		<u>(100,569)</u>	<u>(100,569)</u>		<u>(160,847)</u>	

(1) Revenues and Expenses projected at 16.7% although weather and seasonal flows will impact revenue flows.

(2) Debt service payments due in June and December total \$434,658.

These are not reflected in the pro-rated budget above, in order to give the reader a more clear picture of the operating position of the golf course.

(3) These numbers reflect the reversal of the gain recorded for FYE2001, as required by the Governmental Accounting Standards Board.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Ranch Reserve Parkway Funds

Prepared By: David R. Downing, City Engineer

Summary Statement

- City Council action is requested to authorize the payment of \$220,000 of budgeted funds for City participation in the construction of Ranch Reserve Parkway and related drainage improvements. The funds for this expense were appropriated in the City's 2002 Capital Improvement Program budget.
- In March of 2000, Council authorized the purchase of approximately 34 acres of land located to the northeast of the intersection of 112th Avenue and Federal Boulevard for open space, park and elementary school purposes.
- Conditions of the Purchase and Sale Agreement for this acquisition included the City's commitment to pay for the full cost of constructing a collector street – Ranch Reserve Parkway – along the west side of the parcel as well as a portion of certain regional drainage improvements within the drainage basin.
- Under the terms of the Agreement, the City budgeted and paid \$450,000 in 2001 for a portion of this expense. An additional payment of \$220,000 was anticipated for 2002.
- The purpose of this Agenda memorandum is to seek Council's authorization of the payment of the \$220,000 that was included within the 2002 Capital Improvement Program budget for Ranch Reserve Parkway.

Expenditure Required: \$220,000

Source of Funds: 2002 General Capital Improvement Project Fund

Recommended City Council Action

Authorize the expenditure of \$220,000 for the construction of Ranch Reserve Parkway and related drainage improvements and charge the expense to the Ranch Reserve Parkway project of the 2002 General Capital Improvement Project Fund.

Policy Issue(s)

The City is contractually obligated to reimburse the developer of Ranch Reserve Subdivision for the construction of Ranch Reserve Parkway and related drainage improvements. Staff could not identify a pertinent policy issue for Council's consideration.

Alternative(s)

Since the City is contractually obligated to pay these expenses, a viable alternative does not exist.

Background Information

In March of 2000, the City purchased approximately 34 acres of land located northeast of the intersection of 112th Avenue and Federal Boulevard from Western Property Advisors, Inc. This parcel was acquired as open space, park and a potential, elementary school site.

One of the conditions of this sale was an obligation on the part of the City to pay the full cost of constructing a collector street along the western boundary of the 34-acre site. This street, which is named "Ranch Reserve Parkway," was installed by Western Property Advisors during 2001 in conjunction with their development of residential lots along the west side of the roadway. The Purchase and Sale Agreement anticipated that the City's reimbursement to the developer would be distributed over the 2001 and 2002 budget years. A total of \$450,000 was paid by the City in 2001, and an additional \$220,000 was budgeted for payment in 2002. Due to various cost-saving measures recommended by City Staff during the course of the construction of the street, the final payment owed to the developer this year is \$81,230.00.

A second condition of the sale of the property was a commitment by the City to participate with Western Property Advisors, Inc. and other, future developers of parcels within the drainage basin that is located north of 112th Avenue and east of Federal Boulevard in the installation of certain regional drainage improvements. These improvements include a substantial rehabilitation of Vogel Pond, which is located immediately north of the 34-acre open space purchase, to allow it to function as a regional storm water detention facility. The portion of the \$220,000 budget appropriation not needed for the construction of Ranch Reserve Parkway will be used to help satisfy this obligation regarding regional drainage improvements.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Open Space Acquisition of the Wadsworth Wetlands Property along Wadsworth Parkway at Approximately 93rd Avenue

Prepared by: Lynn Wodell, Open Space Coordinator

Summary Statement:

- The City Staff has negotiated for the purchase of approximately 12.9 acres from Gamma Investments, Inc. and their partners.
- The property is located north of the Brentcross Shops Subdivision and south of the former Hugh M. Woods property on Wadsworth Parkway.
- Acquisition of this site is recommended to preserve the wetlands on the property and prevent any future development that would require an extension of the frontage road across the property.

Expenditure Required: \$474, 563 or \$0.84 Per Square Foot for the 12.9 Acres

Source of Funds: City Open Space Land Purchases Account

Recommended City Council Action

Authorize the City Manager to execute the Purchase Agreements and closing documents for the acquisition of the 12.9 acre open space parcel, located along Wadsworth Parkway near 93rd Avenue, for \$474,563 with the Open Space Land Purchases Account fund used for the purchase.

Policy Issue

Should Open Space funds be used for the preservation of these properties?

Alternatives

1. Authorize the acquisition of this property.
2. Decide not to acquire this property.
3. Ask staff to continue to negotiate the terms and conditions of the acquisitions.

Background Information

On November 27, 2000, City Council authorized the City Manager to purchase for open space and right of way purposes the 11.5-acre parcel. Although negotiations of the terms and conditions to be contained in the Purchase and Sale Agreement continued since Council action, the Agreement was never executed due primarily to the reluctance of the seller to agree to sell or close before they had a use for the approximately 4.3 acres that they were retaining.

Included in the authorization was the purchase of the 11.5 acre wetland site for \$105,000 and agreement to provide the right of way and budget and pay for certain street improvements in the future including the extension of the frontage road across the western portion of the wetlands parcel.

Recently, the Planning Division has received a plan for approximately 3/4ths of the remaining 4.3 acres leaving approximately 1.414 vacant on the west end along Wadsworth Parkway. Further consideration by Staff led to the recommendation that the City buy the 1.414 acre commercial lot that will create a 12.9 acre open space extending approximately 730 feet along Wadsworth Parkway and eliminate the threat, impact and cost extending the frontage road would have on the wetlands parcel.

The old irrigation pond, known historically as Grattan Reservoir, many large trees and wetland vegetation make up the majority of the site and fit the criteria for open space preservation very well. Property, like this with water and mature vegetation, is very special in this arid environment. This property is home to a variety of wildlife, particularly bird life. It is anticipated that a trail will be built around the pond and may be the site for a future trail underpass under Wadsworth Parkway. Eventually, the Farmers' High Line Trail will be routed through the area.

The City has successfully negotiated a combination purchase and donation for the two parcels. The City would purchase the 11.5 acres for \$105,000 and acknowledge the acceptance of a donation in the amount of the difference between the appraised value and the purchase price of \$105,000. The City would also purchase the 1.414 acres for \$6.00 per square foot that is the same price as the parcel to the east is being sold for or \$369,563 and acknowledge the acceptance of a donation in the amount of the difference between the appraised value and the purchase price. The combined purchases result in an average price across the entire property of \$0.84 per square foot without the added costs of providing right of way or the costs of constructing the frontage road.

The preservation of this property has been a goal of the Open Space Program for many years and is considered a high priority by the Open Space Advisory Board, who enthusiastically endorsed this acquisition.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Open Space Acquisition of Lombardi Property on W. 92nd Avenue along the Niver Canal Open Space

Prepared By: Lynn Wodell, Open Space Acquisition Agent

Summary Statement

- The City Staff has negotiated for the purchase of 1.2 acres from the Estate and Heirs of N. Lombardi.
- The property is located at 7375 W. 92nd Avenue between West 92nd Avenue and the Niver Canal Open Space.
- Acquisition of this site will preserve approximately 500 additional linear feet along W. 92nd Avenue and the Canal. (See Attached Map.)

Expenditure Required: \$270,000

Source of Funds: City Open Space Land Purchases Account

Recommended City Council Action

Authorize the City Manager to execute the Purchase Agreement and closing documents for the acquisition of the 1.2 acre open space parcel, located on West 92nd Avenue along the Niver Canal, for \$270,000 with the Open Space Land Purchases Account used for the purchase.

Policy Issue

Should Open Space funds be used to preserve this property?

