



## CITY COUNCIL AGENDA

**NOTICE TO READERS:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. Many items have been previously discussed at a Council Study Session.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meeting
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. Child Abuse Prevention and Awareness Month Proclamation
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. Financial Report for February 2012
  - B. 2012 Light Duty Vehicle Purchase
  - C. Replacement Asphalt Paver Purchase
  - D. Excess Workers' Compensation Insurance Purchase
  - E. Wandering View Tanks Repairs Engineering and Construction Contracts
  - F. 2012 Department of Homeland Security Regional Grant Application
  - G. IGA for the Provision of Water Service to the Metzger Farm Open Space
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 8 re 2011 4<sup>th</sup> Quarter Budget Supplemental Appropriation
  - B. Councillor's Bill No. 9 re Modifications to W.M.C. Title VIII re the Industrial Pretreatment Program
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
  - A. City Council
13. Adjournment

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)**

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

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.



WESTMINSTER  
**Strategic Plan**  
2011-2016  
Goals and Objectives

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**FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES**

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Institutionalize the core services process in budgeting and decision making
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



**STRONG, BALANCED LOCAL ECONOMY**

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



**SAFE AND SECURE COMMUNITY**

- Citizens are safe anywhere in the City
- Public safety departments: well equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective stormwater management program



**VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY**

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



**BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY**

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain greenspace (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



***Mission statement: We deliver exceptional value and quality of life through SPIRIT.***

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, MARCH 19, 2012, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Members of Scout Pack 216 presented the colors and led the Mayor, Council, Staff and audience in the Pledge of Allegiance. The Scouts introduced themselves and said they were working on their Bear badges.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Faith Winter, and Councillors Herb Atchison, Bob Briggs, Mark Kaiser, Marcy Lindsey, and Scott Major were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Councillor Atchison, to approve the minutes of the regular meeting of February 27, 2012, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that following adjournment of the Council meeting, the Westminster Economic Development Authority (WEDA) Board of Directors would meet. After conclusion of that meeting, the City Council would hold a post-meeting in the Council Board Room. The public was welcome to attend. Upon adjournment of the post-meeting, the City Council would consider meeting in executive session to discuss strategy and progress on the sale, acquisition, trade or exchange of property or property rights for the Heritage Golf Course, pursuant to Sections 1-11-3 (C)(2), (C)(7) and (C)(8), W.M.C., and Sections 24-6-402 (4)(a) and (e), C.R.S.

CITY COUNCIL COMMENTS

Mayor Pro Tem Winter invited the public to attend upcoming visioning sessions to get input on what the community wanted to see in the redevelopment of the Westminster Mall area. The sessions would be in the Community Room of the City Park Recreation Center on March 28 from 5:30 to 7:30 p.m. and on March 31 from 9 to 11 a.m.

Councillor Briggs commented that the community and the State of Colorado had lost a good friend with the passing of Ted Strickland. Mr. Strickland had served in various elected capacities and had made significant contributions to Colorado.

CITIZEN COMMUNICATION

Ms. Becky Hoffman, Interim Director of the Adams County Youth Initiative, Mr. Don Quick, District Attorney of the 17<sup>th</sup> Judicial District, and Mr. Dave Young, candidate for District Attorney of the 17<sup>th</sup> Judicial District, addressed City Council to request funding to support the Initiative. The program had been funded by a federal grant and had made noticeable impact on decreasing juvenile crime and increasing high school graduation statistics. To continue operations, a variety of federal, state, and local funding sources needed to contribute support. Leaders in education, non-profits, human services, and law enforcement were on the Adams County Youth Initiative Board of Directors and working to achieve goals of decreased delinquency, decreased substance abuse, and increased high school graduation rates.

Don Lindsey, 10793 Moore Way, inquired about the status of staff research on modifying accessory building regulations. Mr. McFall reported that the research was complete and would be presented to him soon. The process to submit any proposed modifications to City Council would follow.

CONSENT AGENDA

The following actions were submitted for Council’s consideration on the consent agenda: authorize the City Manager to execute a one-year contract, with the option to renew for two additional one-year terms, with Professional and Recreational Officials of Sports, Inc. (P.R.O.S, Inc.) for officiating and related services in an amount not to exceed \$85,000 annually; upon the City Manager’s recommendation, find that the public interest was best served by authorizing a negotiated purchase from the sole source provider National Meter & Automation, Inc., for new water meter replacement transponders, chambers, and disc assembly purchases in the amount of \$105,892 and cumulative purchases from National Meter & Automation, Inc., in an amount not to exceed \$121,000 for calendar year 2012; authorize payment of \$91,718 to Foothills Animal Shelter for the City’s 2012 assessment for animal shelter services; authorize payment of \$141,393.56 to Intergraph Corporation for the 2012 Annual Software Maintenance Contract for the integrated Fire and Police Computer Aided Dispatch, Police Records Management System, Fire Records Management System, and Mobile computer application systems; upon the City Manager’s recommendation, find that the public interest was best served by authorizing a negotiated contract for 2012, with the option for one additional one-year renewal (2013) with Insituform Technologies, Inc., in the amount of \$491,057, plus a 10% contingency for a total price of \$540,163 for 2012; authorize the City Manager to submit a grant application to the State Historical Fund in the approximate amount of \$98,000 to combine with a proposed City cash match of \$42,000 to initiate rehabilitation work on the Shoenberg Farm Milk & Ice House; authorize the City Manager to enter into a contract with the low bidder, Brannan Construction Company, for replacing waterlines in 80<sup>th</sup> Avenue and Turnpike Drive in the amount of \$821,634 with a 10 percent construction contingency in the amount of \$82,163, for a construction budget of \$903,797, to execute a contract amendment of \$56,264 for construction management services with J&T Consultants, Inc., and to move \$753,107 from the Open Cut Waterline Replacement Capital Improvement account and \$252,354 from the Federal Boulevard Water Main/Wandering View Yard Piping Capital Improvement account into the Turnpike Drive Waterline Capital Project account; and final passage on second reading of Councillor’s Bill No. 5 authorizing the City Manager to execute and implement the Economic Development Agreement with Trimble Navigation Limited.

Councillors did not request that any item be removed from the Consent Agenda for individual consideration, and Councillor Atchison moved to approve the consent agenda, as presented. Councillor Lindsey seconded the motion, and it carried unanimously.

RESOLUTION NO. 9 MAKING APPOINTMENTS TO FILL VACANCIES ON BOARDS & COMMISSIONS

It was moved by Mayor Pro Tem Winter and seconded by Councillor Lindsey to adopt Resolution No. 9 making appointments to fill vacancies on the Election Commission, Historic Landmark Board, Human Services Board, Open Space Advisory Board, and Special Permit and License Board. The motion passed unanimously on roll call vote.

COUNCILLOR’S BILL NO. 6 AUTHORIZING METZGER FARM SUPPLEMENTAL APPROPRIATION

Upon a motion by Councillor Lindsey, seconded by Councillor Major, the Council voted unanimously at roll call to pass on first reading Councillor’s Bill No. 6 appropriating funds for open space received from the Broomfield Westminster Open Space Foundation in the amount of \$345,900 for the Metzger Farm Master Plan Implementation.

COUNCILLOR’S BILL NO. 7 AUTHORIZING GRANT APPROPRIATION FOR OPEN SPACE PURCHASE

It was moved by Councillor Major and seconded by Councillor Kaiser to pass on first reading Councillor’s Bill No. 7 appropriating funds received from Adams County in the amount of \$81,229 for the Westminster Reformed Presbyterian Church open space acquisition grant into the Parks, Open Space and Trails (POST) Fund. The motion passed unanimously on roll call vote.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Councillor Major and seconded by Councillor Atchison to adjourn. The motion carried and the meeting adjourned at 7:22 P.M.

ATTEST:

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Mayor

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City Clerk



## Agenda Item 6 A

### Agenda Memorandum

City Council Meeting  
March 26, 2012

**SUBJECT:** Proclamation re Child Abuse Prevention and Awareness Month

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

### Recommended City Council Action

Councillor Kaiser will present a proclamation declaring April 2012 Child Abuse Prevention and Awareness Month to LaSandra Gonzalez of Court Appointed Special Advocates for Children (CASA) of Adams and Broomfield Counties and Tammie Bueno of North Metro Children's Advocacy Center (NMCAC).

### Summary Statement

- Child abuse and neglect knows no boundaries. It is a serious problem world-wide. Reports of abuse have increased steadily over the years with over 6,700 cases of child abuse and neglect projected to be investigated in Adams and Broomfield Counties this year. Professionals working together reduce the trauma of the investigative process and provide coordinated services to the child and his/her family.
- The Court Appointed Special Advocates for Children (CASA) of Adams and Broomfield counties and North Metro Children's Advocacy Center have requested that Westminster participate in this statewide effort.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Each year, Adams County Human Services Department and Broomfield Health and Human Services receive over 7000 calls of suspected child abuse or neglect in our communities. Each year, over 1500 children in Adams and Broomfield Counties become part of the child welfare court system due to abuse or neglect, through no fault of their own.