Alternatives

1. Authorize the acquisition of this property.
2. Decide not to acquire this property.
3. Ask staff to continue to negotiate the terms and conditions of the acquisition.

Background Information

In 1990, the City acquired the Allison Property at 92nd and Pierce Street. Since then the City has been interested in preserving additional properties along W. 92nd Avenue, the Niver Canal and the Farmer's High Line Canal.

The Lombardi property consists of approximately 1.2 acres plus improvements. The property is currently in the estate of N. Lombardi. The personal representative of the estate has negotiated with staff and on behalf of the estate is willing to accept \$270,000 for the purchase of the property. A recent appraisal performed at the request of the landowner estimated the value of the property at \$295,000 including the value of the two residences on the site. However the personal representative of the estate is willing to accept \$25,000 less because the property will become open space.

Although this property is small, it will extend the preservation of the Niver Canal and the Farmer's High Line Canal Corridor and the Open Space along W. 92nd Avenue by approximately 500 linear feet. In addition, by acquiring this property, we may be able to reduce the costs to construct the trail that will connect to the future park on the Maulis property on the south side of W. 92nd Avenue and continue along the Canals to the east. It is anticipated that the improvements on the property including the houses and the out-buildings will be demolished. The property has a paved driveway and small parking area that may be suitable for small trailhead.

The preservation of this property has been a goal of the open space program for many years and is considered a priority by the Open Space Advisory Board. It also meets the criteria for the selection of open space as established by the City Code.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Replacement of the Parks Services Division Gang Mower

Prepared By: Richard Dahl, Parks Services Manager

Summary Statement

- The Park Services Division is proposing the purchase of a replacement gang mower to be used for park maintenance.
- The unit being replaced was purchased in 1993 and has been used in excess of 3,900 hours (the equivalent of 200,000 miles on an automobile).
- The Park Services Division currently mows 475 acres of parks on a weekly basis.
- The Division operates two gang mowers to maintain large expanses of parks and athletic fields.
- One gang mower can do the equivalent work of three small (52 inch) riding mowers using one operator instead of three.

City Council action is requested to award gang mower purchase to low bidder, Colorado General Equipment Company.

Expenditure Required: \$59,848.00

Source of Funds: Parks Services 2002 Operating Budget.

Recommended City Council Action

Authorize the purchase of a gang mower from the low bidder, Colorado General Equipment Company, in the amount of \$59,848 and charge the expense to the Parks, Recreation and Libraries 2002 operating account.

Policy Issue

Should the City replace park maintenance equipment as it becomes outdated and more expensive to operate and repair?

Alternatives

Continue to use the existing gang mower and forestall the replacement of this equipment for another year.

Background Information

As part of the 2002 budget, City Council approved the purchase of replacement of one 15-foot gang mower. Bids were sent to three separate companies representing different manufacturers in accordance to City Charter bidding requirements, with the following results:

Colorado General Equipment Company (Howard Price)	\$59,848
L.L. Johnson Distributing Company (Toro)	No bid
Mile High Turf Equipment, Inc. (Jacobsen)	\$68,660

The Park Services Division operates two 15-foot gang mowers to maintain large park areas and various sports fields. The efficiency of these units allows one person to mow as much grass as it takes a three-person mowing crew to do in the same amount of time. The ability to drive this equipment “over the road” and not transport it on trailers increases the flexibility of the equipment and the support it provides to district mowing crews. The costs to repair the existing (replacement) gang mower since its purchase in 1993 (3,900 operating hours) has been \$19,775. This equates to \$5/operating hour with \$14,000, or 70 percent, of these costs occurring since 1997 as the equipment reached the mid-point of its mechanical life expectancy.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Semper Water Treatment Facility Improvements Project Design Services

Prepared by: Tom Settle, Water Treatment Superintendent

Summary Statement

City Council action is requested to award the bid for engineering work for the Semper Water Treatment Facility (WTF) Improvements Project.

- City Council approved funds in the 2002 Capital Improvements Projects budget to accomplish a variety of smaller projects related to enhancements, maintenance and process improvements at the Semper WTF.
- The first element of the project will be to conduct plant condition investigations, process optimization evaluations and design of a disinfection system to replace the facility's chlorine gas system.
- Formal bids were solicited from seven engineering firms with four responding.
- The low bidder, Integra Engineering, meets all of the City bid requirements and has successfully completed engineering projects for Westminster in the past few years.

Expenditure Required: \$ 140,476

Source of Funds: Utility Fund; Department of Public Works and Utilities - Capital Improvement Projects budget.

Recommended City Council Action:

Authorize the City Manager to sign a contract with the low bidder, Integra Engineering, in the amount of \$122,476; authorize an \$18,000 contingency amount; and charge the expense to the appropriate 2002 Department of Public Works and Utilities Capital Improvement Projects budget account.

Policy Issue

Should this bid be awarded to the low bidder, Integra Engineering, to conduct plant condition investigations, process optimization evaluations and design of a disinfection system to replace the facility's chlorine gas system, as specified in the contract documents for this project.

Alternatives

Alternatives to this project as proposed include:

- Not conducting the project.
 - a) The chlorine gas system would not be replaced.
 - b) There would be a higher risk to public and employee safety due to the presence of 1-ton cylinders of chlorine gas.
 - c) The City would continue to be required to generate and submit publicly-available Risk Management Plans to the Environmental Protection Agency (EPA) mapping out the risks of a chlorine leak to the atmosphere.
 - d) Process and facility evaluations would not be completed and long-range budget planning processes would be less effective.

- Direct staff to select one of the other proposals.
 - a) The alternative firms are generally larger and have a greater depth of experience, potentially providing better innovation for problem solving.
 - b) The engineering cost of the project would be higher, at \$138,000 to \$200,000.
 - c) It would be difficult to assess the actual value of the Task deliverables from one of the larger firms versus the increase in cost.

- Direct staff to reduce the scope of work.
 - a) Eliminating the facility condition assessment task (Task 200) would reduce the cost of the project approximately \$8,000.
 - b) Eliminating the Process optimization evaluation (Task 300) would reduce the project cost approximately \$21,000.
 - c) Eliminating the selection and design of the disinfection system (Task 400) would reduce the project cost approximately \$66,000.
 - d) Eliminating the water treatment residuals evaluation (Task 500) would reduce the project cost approximately \$15,000.
 - e) These cost estimates might vary slightly if the scope of work was renegotiated.

Background Information

City Council approved funds in the 2002 Department of Public Works and Utilities Capital Improvement Projects budget to accomplish a variety of smaller projects related to long-term maintenance and process improvements at the Semper WTF. The first step in this process will be an engineering review of current facility conditions and operations and then development of priorities and options based on the reviews.

The primary objectives of the review are to:

- Identify water disinfection alternatives to chlorine gas to reduce employee and public safety risks and design a replacement system.
- Assess the structural condition of the Semper WTF and identify the long-range needs to protect and maintain the City's water treatment investment.
- Identify possible treatment process improvements to optimize water quality and ensure continued compliance with drinking water regulations.
- Evaluate alternatives for the disposal of the sludge generated by the treatment processes, which are currently discharged to the Metropolitan Wastewater Reclamation District (Metro).

A request for proposals was sent out to seven engineering firms that the City has recently dealt with or were deemed to have appropriate experience and expertise. Four of those firms attended a mandatory pre-proposal meeting and subsequently responded with formal proposals.

The following proposals were received:

1. Integra Engineering	\$122,476
2. Burns & McDonnell	138,271
3. Camp, Dresser & McKee, Inc.	199,201
4. Black & Veatch	216,076

Staff has reviewed the proposals and found Integra Engineering has met the requirements of the request for proposal while submitting the lowest proposed cost.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Contract for Design of England Waterline

Prepared By: Diane M. Phillips, Capital Improvement Project Coordinator

Summary Statement:

- The raw water line that served the England Water Plant is no longer used since that plant is no longer in service.
- Transmission of treated water is needed to the south part of the City and the raw water England line alignment is the most prudent alignment. Replacement of the old England raw waterline with a new treated transmission line will provide the needed supply of treated water to the south of the City from the Semper Water Treatment Facility supply system.
- Request for Proposals were sent to six engineering firms and they all submitted.
- Integra Engineering submitted the lowest cost proposal and it is recommended that the City contract with them to provide design and construction inspection service for this waterline.

Expenditure Required: \$116,406

Source of Funds: Utility Fund Capital Improvement Funds

Recommended City Council Action:

Authorize the City Manager to execute a contract with Integra Engineering in the amount of \$101,406 to provide design and construction inspection service for the England Waterline; and authorize a \$15,000 contingency.

Policy Issue(s):

Should the City award a contract to Integra Engineering to provide design and construction inspection services for the England Waterline in the amount of \$101,406.

Alternative(s):

The City could delay the design and construction of this line, but high demand and fire flow supply could be compromised. Future construction costs will likely increase.

Background information:

The existing England raw waterline is no longer needed now that water is not delivered to the out of service England Water Treatment Plant. The alignment of the raw line is the most prudent alignment for a treated transmission line to the south part of the City. Options to make improvements to the existing raw line and use it treated transmission were investigated and were very costly. The raw line will be replaced with a new 30-inch and 24-inch treated waterline of approximately two miles in length that will provide transmission supply to the south part of the City where high demand and fire flow supply is needed.

The total budget for the England Waterline replacement is just under \$2 million. Request for Proposals were sent to six engineering firms for the design and construction inspection of this line. All six firms submitted proposals and their costs are listed below.

Integra Engineering	\$101,406
Rocky Mountain Consultants	\$143,914
SA Miro, Inc	\$155,530
Martin & Martin Engineering	\$162,310
Merrick & Company	\$176,045
HDR Engineering	\$205,429

Integra Engineering had the lowest cost. They are a qualified and capable firm and have completed several successful projects for the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: 2002 Wastewater Collection System Maintenance Contract

Prepared By: Richard A. Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Summary Statement

- City Council action is requested to award the bid for the 2002 Wastewater Collection System Maintenance Contract.
- Since 1997, the Utilities Division has outsourced the wastewater collection system maintenance program to allow for the reallocation of City personnel to the Utility construction crew for the watermain replacement program.
- The wastewater collection system consists of approximately 340 miles of sanitary sewer mains. The outsourced maintenance program has been set up to complete maintenance activities for approximately one-third (1/3) of the City annually.
- The contract for outsourced wastewater collection system maintenance activities include the following components: television inspection, jet cleaning, root control, manhole inspections, grease trap and sand interceptor inspections, and lift station wet well cleaning.
- AquaSource Services and Technologies Inc. has been determined to be the most responsive and competent contractor as compared with the other two contractors that submitted bids.
- City Council is requested to authorize an expenditure of \$560,822 for 2002 sanitary sewer maintenance. The City's available budget for the wastewater collection system contract is \$617,640.

Expenditure Required: \$560,822

Source of Funds: Utility Fund; Department of Public Works and Utilities – Utilities Division Operating Budget

Recommended City Council Action

Award the contract to AquaSource Services and Technologies for all components of the 2002 wastewater collection system maintenance program, authorize the City Manager to execute a contract with AquaSource Services and Technologies for one year, and authorize the expenditure of \$560,822 to be charged to the appropriate budget account in the 2002 Wastewater Operating budget.

Policy Issue

Should the City enter into this contract with the low bidder, AquaSource Services and Technologies, for wastewater collection system maintenance as specified in the contract documents?

Alternative

- One alternative to entering into the contract with AquaSource Services and Technologies Inc. would be to completely re-advertise the 2002 wastewater collection system maintenance contract and solicit additional proposals. This would likely result in only receiving a very limited number of additional proposal, if any at all, and substantially delay the start of this needed work.
- Another alternative would be to forego the contract with the outside contractor and request authorization for additional FTE's to be assigned to the Utilities Division to perform the wastewater collection system maintenance this year. In addition, specialized equipment would be needed, such as a jet cleaning/vacuum combination cleaner, to complete the maintenance program in house. The overall cost for the additional personnel and required new equipment would be greater than the amount for the outsourcing contract. This option would also take six to nine months for startup of an in-house program.

Background Information

In 1997, in order to maintain the priority of water line replacement, the Utilities Division reassigned a five-person crew to the in-house water line replacement construction crew, thus eliminating in-house maintenance of the sanitary sewer system. Outsourcing the wastewater collection system maintenance to a private contractor has been very successful over the past three years, providing the necessary maintenance and operations of the sanitary sewer system. This reallocation of personnel allowed the Utilities Division's construction crew to achieve a record of four miles of water line replacement during 1999.

The City's wastewater collection system consists of approximately 340 miles of sanitary sewer mains. The outsourced maintenance of the system has been set up to include jet cleaning one-third (1/3) of the City or approximately 650,000 linear feet; inspection of over 800 manholes; grease trap inspections and re-inspections as needed; root removal; and lift station wet well cleaning. The area of scheduled maintenance to be completed in 2002 is the northeast section of the City, north of 96th Avenue, east of Highway 36 (see attached map).

City Council approved funds in the 2002 Utilities Division budget to outsource the annual wastewater collection system maintenance work. A pre-bid conference was held on February 20, 2002, with eight contractors in attendance. The bid opening took place on March 5, 2002, where three sealed bids were received:

AquaSource Services and Technologies	\$560,822
Guildner Pipeline Maintenance	\$704,716
Kenney-Manta Company	\$986,315

The bid from AquaSource Services and Technologies includes unit pricing with no increase from 2001 unit prices charged to the City. However, the contract amount is somewhat more than last year's because of the increase in footage cleaned over the footage completed in 2001. Also, this contract includes a provision for a renewal option after 2002 for an additional two years' services. This option may be considered for additional services in future years, but would require staff review of specific information on unit pricing and specific services to be provided during the length of the contract.

SUBJECT: 2002 Wastewater Collection System Maintenance Contract

Page 3

Attached is a spreadsheet comparison of the 2001 AquaSource Services and Technologies contract versus the three bids submitted for the 2002 contract.
Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: 2002 Inflow and Infiltration (I&I) Study Contract

Prepared By: Richard A. Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Summary Statement

- City Council action is requested to award the bid for the 2002 Inflow/Infiltration (I&I) Study.
- City Council approved funds in the 2002 Utility Fund – Capital Improvement Projects budget to conduct a sanitary sewer system evaluation and inflow/infiltration study. Inflow occurs when water enters the line through direct connections to the sewer systems (eg.) illegally connected inlets, or manholes flooded over. This condition usually subsides when the rainstorm or flooding ends. Infiltration is water that enters the system from saturated soil through cracks, leaky pipe joints, or manhole leaks.
- Sanitary sewer flow monitoring will include twenty (20) flow monitors to be strategically placed in the sanitary sewer collection system, which will be capable of continuously recording flow depth and measure velocity under free flow and surcharge conditions.
- Rainfall monitoring activities will be performed concurrently with flow monitoring activities. Eight (8) rainfall gauges will be located within the study area. The study will last approximately 60 days, with a final report to be submitted to the City upon completion of the study.
- Formal bids were solicited from three (3) contractors. The low bidder, ADS Environmental Services, meets the bid requirements and has completed similar studies in the City of Westminster.

Expenditure Required: \$98,986

Source of Funds: Utility Fund; Department of Public Works and Utilities – Water and Wastewater Capital Improvement Projects, Inflow and Infiltration Improvements

Recommended City Council Action

Authorize the City Manager to sign a contract with the low bidder, ADS Environmental Services in the amount of \$98,986 and charge the expense to the appropriate 2002 Department Public Works and Utilities, Water and Wastewater Capital Improvement Project account.

Policy Issue(s)

Should this contract be awarded to the low bidder, ADS Environmental Services for the 2002 Inflow/Infiltration (I&I) Study as specified in the contract documents for this project.