According to Child Maltreatment 2005, the most recent report of data from the National Child Abuse and Neglect Data System, approximately 899,000 children in the U.S. were found to be victims of child abuse or neglect in Federal fiscal year 2005. The maltreatment rate was 12.1 per 1,000 children in the population in 2005.

North Metro Children's Advocacy Center (NMCAC) opened its doors in 1998. The primary goal was to provide the 17th Judicial District with a coordinated, multidisciplinary approach to child abuse that maintained the child as the priority. The welcoming, child friendly environment puts children at ease; increasing the effectiveness of the investigative process and greatly reducing the trauma to children during the investigation.

NMCAC coordinates a comprehensive, multidisciplinary response to child abuse/sexual assault on children to meet the needs of child victims and their families. They provide a warm nurturing atmosphere in which criminal investigations, crisis intervention, victim advocacy and support throughout the judicial process is provided.

Representatives from both CASA and NMCAC will be present to receive the proclamation.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Proclamation



**WHEREAS**, the City of Westminster prides itself on giving back to the community, contributing to the quality of life among our citizens; and

**WHEREAS**, Court Appointed Special Advocates for Children (CASA) of Adams and Broomfield counties in association with the National Court Appointed Special Advocate (CASA) association and North Metro Children's Advocacy Center (NMCAC) speaks for the best interest of our abused and neglected children who are involved in the juvenile courts; and

**WHEREAS**, through community efforts, City of Westminster residents are encouraged to join together throughout the month of April and continuing through the year to raise awareness for those children who have fallen victim to abuse and neglect; and

**WHEREAS**, through this effort, abused and neglected children in our community and around the country will be given a chance for a safe and positive future.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado**, on behalf of the Westminster City Council, do hereby proclaim April 2012 to be

**CHILD ABUSE PREVENTION  
AND AWARENESS MONTH**

and urge all citizens to join a local and national effort to raise awareness and help prevent child abuse and neglect.

Signed this 26th day of March, 2012.

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Nancy McNally, Mayor



Agenda Memorandum

City Council Meeting  
March 26, 2012



**SUBJECT:** Financial Report for February 2012  
**Prepared By:** Tammy Hitchens, Finance Director

**Recommended City Council Action**

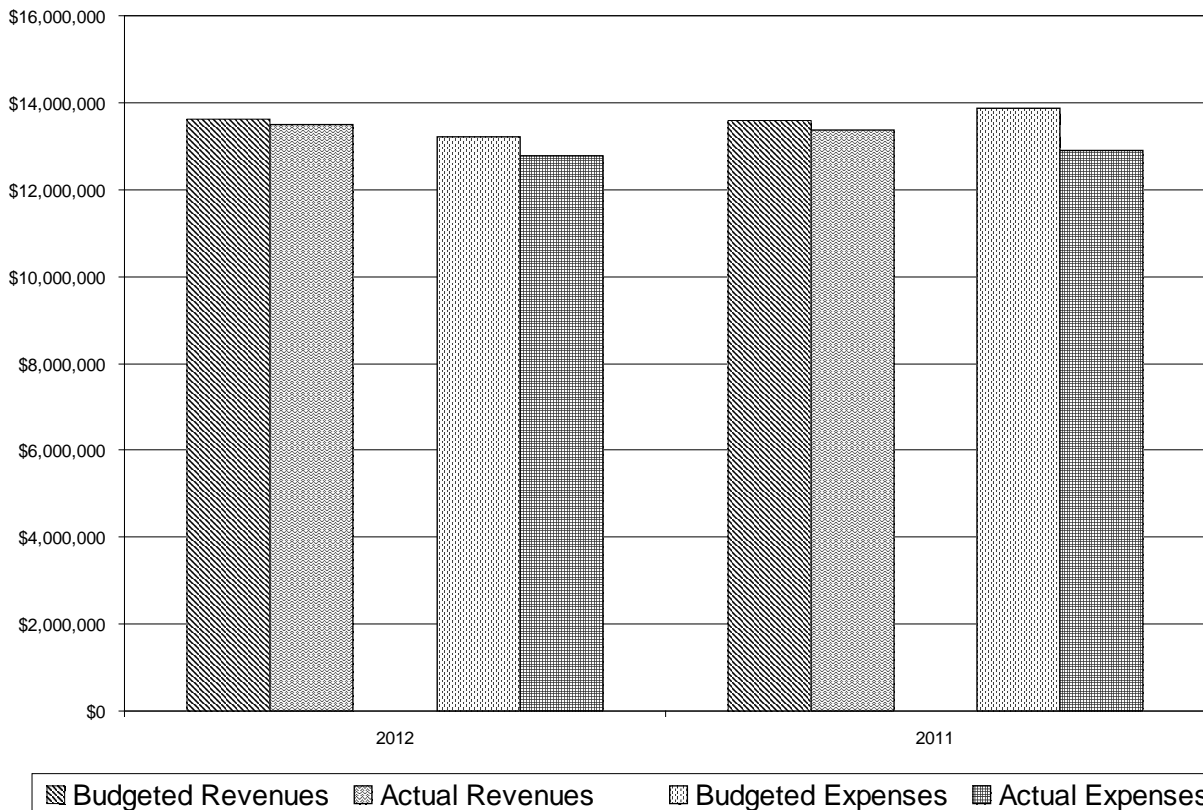
Accept the Financial Report for February as presented.

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. The budget numbers that are presented reflect the City’s amended adopted budget. Both revenues and expense are pro-rated based on 10-year historical averages.

The General Fund revenues exceed expenditures by \$718,823. The following graph represents Budget vs. Actual for 2011-2012.