Alternative(s)

An alternative to approving this contract for the Inflow/Infiltration Study would be to delay the study of specific areas of the sewer system and attempt to identify problem areas as they occur and complete repairs on a case-by-case basis.

Another alternative would be to re-advertise this project and attempt to receive additional proposals, however there are limited number of firms specializing in this type of work.

Background Information

Over the past few years, various studies and evaluations have been completed relating to excessive levels of inflow/infiltration in various areas of the sanitary sewer system. These evaluations were conducted due to recent sewer surcharge events, resulting in basement backups and recommendations made from the City's wastewater collection system master plan to evaluate inflow/infiltration possibilities within the system.

In 2000, the City's wastewater collection system was studied. This study was conducted to measure and quantify the amount of inflow/infiltration that entered into the Little Dry Creek Basin (LDCB) as well as provide improvement recommendations, which would reduce the occurrences of backups in the system. The methods utilized in this study were smoke testing and building inspections. At the conclusion of the study, the consultant recommended that additional studies could include supplemental flow monitoring, resultant data analysis, and the development of a computer hydraulic model. Flow monitoring of this portion of the collection system and areas that were not previously studied may help identify additional collection system surcharging. In addition, a hydraulic model of the collection system was recommended to study the existing capacity of the sewers and determine if relief sewers are necessary as the system grows.

In the fall of 2001, a flow study was performed on the Big Dry Creek Basin. This study focused on the main interceptor flowing through this basin. The study consisted of 5 flow monitors and 3 rainfall monitors. A limited amount of data was collected during this study due to lack of rainfall. But, it did appear that this study indicated possible inflow/infiltration problems. Attached to this memo is a summary page of inflow/infiltration activities completed in 2000 and 2001, and the proposed project list for 2002.

All of the information gathered through the 2002 Inflow/Infiltration Study project will be submitted to the City in a final report by the consultant. That information will be used to develop a plan that can be used for budgeting and scheduling cost effective repairs that maximize the removal of inflow and infiltration of water in order to eliminate sanitary sewer surcharging and residential backups. The report will also identify locations of excessive inflow/infiltration and possible causes or sources.

Three formal bids were received for this project:

ADS Environmental Service	\$ 98,986
Severn Trent Pipeline Services	\$103,640
Wade & Associates	\$137,428

SUBJECT: 2002 Inflow and Infiltration (I&I) Study Contract

Page 3

ADS is recommended as the lowest qualified bidder.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Inflow and Infiltration (I&I) Program

2000 Activity

- Lined 4,045 feet of 8-inch pipe and 510 feet of 24-inch pipe
- Replaced 1,720 feet of 8-inch pipe and 660 feet of 10-inch pipe
- Made one, 8-inch (45 feet) open excavation spot repair and one, 24-inch (15 feet) open excavation spot repair
- *-Shaw Heights Outfall Sewers – Both phases done by SA Miro, BT Construction, & T. Lowell Construction*
- Smoke testing and basement inspections by Wade & Associates
- Manhole G12-085 replaced along BNSF south of 80th Avenue

2001 Activity

- Installed 5 meters at various outfall locations
- Installed 3 rain gauges
- Smoke testing
- Lined 655 feet of 8-inch pipe (four of which were CIPP spot repairs)
- Replaced 905 feet of 8-inch pipe
- Made 9 open excavation spot repairs, ranging from 10 –20 feet in length
- Inspected all of the outflow manholes, 16-inch and larger, in the Little Dry Creek (LDC) Basin four times, and televised the LDC outfall itself
- Cleaned and televised all of the Little Dry Creek Basin
- Rehabilitation of 50 manholes using Calcium Aluminate Mortar Alternate and the addition of five new manholes
- *-Shaw Heights Outfall Sewers – Both phases done by SA Miro, BT Construction, & T. Lowell Construction*
- Urban Drainage & Flood Control sewer modifications to LDC outfall.
- Metro sewer modifications to LDC outfall.
- Manhole cover fished out of outfall at 66th Avenue

It should be noted that 95% of the improvements over the last two years have taken place in the LDC Basin.

2002 Proposed Activity

- Install 20 flow meters
- Install 6-8 rain gauges
- Inspect lines and manholes at 69th Avenue and Lowell Boulevard area for possible restrictions
- Target monitoring for April/May



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Legal Services Agreement with Carlson Hammond & Paddock

Prepared By: Michael Happe, Senior Water Resources Engineer
Ron Hellbusch, Director Public Works and Utilities

Summary Statement

- City Council is requested to authorize the City Manager to enter into an agreement with Carlson Hammond and Paddock (CHP) for 2002 legal services relating to the City's raw water supply in an amount not to exceed \$195,000 in 2002.
- The Attorneys at CHP have effectively and successfully represented the City of Westminster in water matters since 1977 and have developed a very thorough knowledge of Westminster water supply and water quality issues.
- Over this time CHP has become an integral part of the Public Works and Utilities Water Resources and Treatment team that is charged with developing and protecting Westminster's water supply.
- Westminster's water supply is an extremely valuable asset that requires constant protection from water quality and water quantity degradation.
- Colorado's water rights system requires judicial action for many water matters, thus the City needs expert legal counsel specializing in water rights and water quality.
- Increasing development pressure requires vigilance in numerous water quality forums in the State in order to protect the water quality of Standley Lake and its tributary basins.
- CHP is extremely qualified and competent in water rights and water quality issues.
- Carlson Hammond average billing rate to the City of Westminster is 25% lower than the average for water rights attorneys representing large Colorado water users based on a survey of major Colorado water users.

Expenditure Required: \$132.50 per hour for senior attorneys and associate attorneys. The total amount of work will be done at the discretion of the City Manager, expenses not to exceed the budgeted amount approved by City Council.

Source of Funds: Approved 2002 Professional Services Budget in the Water Resources and Treatment operations Budget in the Water Fund.

Recommended City Council Action

Authorize the City Manager to execute a fee agreements with Carlson Hammond & Paddock for special water counsel services at a fee of \$132.50 per hour for senior associates and junior associates, for the actual hours spent at the discretion of the City Manager, not to exceed \$195,000 for this expenditure in the 2002 Water Fund operating budget.

Policy Issue

Whether to retain Carlson Hammond & Paddock as special water counsel services on behalf of the City in connection with water matters.

Alternative

Do not retain special water counsel, or seek new special water counsel to handle water matters for the City.

Background Information:

The City of Westminster has a long history of representation on water matters from the principal members of the Carlson Hammond & Paddock (CHP) firm. In 1977, the City retained Holland and Hart to handle water matters for the City. John Carlson, Charlie Elliot and Mary Hammond were the principal attorneys working on Westminster issues for Holland and Hart. In 1985, John Carlson, Charlie Elliot and Mary Hammond left Holland and Hart to start their own firm. The City chose to stay with Carlson, Elliot and Hammond as the City's special water counsel instead of staying with Holland and Hart. Charlie Elliot passed away in 1985 and John Carlson passed away in 1992. Now Mary Hammond and Lee Johnson are the principal attorneys representing the City on water matters. Ms. Hammond and Mr. Johnson have been working on Westminster water matters for 24 years and 13 years respectively.

The Carlson firm, or variations of it over the years, have played integral parts in a number of very noteworthy historical events involving the Westminster water supply. Here are a few examples:

1. The Four Way Agreement between Westminster, Thornton, Northglenn and the Farmers Reservoir and Irrigation Company in 1978 that sets forth the partnership in sharing Standley Lake for water storage.
2. Successful litigation with the City of Golden in 1985, that prevented Golden from taking Westminster's clean water headed to Standley Lake and replacing it with treated effluent.
3. A comprehensive settlement with Golden and Coors over several water quality and quantity agreements that assured that Standley Lake would be permanently protected from Coors and Golden treated sewage discharges along with the settlement of a number of other water disputes among Coors, Golden, Thornton and Westminster. This 1988 agreement became known as the "Cosmic Agreement" due to its size, scope and importance.
4. The successful completion through water court of the change of use of over \$200,000,000 worth of water rights from agricultural uses to municipal uses within the City of Westminster.
5. The protection of Standley Lake from contamination from the Rocky Flats Nuclear Weapons plant through the development of the Standley Lake Protection Project, including Woman Creek Reservoir.