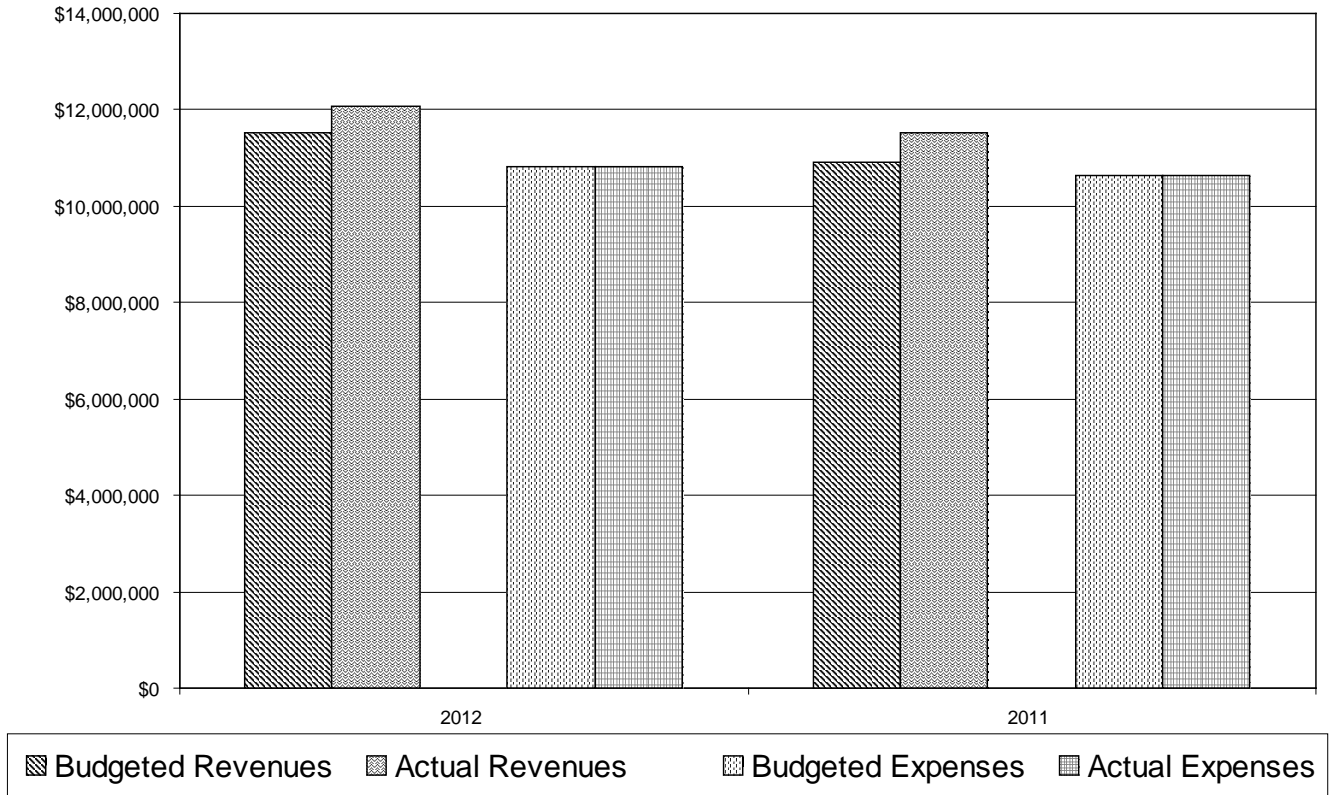
**General Fund  
Budget vs Actual**



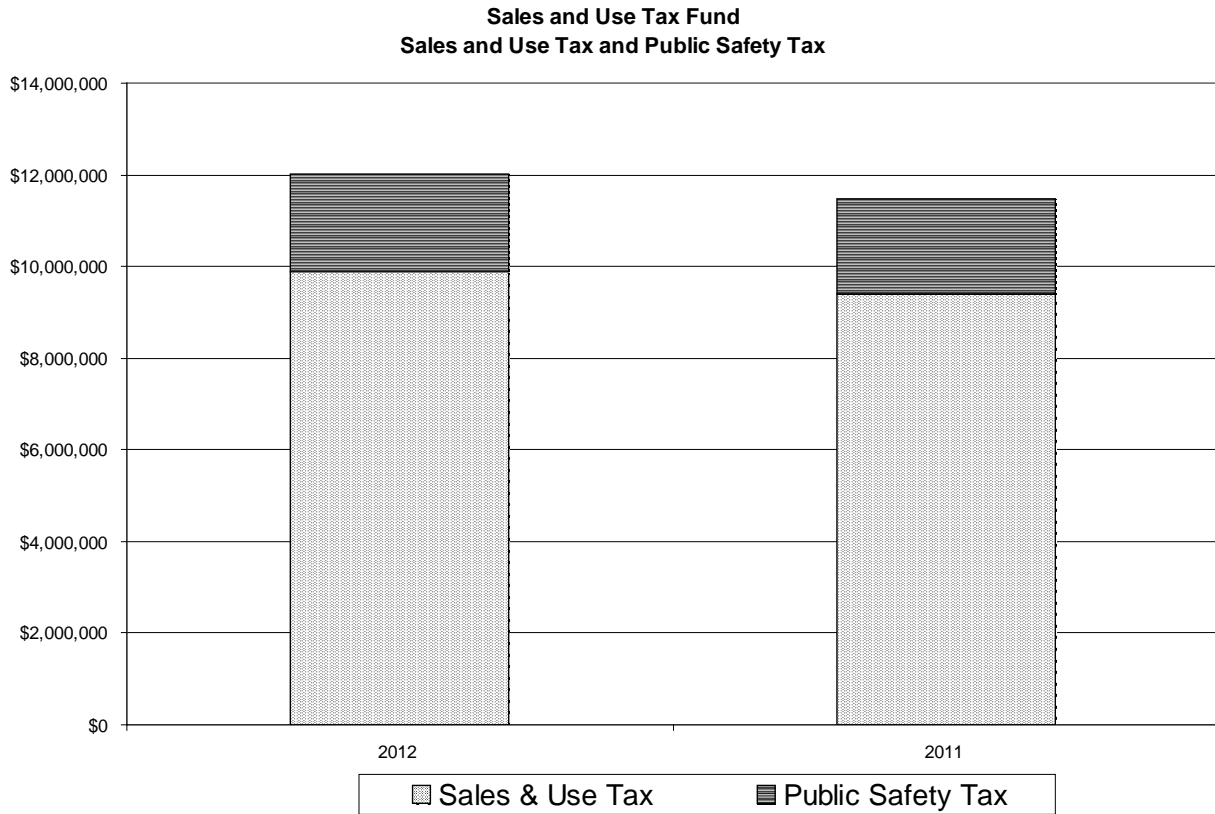
The Sales and Use Tax Fund revenues exceed expenditures by \$1,248,075. On a year-to-date cash basis, total sales and use tax is up 5.1% from 2011. Key components are listed below:

- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are down 1.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 66.8% of all collections, are up 1.0% for the month.
- Urban renewal areas make up 41.7% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 79.0% of this money is being retained for General Fund use.

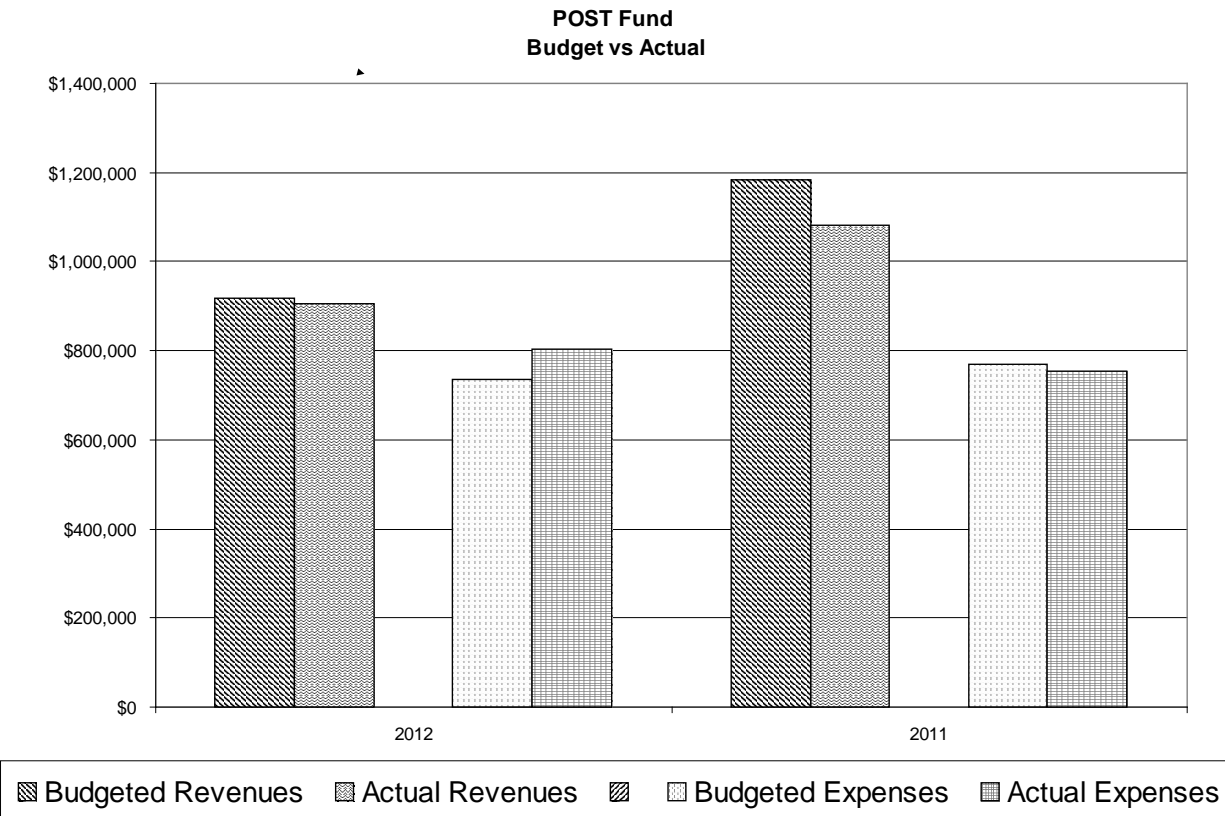
**Sales & Use Tax Fund  
Budget vs Actual**



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.

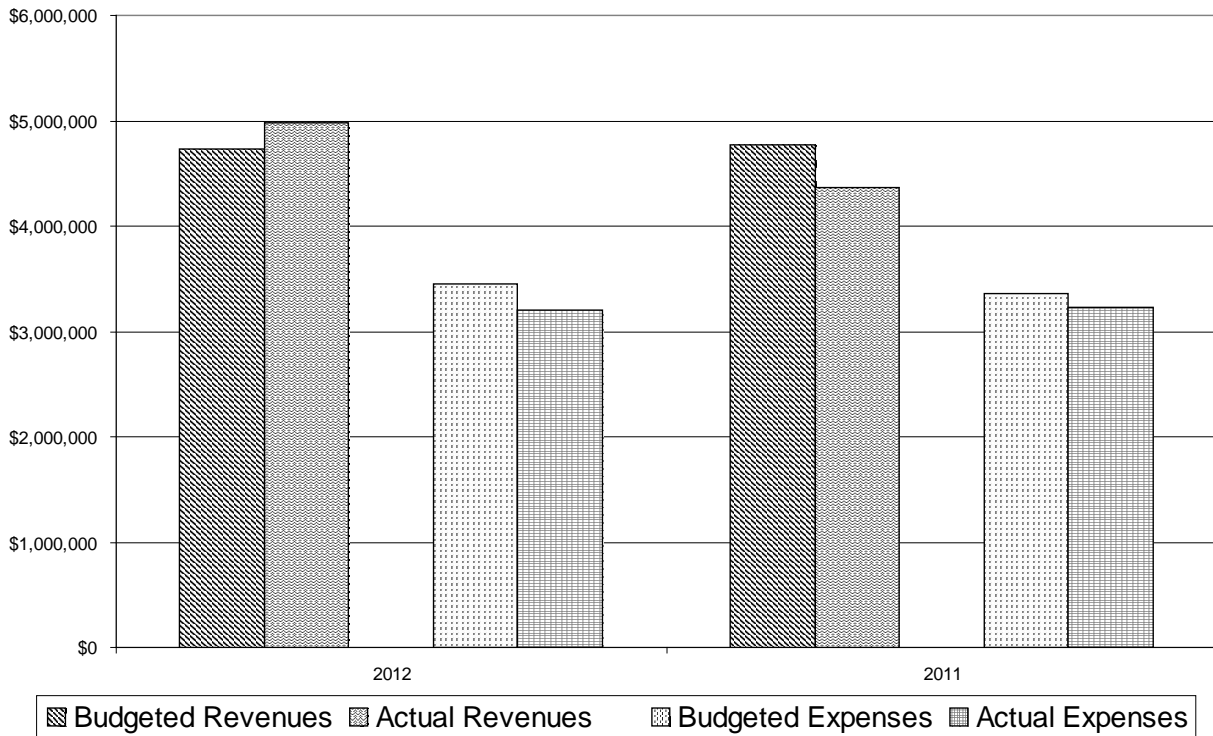


The Parks Open Space and Trails Fund revenues exceed expenditures by \$103,401.



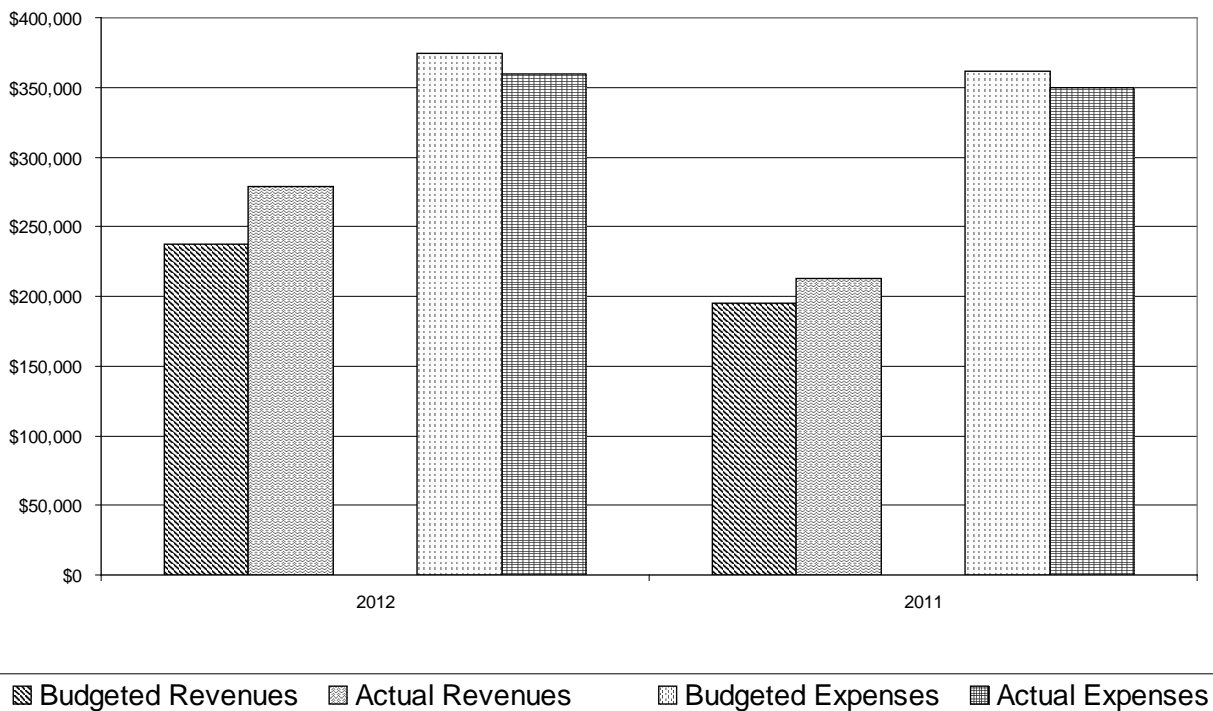
The combined Water & Wastewater Fund revenues exceed expenses by \$3,095,194. Operating revenues exceed operating expenses by \$1,789,237. \$14,860,000 is budgeted for capital projects and reserves.

**Combined Water and Wastewater Funds  
Operating Budget vs Actual**



The combined Golf Course Fund expenditures exceed revenues by \$81,328.

**Golf Course Enterprise  
Operating Budget vs Actual**



**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**

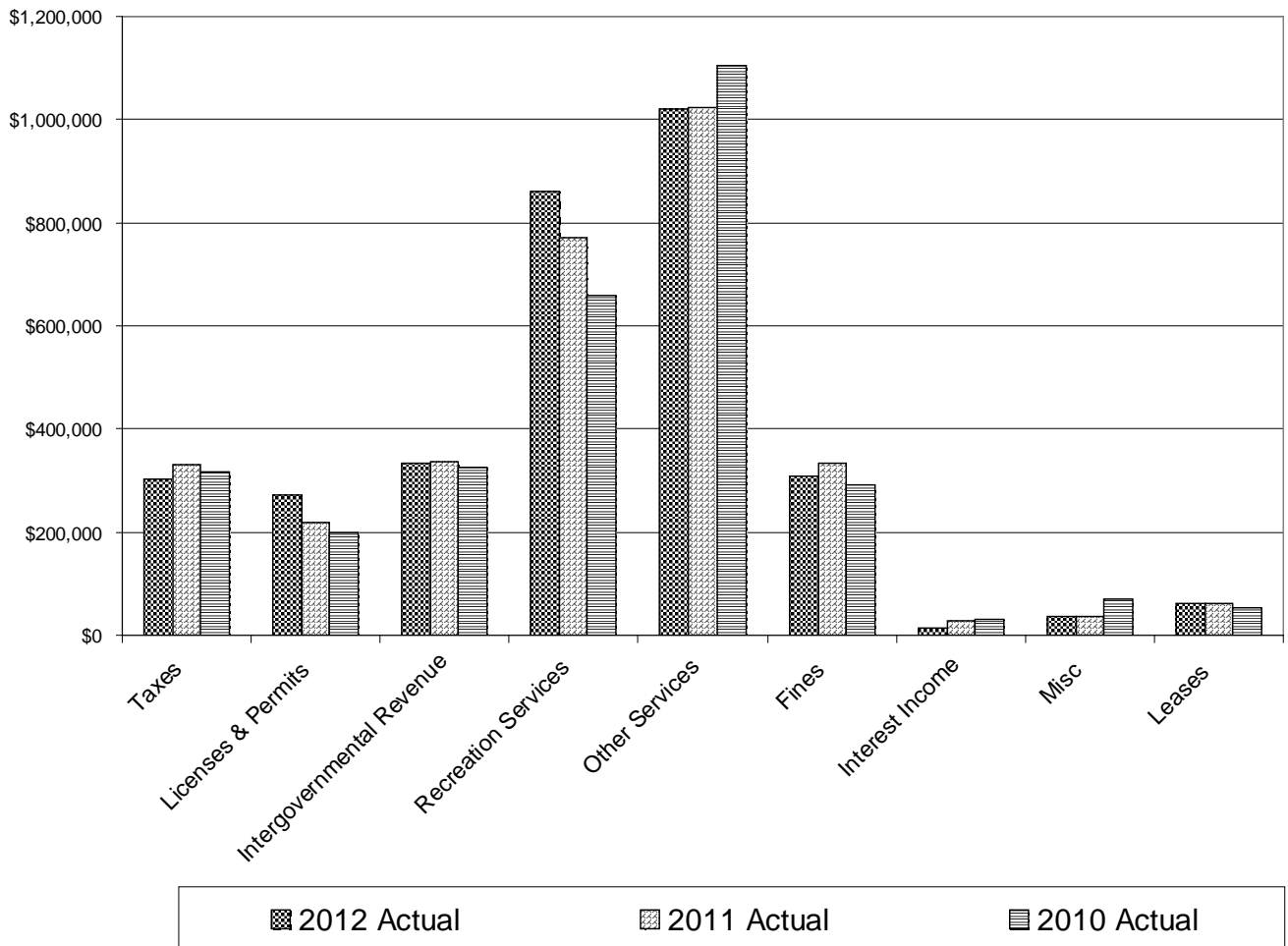
This section includes a discussion of highlights of each fund presented.

**General Fund**

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

The following chart represents the trend in actual revenues from 2010-2012 year-to-date.