CHP has developed a very thorough knowledge of Westminster's water supply and water quality issues, and is a key player in helping develop and protect Westminster's raw water supply.

The fees charged by CHP to the City are very favorable when compared with other major water suppliers in Colorado. The City of Aurora performs an annual survey of fees charged to major water suppliers by their respective water counsels. The following table summarizes this information and shows that CHP billing rate to Westminster is among the lowest around.

Water Counsel Fees			
<u>Entity</u>	<u>SA Hourly Rate</u>	<u>Entity</u>	<u>SA Hourly Rate</u>
Westminster	\$132.50/hr	Fort Collins	\$175-210/hr
Arapahoe County	\$175/hr	Glenwood Springs	In house
Arvada	\$160-180/hr	Greeley	\$170/hr
Aurora	\$150-160/hr	Littleton	\$155-185/hr
Brighton	\$155-185/hr	Longmont	\$225/hr
Broomfield	\$150-160	Loveland	\$180-220/hr
Boulder	\$165-200/hr	Metro Wastewater Reclamation District	\$175-180/hr
Cherry Creek Valley Water and Sanitation District.	\$165/hr	Northern Colorado Water Conservancy District	\$135-170/hr
Denver Water Board	In house	Northglenn	\$155-185/hr
East Cherry Creek Valley Water and Sanitation District	\$125-275/hr	South Adams County Water and Sanitation District	\$200/hr
Englewood	\$230/hr	Southeastern Colorado Water Conservancy District	\$180/hr

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 K

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Gas Chromatograph Purchase

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Prepared By: Kipp Scott, Water Quality Administrator
Steve Ramer, Laboratory Analyst

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Summary Statement

City Council action is requested to award the bid for a Gas Chromatograph (GC) instrument.

City Council approved funds in the 2002 Capital Improvements Program budget for the replacement of the GC instrument. The existing unit has been in service for nine years.

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➤ The Gas Chromatograph is a sophisticated instrument, which analyzes organic compounds found in drinking water. These compounds are regulated by the Colorado Department of Public Health & Environment and the Environmental Protection Agency.

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➤ The Gas Chromatograph will allow the City to continue to monitor for Trihalomethanes (THM's) and Halo Acetic Acids (HAA's).

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➤ Bids were received from three major manufacturers of Gas Chromatograph equipment: Agilent Technologies, Perkin-Elmer Instruments, and Varian Chromatography Systems. The City's current instrument was manufactured by Varian Chromatography Systems.

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Expenditure Required: \$45,143

Source of Funds: Utility Fund: Department of Public Works and Utilities – Capital Improvements Project Budget. (\$450,000 Budgeted for 2002 for multiple projects. \$409,857 will remain in this account with this purchase. \$50,000 had been allocated for the purchase of the GC).

Recommended City Council Action

Authorize the City Manager to sign a contract for the purchase of a Gas Chromatograph with the low bidder, Varian Chromatography Systems, in the amount of \$40,143; authorize \$5,000 for miscellaneous expenses related to the gas chromatograph and training; and charge the expense to the appropriate 2002 Department of Public Works and Utilities Capital Improvement Program budget account.

Policy Issue

Should the City invest in current technology in order to monitor the City's drinking water for regulated organic compounds?

Alternative

- City Council could decide not to pursue the purchase of a new Gas Chromatograph and outsource these services.
 - a. The cost to outsource this analysis will be approximately \$12,000/yr. A new GC has a life cycle of approximately eight years.
 - b. The \$12,000 per year outsource cost is based on current regulatory limits. As regulations tend to become more stringent, this cost will escalate over the life of the instrument.
 - c. Utilizing a contract lab to perform this analysis increases the time for results to become available as the City competes with the other clients of the contract lab.
- Direct Staff to select one of the other bids.
 - a. The alternative bids were more expensive, \$40,593 - \$54,029, and do not provide a significantly higher level of reliability or service for the additional cost.

Background Information

The Westminster Water Quality Laboratory has performed in-house analysis of organic compounds since 1980. These compounds include Trihalomethanes (THM's) and Haloacetic Acids (HHA's), which are formed during the disinfection process of drinking water. THM's have been regulated since 1980 and HAA's have recently been regulated by the Environmental Protection Agency under the Safe Drinking Water Act. These compounds must be monitored for compliance and reported to the Colorado Department of Public Health & Environment on a routine basis.

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The current GC instrument was purchased nine years ago and has begun to become unreliable in operation. Maintenance costs have become excessive in relation to the instrument value. Approximately \$4,000 was spent in 2001 for repair parts and approximately 180 person hours were logged to keep the instrument in reliable working condition. The purchase of a new Gas Chromatograph will eliminate excessive maintenance costs. The new instrument will allow the Water Quality work group to continue to monitor the City's drinking water for regulated compounds. The newer technology and expandability included in this instrument allow for the purchase of additional analytical modules for the instrument that will provide the ability to monitor for additional compounds that may be regulated in the near future.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Municipal Service Center Gasoline Recovery System (GRS) Project Management Amended Contract

Prepared By: Richard A. Clark, Utilities Operations Manager

Summary Statement

- City Council action is requested to authorize the City Manager to execute an amendment to the existing contract between the City of Westminster and CH2M-Hill.
- The purpose of the amended contract is to continue to provide project management services for the design, construction, management and inspection and operations and maintenance for the improvements to the Gasoline Recovery System (GRS) at the Municipal Service Center (MSC).
- Authorize an additional budget of \$102,000 for the project management work time and effort required to complete the project and reflects a possible 3-year long project.
- The contract will be structured so it will automatically terminate when available funding is exhausted.

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Expenditure Required: \$102,000

Source of Funds: \$ 20,000 2002 Utilities Operations Budget
\$ 82,000 Utilities Gasoline Recovery Capital Improvement Project Account

Recommended City Council Action

Authorize the City Manager to execute an amendment to the existing contract with CH2M-Hill in an amount not to exceed \$102,000 and authorize the expenditure amount from the 2002 Utility Fund, Utilities Division Operating Budget and the 2002 Capital Improvement Project budget.

Policy Issue(s)

Should the City amend the existing CH2M-Hill contract for the project management services for the Gasoline Recovery Project at the Municipal Service Center for a period of three years.

Alternative(s)

Deny the contract amendment to extend the project management service of CH2M-Hill and have City Staff secure other outside technical services, or perform the technical review and inspection. This latter option is not recommended as the City Staff are not technically capable of this specific work.

Background Information

In October of 1997, City Council approved the Public Works and Utilities Staff's recommendation to accelerate the schedule for the recovery of gasoline at the MSC. As part of this accelerated schedule, Delta Environmental performed a feasibility study at the MSC facility that evaluated potential options to accelerate remediation of the gasoline recovery operation. Delta found the most economic and fast paced remediation technology to be dual phased soil vapor extraction. CH2M-Hill, a private engineering firm, was hired to perform a peer review of the feasibility study results and determine whether that remediation technology would be successful based on site specific information. CH2M-Hill reviewed and agreed with Delta's recommendation. Thereafter the Staff commenced work on accelerating the schedule for the recovery of gasoline at the MSC.

Due to CH2M-Hill's expertise in the area of remedial technology and their review of the feasibility study and the fact that CH2M-Hill was not interested in the design, construction, or operation of the gasoline recovery system, Staff contracted with CH2M-Hill in 1999 to be the technical manager of the project, assisting City staff.

CH2M-Hill's original contract was for \$170,000.

In July 1999, City Council also approved Dames and Moore (now URS) for the purpose of preparing design documents for the project improvements. A dual phase soil vapor extraction system was designed. Two bids were received. The lowest bid was 30% over the available funds for the project. Consequently, neither bid was approved and options for lowering the costs were explored. This ended URS' contract responsibilities to the City.