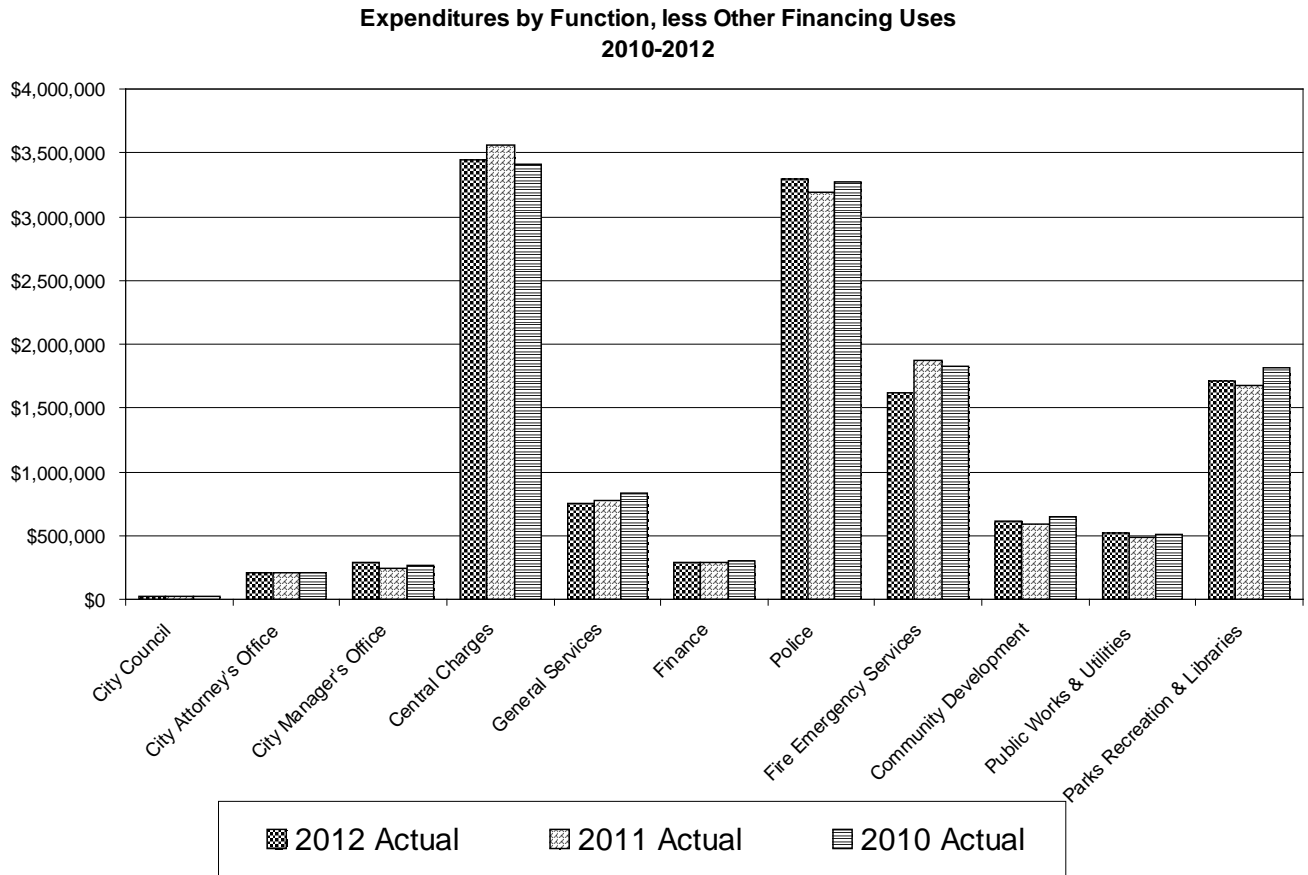
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources  
2010-2012**



Significant differences between years in General Fund revenue categories are explained as follows:

- The License and Permit variance is due mostly to a large increase in commercial building permit activity.
- Recreation Services revenue increased due to fees from passes, admissions, fitness and recreation programs.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2010-2012.



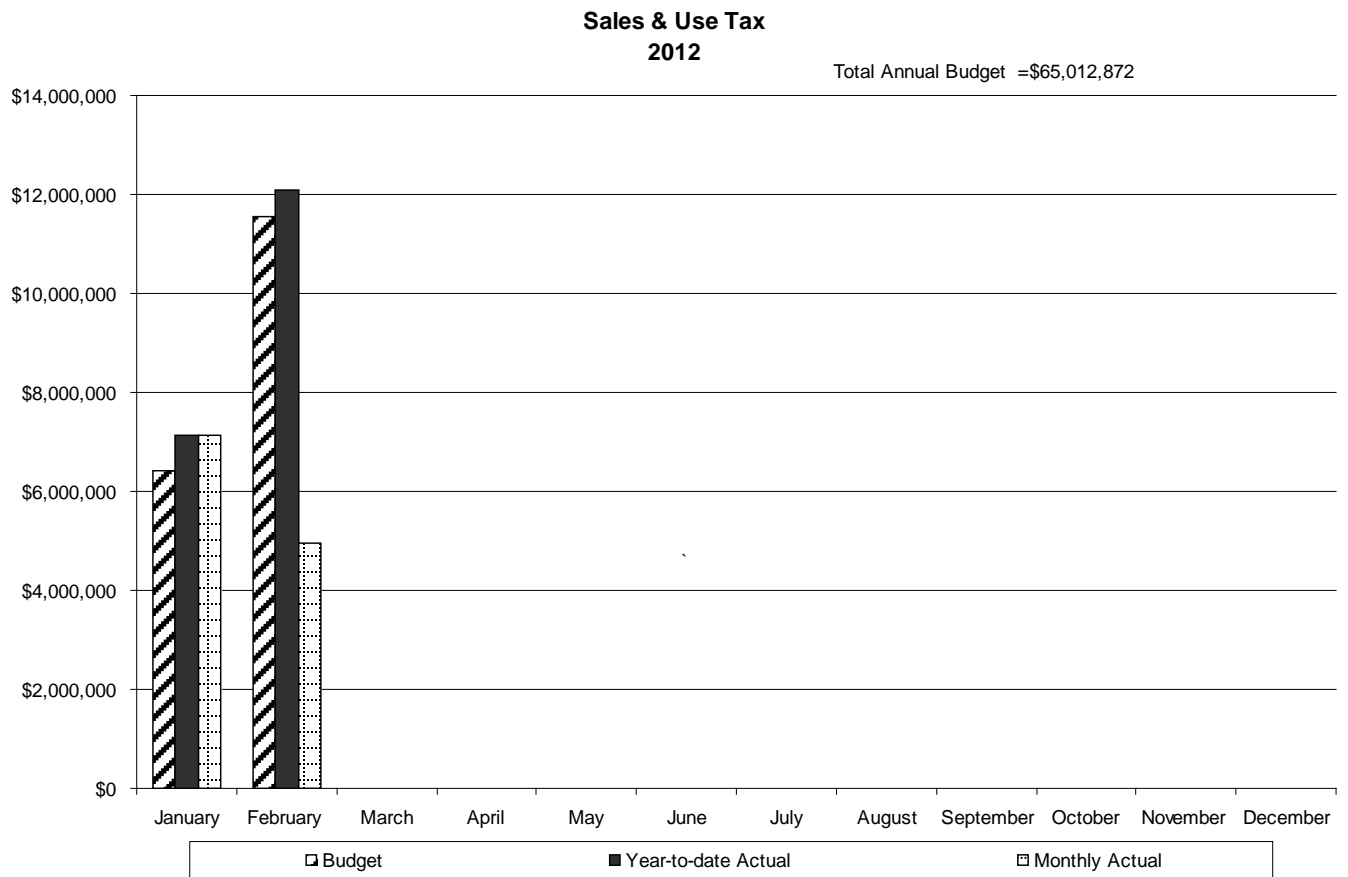
Significant differences between years in General Fund expenditure categories are explained as follows:

- The Fire Emergency Services variance is due mostly to a decrease in contractual lease payments on fire apparatus. Commencing in 2012, these lease payments are being charged directly to the General Capital Outlay Replacement Fund, and will be financed through internal billings received from the General Fund.

**Sales and Use Tax Funds (Sales & Use Tax Fund and Parks, Open Space and Trails Sales & Use Tax Fund)**

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, and the Debt Service Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, pay bonds related to the Heritage Golf Course, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Parks, Open Space, and Trails Sales & Use Tax.



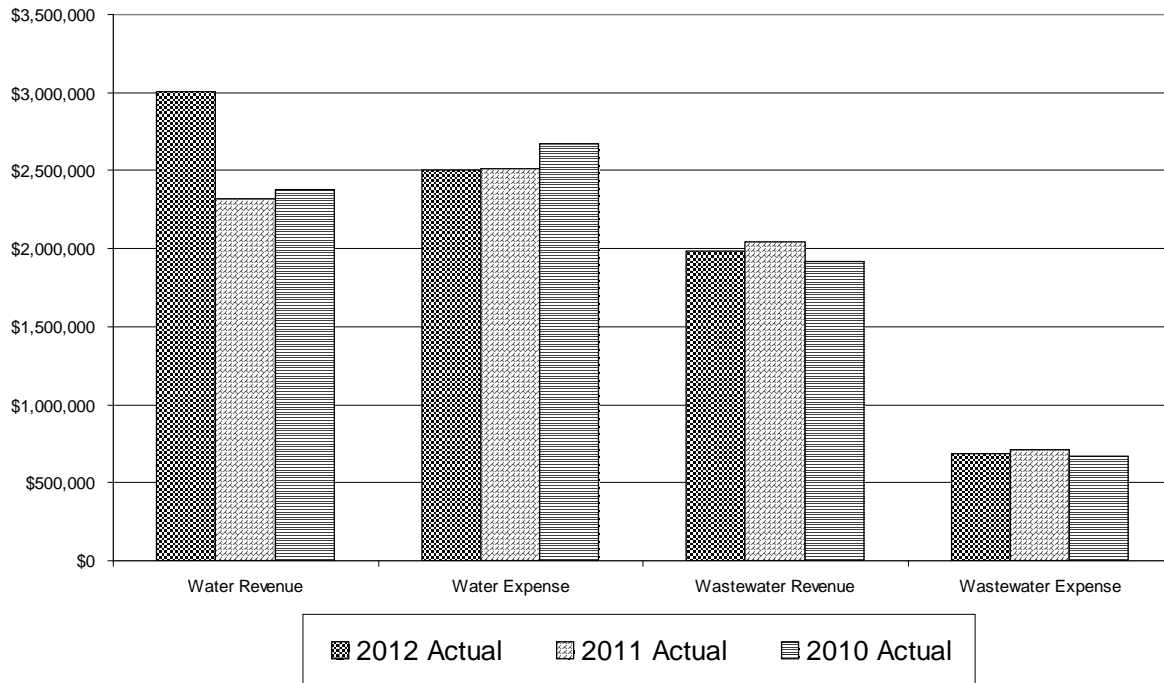


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

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 projects and reserves.

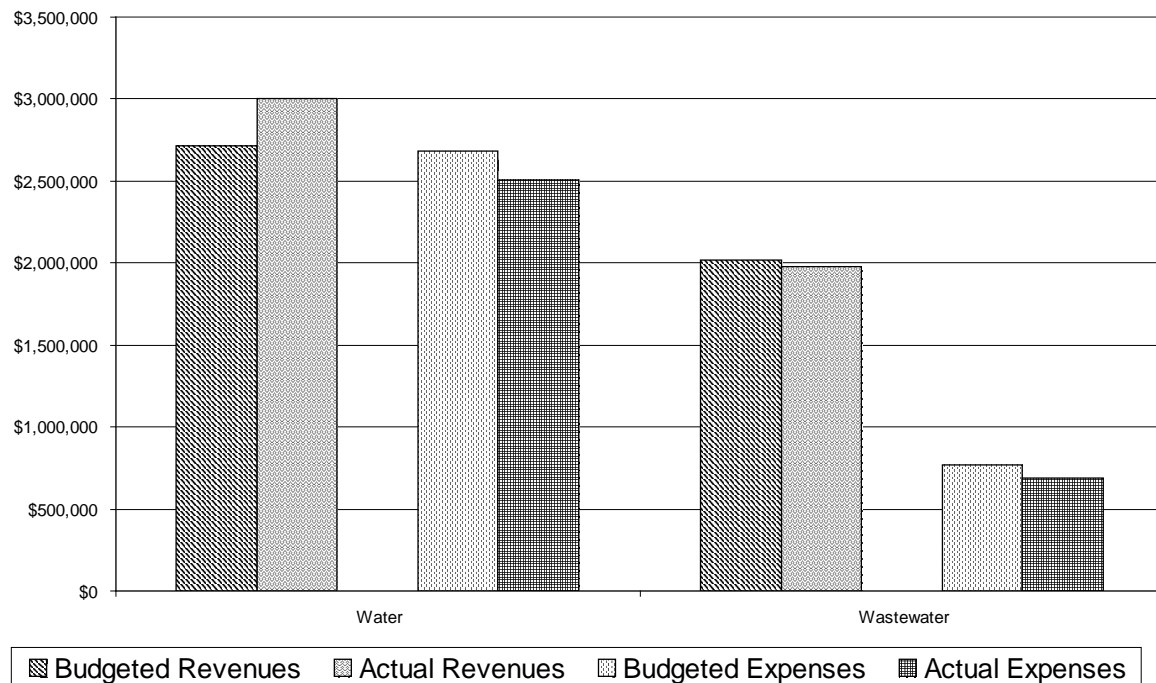
These graphs represent segment information for the Water and Wastewater funds.

**Water and Wastewater Funds  
Operating Revenue and Expenses 2010-2012**



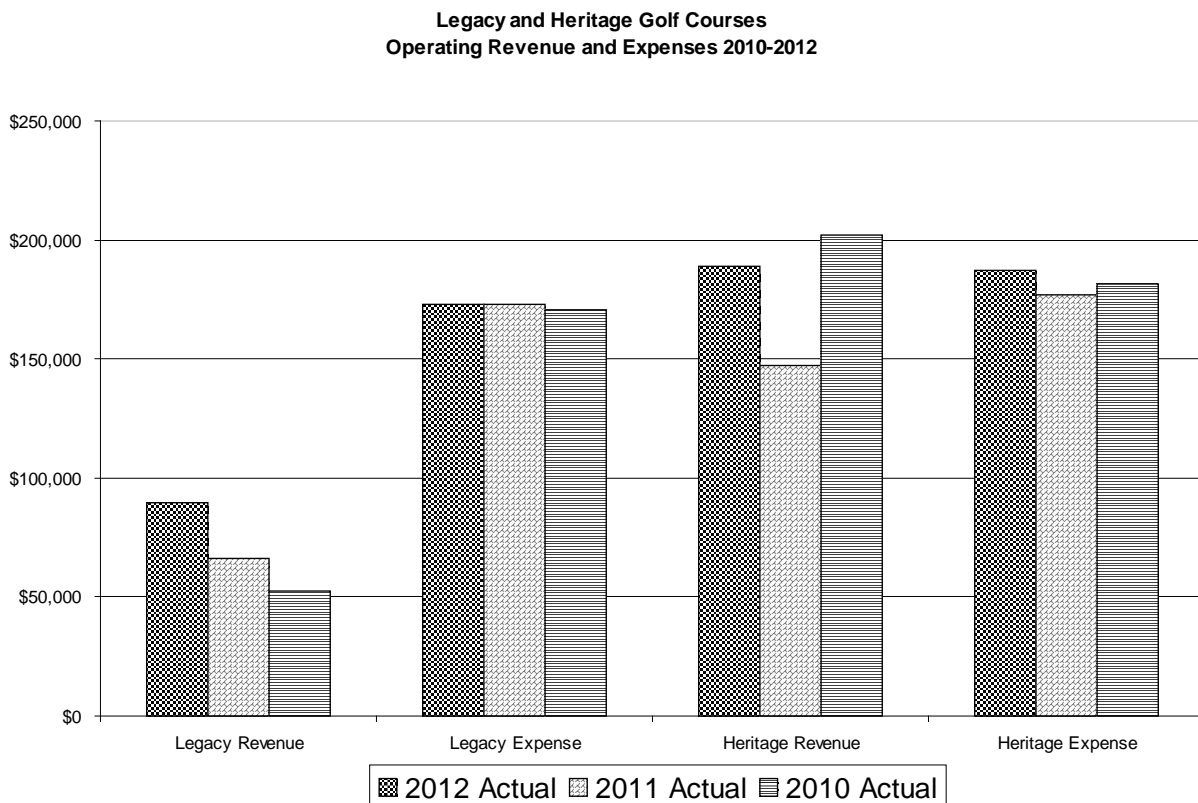
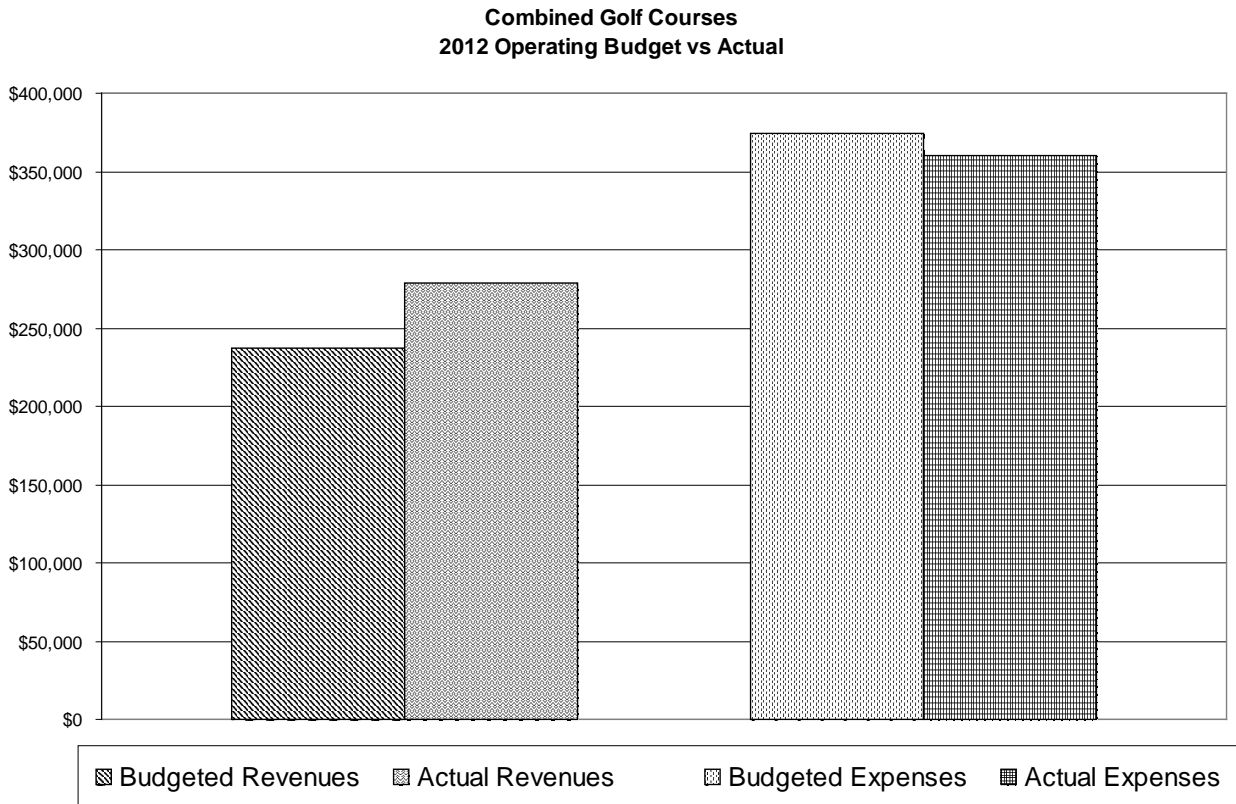
The Water Fund revenue variance between years is due to the effect of climatic variations on water consumption as well as changes in billing rates. Year-to-date consumption is up 20% over the same period last year.