CH2M-Hill reviewed options to reduce the project cost. It was decided that the best approach would be to perform the project as a design/build/operate approach with one contractor preparing the design, constructing the system, and initially operating the system.

At this point in the project CH2M-Hill's role changed. CH2M-Hill was asked to prepare the new design/build/operate contract for the entire project. CH2M-Hill prepared a performance-based contract package that was released for bid on May 25, 2001. The project was offered to only the two contractors who responded to the original request for bids (LT Environmental, Inc., and ERM EnviroClean-Rocky Mountain, Inc.) ERM's bid was the lowest responsive bid received and City Council approved the bid and awarded the project to ERM on August 13, 2001 in the amount of \$582,152.

An amendment to the project management services contract with CH2M-Hill is now required to complete the following phases of the project at the following estimated costs:

- Prepare the air permits, assist the City with discussions with the State and originate a well permit for the existing interceptor trench sump well. \$10,000
- Continue to provide part-time field observation for the final stage of construction. \$16,000
- Continue construction administration including preparing billing review, contractor clarification requests, responding to change orders, preparing change order memoranda and recommendations, preparing nonconformance reports, and origination of a Certificate of Substantial Completion. \$10,000

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Deleted: <#>Prepared Request for Proposal for design consultant¶
<#>Conceptual design review¶
<#>Design consultant selection¶
<#>Design review¶
<#>State corrective action plan review¶
<#>Final design review¶
<#>Construction phase bidding assistance ¶
<#>Contractor selection¶
<#>Construction observation¶
<#>System startup¶
<#>Operation and maintenance contractor selection¶
<#>Project management review of operation and maintenance activities for four years¶
<#>Two-year site monitoring overview¶
<#>System shutdown¶

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Deleted: and the package was advertised for bid in September 2000. Eight firms attended the pre-bid meeting.

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- Operations oversight including review and approval of contractors operations and maintenance manual, numerous site visits during project equipment startup, on site visits during the years of operation, review of required quarterly Discharge and Monitoring Reports during operations of the system, site visits during the final two years of facility monitoring, coordination of project demolition, and submittal of 22 extraction well abandonment permits.

• <u>Startup and first year operations</u>	<u>\$33,000</u>
• Second year operations	\$17,000
• <u>Third year operations project demolition and well abandonment</u>	<u>\$16,000</u>
Total estimated cost	<u>\$102,000</u>

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The duration of the revised contract scope of work is anticipated to be from approximately March 2002 to approximately December 2004.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Second Reading of Councillor's Bill No. 7 re Costco Wholesale Corporation Business Assistance Package

Prepared By: Susan Grafton, Economic Development Manager

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading which authorizes the execution of the business assistance agreement with Costco Wholesale Corporation.
- Costco has agreed fully to the agreement, which does include a commitment from Costco to remain at the current location for a minimum of 6.5 years.
- This Councillor's Bill was passed on first reading on February 25th.

Expenditure Required: \$ 0

Source of Funds: The Business Assistance to Costco will be funded through permit fees, use tax and sales tax rebates, directly generated from Costco.

Recommended City Council Action:

Pass Councilor's Bill No. 7 on second reading authorizing the City Manager to execute and implement the business assistance agreement with COSTCO WHOLESALE CORPORATION.

Policy Issue:

Does Council desire to provide assistance to Costco to promote the expansion of the existing store?

Alternative(s):

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to Costco. In this case, Costco will most likely not proceed with the planned expansion and may consider looking at alternative sites in or outside the City. Also, the City's relationship with Costco will be significantly hindered.

Provide Less: Another alternative is to provide less assistance than what is recommended. However, less assistance may cause Costco to rethink their expansion plans and may consider looking at alternative sites in or outside the City.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. However, Costco has expressed agreement with the package as proposed.

Background Information:

City Staff has been meeting with representatives from Costco since February to encourage the company to expand at its existing location on 92nd Avenue. Costco was considering abandoning that location and building a larger store elsewhere, either in or outside of the City. Since Costco is the number one sales tax producer for the City, Staff was aggressive in trying to retain the company in Westminster.

During Staff's meetings with Costco Wholesale Corporation, it was discovered that Costco would be willing to stay at the current location if a gasoline self-service station could be located nearby. Coincidentally, the property adjoining Costco next to 92nd Avenue was for sale. The City has agreed to support the location of the gasoline station on the adjoining lot. The gasoline station will cost approximately \$600,000 to build. Costco will also be building a 12,400 s.f. expansion to the existing building, as well as updating its refrigeration equipment and parking areas. The expansion is estimated to cost \$2,847,000 for construction and \$500,000 for new equipment.

All together, Costco is expecting to spend \$3,947,000 over the next 5 years: for remodeling the existing store (\$2,847,000); building the gasoline station (\$600,000); equipment purchases (\$500,000) at move-in; and an average of \$100,000 in equipment purchases annually thereafter. Based on these numbers, the City will receive approximately \$105,400 in permit fees and use tax during the same time period.

Because of the recent opening of the new Arvada Costco, the sales at the Westminster store have dropped. However, the expansion of the Westminster store will make this store more competitive. According to Costco projections, it is anticipated that sales will return to the 2000 and 2001 levels in about 2005. During the 5 years after the completion of the expansion, Costco is expected to contribute to the City \$2,112,500 in sales tax above the current projections for this same period without the expansion. This is in addition to sales tax revenue projected for this same period without the expansion. Costco is projecting a 20% increase in total sales following the expansion.

Staff recommends that assistance be provided to this project. Without this expansion, the store would not be as competitive with other Costco stores in the area. Further, Costco's expansion at its current location prevents the vacancy of this large retail space in the City's key retail area. Costco was looking to vacate this property and locate in a potential new retail center inside or outside the City. The City's willingness to allow the self-service gas station and provide this business assistance package convinced Costco to expand at the current location.

Based on the 5-year projection of incremental sales tax, as well as other City tax and fee revenue, Staff recommends the following assistance package:

Proposed Assistance Package	Value	<u>Approximate</u>
<u>Permit-Fee Rebate</u>		\$ 11,845
50% of the building related fees (excluding water & sewer tap fees) will be rebated (Estimated \$23,691 x 50% = \$11,845)		
<u>Building Use Tax Rebate</u>		\$ 25,852
50% of the Use Tax on construction materials for this project will be rebated (Estimated \$51,704 x 50% = \$25,852)		
<u>Sales Tax Rebate</u>		\$ 1,762,303
80% of the sales tax collected over the base year amount will be rebated up to a maximum of \$1.762 million (\$1.8 million less permit fee and use tax rebates - \$37,697). The Base year amount will be determined by actual Sales Tax collections garnered during the year period prior to issuance of the Certificate of Occupancy for the expansion.		
Total Proposed Assistance Package		\$1,800,000

Council will also note in the agreement that Costco will be committing to stay in its current location for a minimum of six and a half (6.5) years.

This assistance package is based upon the City's goal to retain major retailers in the City. Costco is the number one sales tax generator in the City. The expansion of the existing Costco facility will strengthen Costco's commitment to the current site.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**ASSISTANCE AGREEMENT FOR
COSTCO WHOLESALE CORPORATION IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2002, between the CITY OF WESTMINSTER (the "City"), and COSTCO WHOLESALE CORPORATION ("Costco")

WHEREAS, the City wishes to provide certain assistance to Costco, as part of Costco's expansion efforts, in exchange for Costco maintaining its current location within the City; and

WHEREAS, Costco plans to construct a 12,400 square foot expansion to its existing warehouse (the "Building Expansion"), plus build a new fueling facility ("the Fueling Facility") at its current place of business at 6400 West 92nd Avenue in Westminster, Colorado (the "site"); and

WHEREAS, as used herein, "Costco Facility" shall mean the existing warehouse, or the existing warehouse plus the Building Expansion and Fueling Facility, as the context requires; and

WHEREAS, City Council finds the execution of this Agreement will benefit and advance the public interest and welfare of the City and its citizens by retaining this business within the City.