**Water and Wastewater Funds  
2012 Operating Budget vs Actual**



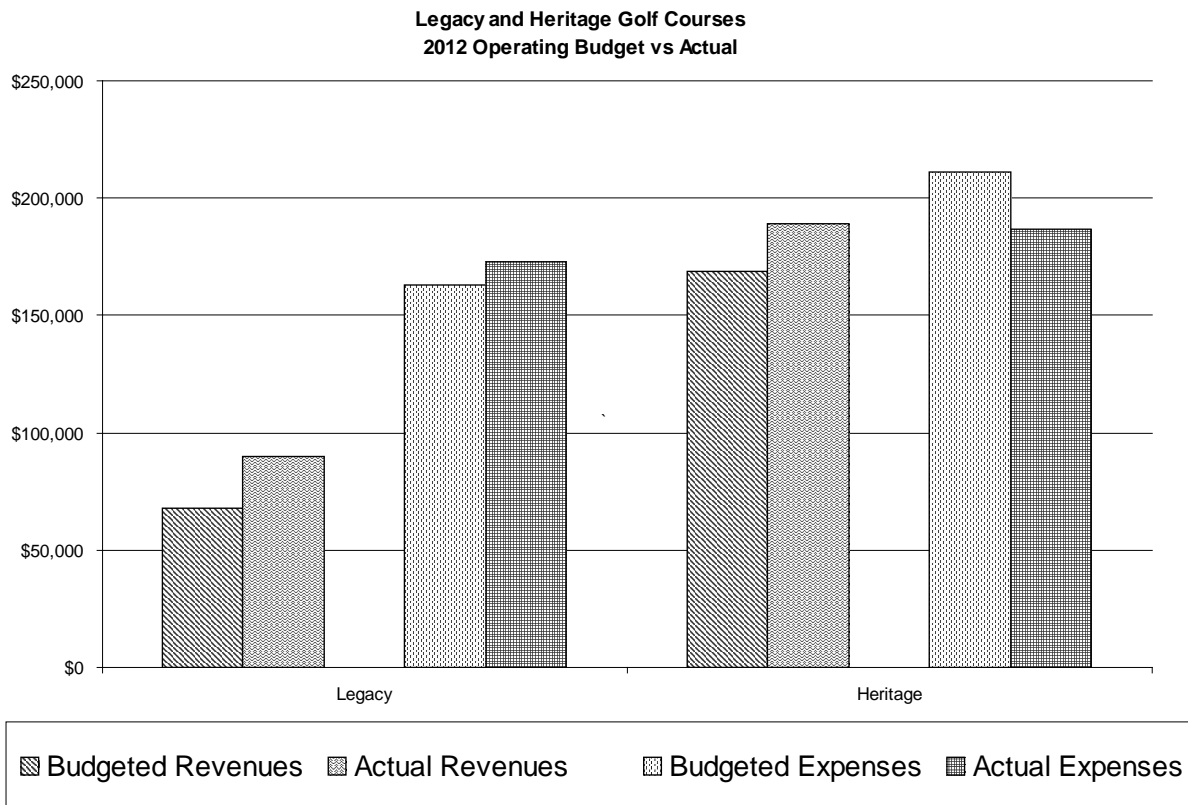
**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

This enterprise reflects the operations of the City's two municipal golf courses.



Charges for services including driving range, cart rental and green fees at both courses account for the increase in revenues. Transfers from other funds to the golf courses also increased, after being decreased in 2011. The transfer decreased in 2011 as a result of savings from refunding of the bonds.

The following graphs represent the information for each of the golf courses.



Legacy’s expense variance is primarily due to personnel and contractual services.

This financial report supports City Council’s Strategic Plan Goal of Financially Sustainable City Government Providing Exceptional Services by communicating timely information on the results of City operations and to assist with critical decision making.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Financial Report
- General Receipts Report

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	%
<b>General Fund</b>						
<b>Revenues</b>						
Taxes	5,575,590	223,801		303,807	80,006	135.7%
Licenses & Permits	1,415,000	219,481		270,866	51,385	123.4%
Intergovernmental Revenue	5,041,200	330,037		333,149	3,112	100.9%
Charges for Services						
Recreation Services	6,418,338	939,183		860,312	(78,871)	91.6%
Other Services	9,530,020	1,182,878		1,020,226	(162,652)	86.2%
Fines	2,110,000	324,042		309,024	(15,018)	95.4%
Interest Income	180,000	4,537		14,466	9,929	318.8%
Miscellaneous	1,733,562	65,611		36,219	(29,392)	55.2%
Leases	386,208	61,385		61,385	0	100.0%
Interfund Transfers	61,684,647	10,280,775		10,280,775	0	100.0%
<b>Total Revenues</b>	<b>94,074,565</b>	<b>13,631,730</b>		<b>13,490,229</b>	<b>(141,501)</b>	<b>99.0%</b>
<b>Expenditures</b>						
City Council	240,119	31,147		23,953	(7,194)	76.9%
City Attorney's Office	1,197,089	186,468	(1)	209,138	22,670	112.2%
City Manager's Office	1,492,443	238,246	(1)	286,086	47,840	120.1%
Central Charges	25,031,200	3,370,163	(2)	3,441,173	71,010	102.1%
General Services	5,825,352	861,502		755,004	(106,498)	87.6%
Finance	1,994,706	305,440		285,436	(20,004)	93.5%
Police	20,379,206	3,319,558		3,296,367	(23,191)	99.3%
Fire Emergency Services	11,777,934	1,872,036		1,623,218	(248,818)	86.7%
Community Development	4,125,271	634,927		614,640	(20,287)	96.8%
Public Works & Utilities	7,767,031	527,958		523,746	(4,212)	99.2%
Parks, Recreation & Libraries	14,244,214	1,872,322		1,712,645	(159,677)	91.5%
<b>Total Expenditures</b>	<b>94,074,565</b>	<b>13,219,767</b>		<b>12,771,406</b>	<b>(448,361)</b>	<b>96.6%</b>
Revenues Over(Under)						
Expenditures	0	411,963		718,823	306,860	

(1) Variances reflect an increase in contractual and other personnel service expenses.

(2) Variance reflects memberships and subscription expenses.

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Sales and Use Tax Fund</b>						
<b>Revenues</b>						
Sales Tax						
Sales Tax Returns	44,669,579	8,130,988		8,542,623	411,635	105.1%
Sales Tx Audit Revenues	719,000	120,073		65,371	(54,702)	54.4%
S-T Rev. STX	<u>45,388,579</u>	<u>8,251,061</u>		<u>8,607,994</u>	<u>356,933</u>	104.3%
Use Tax						
Use Tax Returns	7,193,750	980,048		1,147,644	167,596	117.1%
Use Tax Audit Revenues	785,000	131,095		118,477	(12,618)	90.4%
S-T Rev. UTX	<u>7,978,750</u>	<u>1,111,143</u>		<u>1,266,121</u>	<u>154,978</u>	113.9%
Total STX and UTX	<u><u>53,367,329</u></u>	<u><u>9,362,204</u></u>		<u><u>9,874,115</u></u>	<u><u>511,911</u></u>	105.5%
Public Safety Tax						
PST Tax Returns	10,985,043	2,065,281		2,116,082	50,801	102.5%
PST Audit Revenues	308,500	51,520		36,755	(14,765)	71.3%
Total Rev. PST	<u>11,293,543</u>	<u>2,116,801</u>		<u>2,152,837</u>	<u>36,036</u>	101.7%
Interest Income	95,000	15,833		13,769	(2,064)	87.0%
Interfund Transfers	257,000	42,833		42,833	0	100.0%
Total Revenues and Carryover	<u><u>65,012,872</u></u>	<u><u>11,537,671</u></u>		<u><u>12,083,554</u></u>	<u><u>545,883</u></u>	104.7%
<b>Expenditures</b>						
Central Charges	<u>65,012,872</u>	<u>10,835,479</u>		<u>10,835,479</u>	<u>0</u>	100.0%
Revenues Over(Under) Expenditures	<u><u>0</u></u>	<u><u>702,192</u></u>		<u><u>1,248,075</u></u>	<u><u>545,883</u></u>	