In consideration of the mutual promises set forth below, the City and Costco agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to Costco 50% of the building-related permit fees, as required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, paid by Costco in connection with the construction of the Building Expansion and Fueling Facility, both of which are expected to be completed by December 31, 2004.

2. Use Tax Rebate - Construction. The City shall rebate to Costco 50% of the Building Use Tax, as required under W.M.C. sections 4-2-9 and 4-2-3, paid to the City on the construction materials used in connection with the construction of the Building Expansion and the Fueling Facility.

3. Sales Tax Rebate. The City will rebate to Costco a portion of the sales tax revenue paid to the City by the Costco Facility pursuant to the following process:

- (a) Base Sales Tax Amount. Promptly following the issuance of the final Certification of Occupancy for the Building expansion, the City shall establish the Base Sales Tax Amount. The Base Sales Tax amount will be the total amount of Sales Tax collected during the Base Year by the City from the Costco Facility, and attributable to the imposition against retail sales of the City's 3.0% Sales Tax (excluding the City's .25% Open Space Tax). Costco will be notified of the City's determination of the Base Sales Tax Amount at the address set forth in subsection (g) below.
- (b) Base and Assistance Years. The Base Year is defined as the period of time equivalent to the 13 reporting periods prior to opening of the Building Expansion. The Assistance Years are defined as each consecutive 13 reporting periods following the Base Year, or prior Assistance Year, as applicable. Reporting periods, as referred to in this paragraph, are those periods annually established by Costco and provided to the City's Sales Tax Administrator. The end of the Base Year will be at the end of the reporting period just prior to the issuance of the Final Certificate of Occupancy for the Building Expansion.
- (c) Sales Tax Increment. The Sales Tax Increment is that amount of Sales Tax collected during an Assistance Year from Costco that is in excess of the Base Sales Tax Amount.
- (d) Sales Tax Rebate Amount. Any rebates provided by the City to Costco will be from the Sales Tax Increment. The City shall rebate to Costco 80% of the Sales Tax Increment.

- (e) Payment. Once the City has collected the Base Sales Tax Amount during an Assistance Year, then Sales Tax Rebate payments will be provided to Costco. The Sales Tax Rebate amount will be paid to Costco in an Annual payment, made within 30 days following the end of the applicable Assistance Year. The Sales Tax Rebate Payment will be submitted electronically to Costco's designated financial institution.
- (f) End of Sales Tax Rebate. The Sales Tax Rebate shall end at the point when the Sales Tax Rebate, Building Permit Fee Rebate and Use Tax Rebate equal, in total, \$1,800,000.
- (g) Notification. All formal notices and correspondence shall be delivered to:
 - Costco Wholesale
 - 999 Lake Drive
 - Issaquah, WA 98027
 - Attention: Gail Tsuboi, Director of Property Management
 - Phone: (425) 313-6178

4. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if Costco has not opened the Building Expansion and the Fueling Facility for business to the public and received a Certificate of Occupancy by December 31, 2004.

5. Repayment. In the event Costco ceases business operations within the City within six years and 180 days after Costco receives the Certificate of Occupancy for the Building Expansion, then in such event Costco shall pay to the City the total amount of fees and taxes, which were actually rebated by the City to Costco, pursuant to this Agreement.

6. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

7. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council. The City agrees to annually consider appropriating amounts due hereunder, including amounts (if any) received by the City in any prior year, which amounts were not appropriated and paid to Costco in such prior year for the account of Costco.

8. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

COSTCO WHOLESALE CORPORATION

CITY OF WESTMINSTER

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **7**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

– **Atchison -Hicks**

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH COSTCO WHOLESALE CORPORATION

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, COSTCO WHOLESALE CORPORATION plans to construct a 12,400 square foot warehouse expansion and new fueling facility in the City of Westminster; and

WHEREAS, a proposed Assistance Agreement between the City and COSTCO WHOLESALE CORPORATION is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with COSTCO WHOLESALE CORPORATION in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of February 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of March 2002.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Resolution No. 17 re DeVry Institute as Economic Development Project

Prepared By: Becky Johnson, Economic Development Program Coordinator
Michelle McLoughlin, Planner II

Summary Statement

City Council action is requested to designate DeVry Institute as an Economic Development Project, for the purpose of allowing the Official Development Plan to receive administrative review per City Code subsection 11-5-8(B). The project meets the City's economic development goals by providing workforce development opportunities, including education and training for businesses and residents.

The City Code permits administrative approval for an Official Development Plan (ODP), for a non-residential project under 20 acres in size, by the City Manager, if City Council determines that the project furthers the economic development goals of the City, or if it qualifies for economic development assistance.

- The process of Administrative Review does not guarantee approval of the Official Development Plan
- The Official Development plan must meet the City's Design Guidelines and Code Requirements

Expenditure Required: \$ 0

Source of Funds: N/A

Recommended City Council Action

Adopt Resolution No. 17 designating DeVry Institute officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan.

Policy Issue(s)

Whether to allow administrative review of the Official Development Plan for DeVry Institute.

Alternative(s)

There were two alternatives considered in presenting the Resolution for DeVry Institute. The alternatives are as follows:

- 1) Provide no resolution for DeVry Institute. DeVry would then have to proceed to Planning Commission for review. As a result, Prime West may not have the ability to meet the time frame the client is requesting.
- 2) Approve the recommended resolution, allowing DeVry to receive administrative approval, based upon staff support for the project.

Background Information

DeVry Institute is one of the largest private post-secondary education systems in North America. DeVry offers bachelor degrees, associate degrees, and diploma programs in the areas of: business, computer technology, electronic technology, information technology and telecommunications.

DeVry contracted with Prime West to construct a 72,000 square foot single story office building on lot 12, on the south side of 122nd Avenue in NorthRidge at Park Centre (map attached). The company has projected an opening date for the institute of February 2003. DeVry Institute must meet all requirements in order to receive administrative review. Two neighborhood meetings were conducted. The first was to discuss the proposed land use, adding "post-secondary educational use" to the preliminary development plan, and the other was to discuss building construction. In both meetings, favorable comments were received by the neighbors.

Staff believes that this development meets the general criteria required by the Code; is zoned for the use intended; conforms to the adopted Comprehensive Land Use Plan; and therefore, should be considered an economic development project. Allowing administrative review is important to the financing of the project and to keep it on a time sensitive construction schedule.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **17**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

DECLARING DEVRY INSTITUTE AS AN ECONOMIC DEVELOPMENT PROJECT FOR THE PURPOSE OF RECEIVING ADMINISTRATIVE REVIEW OF THE OFFICIAL DEVELOPMENT PLAN

WHEREAS, the City encourages the development of the DeVry Institute, a post-secondary educational institution to be located in a 72,000 square foot, a single story office building; and

WHEREAS, the project will provide opportunities for workforce education and training for City businesses and residents, as well as generate primary jobs and additional tax revenues to the City of Westminster; and,

WHEREAS, when the Official Development Plan for DeVry Institute meets staff approval, Administrative Approval will be granted; and,

WHEREAS, Section 11-5-8(B) of the Westminster Municipal Code allows that an Official Development Plan (ODP) for a non-residential project under 20 acres in size may be administratively approved by the City Manager if it is determined that the project furthers the City's economic development goals, or if it qualifies for economic development assistance.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that DeVry Institute be designated as an economic development project for the purposes of receiving Administrative Review as outlined in the Westminster City Code, Section 11-5-8 (B), enabling the City Manager to administratively approve the Official Development Plan for the project, upon staff recommendation.

Passed and adopted this 25th day of March, 2002

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Resolution No. 18 re Summa Property (107th & Simms) Annexation Petition

Prepared By: David Falconieri, Planner III

Summary Statement

- The Summa property is located on the west side of Simms Street at 107th Avenue. The 7.4 acre property includes parcels that are located on both sides of 107th Avenue.
- At this time, the applicants wish only to annex the property to the City without a development plan. This will allow them to market the land as an in City parcel, leaving the preparation of development plans to a future developer.
- Staff is recommending the property be included in the Comprehensive Land Use Plan (CLUP) as Single-Family Detached - Medium Density and zoned Planned Unit Development (PUD) at the time of annexation. This will limit the types of land uses future owners may request to single-family detached units at a maximum density of 3.5 units per acre and other residentially compatible land uses (i.e. churches, schools, etc.).

Expenditure Required: \$0

Source of Funds: N/A

Recommended City Council Action

Adopt Resolution No. 18 accepting the annexation petition submitted by Carl Dixon as representative of the Summa Group, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of May 13, 2002, for the annexation hearing.

Background

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

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, Carl Dixon, signer of the petition, represents the ownership group that owns 100% of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

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

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **18**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes May 13, 2002, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 25th day of March, 2002.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
March 25, 2002

SUBJECT: Resolution No. 19 re Supplemental Compensation for Employees Serving in Active Military Duty in Operation Enduring Freedom

Prepared By: Debbie Mitchell, Human Resources Manager

Summary Statement

- City Council is requested to approve the attached resolution that extends pay and benefits to those City employees who have been or may be called to active military duty in the military operation, Enduring Freedom. City Council previously approved additional benefits for up to six months per person. An additional six-month extension of benefits per employee is requested.
- The Uniform Services Employment and Reemployment Act of 1994 (USERRA) requires employers to safeguard the position and status of any employee called to active military duty. This is a requirement for up to a five-year period.
- USERRA requires employers to provide unpaid leave and provisions for employee paid continuation of medical and dental benefits.
- City Personnel Policies and Rules reflect the requirements of the USERRA law.
- City Council approved supplementary pay and the continuation of the City-paid portion of City benefits to employees called into active duty during Operation Enduring Freedom on October 22, 2001 for a period of up to six months per employee.
- The City currently has one individual who is serving in active military duty for the Enduring Freedom military initiative. The employee is nearing the end of the six-month period of extended benefits authorized by City Council.

Expenditure Required: For twelve months of supplemental pay and benefits \$10,000 to \$115,000, depending on a number of factors described in this report.

Source of Funds: No additional resource allocation is needed for the cost of extending an enhanced compensation and benefits package to active military duty employees. The cost of the additional pay and benefits will be covered in existing departmental salaries accounts and central charges benefit accounts, respectively.

Recommended City Council Action

Adopt Resolution No. 19 which extends pay and benefits to those City employees who have been or will be called into active military duty in connection with the military operation Enduring Freedom for an additional period of six months per employee, for a total extended pay and benefit coverage period of twelve months per employee.

Policy Issue

Should the City further extend an enhanced pay and benefit package beyond what is required by law and beyond the six month period originally approved by City Council to employees called to active military service for the Enduring Freedom operation?

Alternatives

1. Make no change to the current policy, which is in compliance with Federal law. This is a viable option but does not address the potential ongoing hardship employees may experience with reduced compensation and benefits while serving in active duty for the military.
2. Provide the extension of an enhanced pay and benefit package to employees for the entire time they are serving in an active military duty status. The additional six-month recommended period would provide additional support to employees as they adjust to the difference in compensation and benefits. If this alternative is adopted the cost of the package may increase significantly. The maximum active duty time is five years. The City may need to absorb military replacement position costs during the Enduring Freedom operation.

Background Information

The Uniform Services Employment and Reemployment Act of 1994 (USERRA) requires employers who have employees who are military reservists and have been called to active military duty to safeguard the position and status of employees during the time they are in active duty. The act does not require any compensation but does require that employees be given a continuation of benefits option for the employee and their family, at a cost of up to 102% of the total health insurance premium. City Personnel Policies and Rules provide the same active duty leave and benefits as outlined in the USERRA law. The act also provides for reinstatement of the employee into the same position or, in cases of longer-term absences, it requires that the employee be returned to a similar position with like status and pay.

City Council is requested to approve salary and benefits for employees required to report to active military service for the Enduring Freedom operation for an additional six-month period per employee beyond the six-month period approved on October 22, 2001. This would extend additional pay and benefits to employees for up a period of up to twelve months during active military duty. These enhanced pay and benefits include:

- Provision of employer-paid City benefits for employee and family at the same premium contribution rates as other regular employees.
- Payment of the difference between City compensation the employee would have earned as compared with the military pay being earned by the employee in those cases where the military pay is lower.

Staff recommends these additional benefits be offered to all active military duty personnel for an additional six months per employee or until active military service is ended whichever is sooner. The twelve-month maximum period would provide financial support to reservists during the period of transition to active military service while limiting the City's financial liability to a reasonable timeframe. The City currently has one employee serving in an active duty capacity and at least six others who are active reservists. The potential maximum cost to the City for the enhanced pay and benefits is approximately \$115,000. The actual cost would most likely be much lower since the potential cost reflects the highest possible benefit cost, calculates the maximum cost for eight reservists and assumes a low level of compensation in military service. A more realistic estimate of the cost is \$10,000. The amount spent since the initiation of the extended benefit is less than \$2,000.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **19**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

Military Leave Benefits

WHEREAS, on September 11, 2001, the United States was attacked by terrorists; and

WHEREAS, the President of the United States responded to the attacks and authorized the Secretary of Defense to call reserve units of the Armed Forces to active duty for the operation called Enduring Freedom; and

WHEREAS, this campaign is still ongoing; and

WHEREAS, City employees have already been called up to serve in the Enduring Freedom operation and more employees may be called to active military duty; and

WHEREAS, these employees and their families are sustaining the burden of the war effort as well as financial difficulties created by this emergency military duty; and

WHEREAS, the City believes that its employees are its greatest asset, and wishes to support them and their families in this time of strife.

NOW, THEREFORE, be it resolved that the City Council of Westminster, does extend the following salary and benefits to employees who, as members of the National Guard or a reserve component of the Armed Forces of the United States, have been called up for active military duty in the Enduring Freedom operation:

- (1) The City shall extend military leave compensation for up to twelve months per employee while in active military duty, by paying the difference between the employee's military duty pay and the City salary when the compensation from the military is lower;
- (2) The City shall extend the normal City portion of the cost of continued fringe benefits for up to twelve (12) months per employee including medical, dental and pension benefits.

Passed and adopted this 25th day of March, 2002.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, March 25, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, and McNally. Absent Kauffman.

The minutes of the March 4, 2002 meeting were approved.

Garth Godwin of the Westminster 7:10 Rotary Club addressed Council on the Computer for Kids Program. Ben Beaty past member of the Environmental Advisory Board was presented a plaque. Proclamations were presented to Standley Lake High School and Westminster High School Wrestling team members.

Council approved the following: Financial Report for February 2002; Ranch Reserve Parkway Funds in the amount of \$220,000; Open Space Acquisition of the Wadsworth Wetlands Property located along Wadsworth Pkwy at 93rd Avenue for \$474,563; Open Space Acquisition of Lombardi Property located on west 92nd Avenue along Niver Canal Open Space for \$270,000; Replacement of the Parks Services Division Gang Mower for \$59,848; Semper Water Treatment Facility Improvements Project Design Services to Integra Engineering for \$140,476; Contract for Design of England Water Line with Integra Engineering for \$116,406; 2002 Wastewater Collection System Maintenance Contract to AquaSource Services and technologies for \$560,822; 2002 Inflow and Infiltration Study Contract with ADS Environmental Services for \$98,986; Legal Services Agreement with Carlson Hammond & Paddock for \$132.50 per hour; Gas Chromatograph Purchase from Varian Chromatography Systems for \$45,143; MSC Gasoline Recovery System project Management amended contract with CH2M-Hill for \$102,000.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH COSTCO WHOLESALE CORPORATION

The following Resolution were adopted:

Resolution No. 17 re DeVry Institute as Economic Development Project

Resolution No. 18 re Summa Property Annexation Petition

Resolution No. 19 re Supplemental Compensation for Employees serving in Operation Enduring Freedom

At 7:40 P.M. the meeting was adjourned.

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

Published in the Westminster Window on April 4, 2002.