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues</b>						
Sales & Use Tax	4,814,510	899,827		896,785	(3,042)	99.7%
Interest Income	3,400	568		4,682	4,114	824.3%
Sale of Assets	0	12,292		0	(12,292)	
Miscellaneous	85,030	1,880		1,880	0	100.0%
Interfund Transfers	19,000	3,166		3,167	1	100.0%
<b>Total Revenues</b>	<u>4,921,940</u>	<u>917,733</u>		<u>906,514</u>	<u>(11,219)</u>	<u>98.8%</u>
<b>Expenditures</b>						
Central Charges	4,644,100	712,266	(1)	786,404	74,138	110.4%
Park Services	277,840	22,673		16,709	(5,964)	73.7%
	<u>4,921,940</u>	<u>734,939</u>		<u>803,113</u>	<u>68,174</u>	<u>109.3%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>182,794</u>		<u>103,401</u>	<u>(79,393)</u>	

(1) The budget to actual variance is due to a pending budget appropriation for land that was purchased in February. The appropriation will be reflected contingent upon Council's adoption of the appropriations ordinance in March.

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Funds - Combined</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	12,500		12,660	160	101.3%
Rates and Charges	43,153,638	4,651,290		4,849,048	197,758	104.3%
Miscellaneous	435,000	72,500		124,738	52,238	172.1%
Total Operating Revenues	<u>43,663,638</u>	<u>4,736,290</u>		<u>4,986,446</u>	<u>250,156</u>	105.3%
<b>Operating Expenses</b>						
Central Charges	5,875,355	979,226		1,049,822	70,596	107.2%
Finance	669,344	108,434		87,647	(20,787)	80.8%
Public Works & Utilities	20,349,992	1,909,891		1,644,923	(264,968)	86.1%
Parks, Recreation & Libraries	132,272	3,704		3,574	(130)	96.5%
Information Technology	2,778,352	452,871		411,243	(41,628)	90.8%
Total Operating Expenses	<u>29,805,315</u>	<u>3,454,126</u>		<u>3,197,209</u>	<u>(256,917)</u>	92.6%
Operating Income (Loss)	<u>13,858,323</u>	<u>1,282,164</u>		<u>1,789,237</u>	<u>507,073</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	3,700,000	498,400		590,576	92,176	118.5%
Interest Income	553,600	92,266		54,130	(38,136)	58.7%
Interfund Transfers	3,967,501	661,251		661,251	0	100.0%
Debt Service	(7,219,424)	0		0	0	
Total Other Revenue (Expenses)	<u>1,001,677</u>	<u>1,251,917</u>		<u>1,305,957</u>	<u>54,040</u>	
Increase (Decrease) in Net Assets	<u>14,860,000</u>	<u>2,534,081</u>		<u>3,095,194</u>	<u>561,113</u>	

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	12,500		12,660	160	101.3%
Rates and Charges	30,892,138	2,633,894		2,867,527	233,633	108.9%
Miscellaneous	425,000	70,833		124,450	53,617	175.7%
Total Operating Revenues	<u>31,392,138</u>	<u>2,717,227</u>		<u>3,004,637</u>	<u>287,410</u>	110.6%
<b>Operating Expenses</b>						
Central Charges	4,152,445	692,074		749,535	57,461	108.3%
Finance	669,344	108,434		87,647	(20,787)	80.8%
Public Works & Utilities	14,246,761	1,427,558		1,255,369	(172,189)	87.9%
PR&L Standley Lake	132,272	3,704		3,574	(130)	96.5%
Information Technology	2,778,352	452,871		411,243	(41,628)	90.8%
Total Operating Expenses	<u>21,979,174</u>	<u>2,684,641</u>		<u>2,507,368</u>	<u>(177,273)</u>	93.4%
Operating Income (Loss)	<u>9,412,964</u>	<u>32,586</u>		<u>497,269</u>	<u>464,683</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	3,000,000	407,800		496,040	88,240	121.6%
Interest Income	365,600	60,933		38,319	(22,614)	62.9%
Interfund Transfers	2,984,511	497,419		497,419	0	100.0%
Debt Service	(5,715,075)	0		0	0	
Total Other Revenues (Expenses)	<u>635,036</u>	<u>966,152</u>		<u>1,031,778</u>	<u>65,626</u>	
Increase (Decrease) in Net Assets	<u>10,048,000</u>	<u>998,738</u>		<u>1,529,047</u>	<u>530,309</u>	



**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Operating Revenues</b>						
Rates and Charges	12,261,500	2,017,396		1,981,521	(35,875)	98.2%
Miscellaneous	10,000	1,667		288	(1,379)	17.3%
Total Operating Revenues	<u>12,271,500</u>	<u>2,019,063</u>		<u>1,981,809</u>	<u>(37,254)</u>	98.2%
<b>Operating Expenses</b>						
Central Charges	1,722,910	287,152		300,287	13,135	104.6%
Public Works & Utilities	6,103,231	482,333		389,554	(92,779)	80.8%
Total Operating Expenses	<u>7,826,141</u>	<u>769,485</u>		<u>689,841</u>	<u>(79,644)</u>	89.6%
Operating Income (Loss)	<u>4,445,359</u>	<u>1,249,578</u>		<u>1,291,968</u>	<u>42,390</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	700,000	90,600		94,536	3,936	104.3%
Interest Income	188,000	31,333		15,811	(15,522)	50.5%
Interfund Transfers	982,990	163,832		163,832	0	100.0%
Debt Service	(1,504,349)	0		0	0	
Total Other Revenues (Expenses)	<u>366,641</u>	<u>285,765</u>		<u>274,179</u>	<u>(11,586)</u>	
Increase (Decrease) in Net Assets	<u>4,812,000</u>	<u>1,535,343</u>		<u>1,566,147</u>	<u>30,804</u>	

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

<b>Description</b>	<b>Budget</b>	<b>Pro-rated for Seasonal Flows</b>	<b>Notes</b>	<b>Actual</b>	<b>(Under) Over Budget</b>	<b>% Budget</b>
<b>Storm Drainage Fund</b>						
<b>Revenues</b>						
Charges for Services	2,050,000	341,667		331,776	(9,891)	97.1%
Interest Income	82,000	13,667		8,020	(5,647)	58.7%
Miscellaneous	0	0		13	13	
<b>Total Revenues</b>	<b>2,132,000</b>	<b>355,334</b>		<b>339,809</b>	<b>(15,525)</b>	<b>95.6%</b>
<b>Expenses</b>						
General Services	86,200	5,258		5,158	(100)	98.1%
Community Development	169,090	25,194		25,765	571	102.3%
PR&L Park Services	200,000	9,800		6,936	(2,864)	70.8%
Public Works & Utilities	322,710	14,522		7,728	(6,794)	53.2%
<b>Total Expenses</b>	<b>778,000</b>	<b>54,774</b>		<b>45,587</b>	<b>(9,187)</b>	<b>83.2%</b>
<b>Increase (Decrease) in Net Assets</b>	<b>1,354,000</b>	<b>300,560</b>		<b>294,222</b>	<b>(6,338)</b>	

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Course Funds - Combined</b>						
<b>Revenues</b>						
Charges for Services	2,745,022	111,876		152,929	41,053	136.7%
Interest Income	0	0		391	391	
Interfund Transfers	751,143	125,191		125,191	0	100.0%
<b>Total Revenues</b>	<u>3,496,165</u>	<u>237,067</u>		<u>278,511</u>	<u>41,444</u>	<u>117.5%</u>
<b>Expenses</b>						
Central Charges	208,427	34,718		37,110	2,392	106.9%
Recreation Facilities	3,287,738	339,485		322,729	(16,756)	95.1%
<b>Total Expenses</b>	<u>3,496,165</u>	<u>374,203</u>		<u>359,839</u>	<u>(14,364)</u>	<u>96.2%</u>
<b>Increase (Decrease) in Net Assets</b>	<u>0</u>	<u>(137,136)</u>		<u>(81,328)</u>	<u>55,808</u>	

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Legacy Ridge Fund</b>						
<b>Revenues</b>						
Charges for Services	1,456,167	53,878		75,093	21,215	139.4%
Interest Income	0	0		391	391	
Interfund Transfers	85,000	14,167		14,167	0	100.0%
<b>Total Revenues</b>	<u>1,541,167</u>	<u>68,045</u>		<u>89,651</u>	<u>21,606</u>	<u>131.8%</u>
<b>Expenses</b>						
Central Charges	109,383	18,376		20,581	2,205	112.0%
Recreation Facilities	1,431,784	144,610		152,257	7,647	105.3%
<b>Total Expenses</b>	<u>1,541,167</u>	<u>162,986</u>		<u>172,838</u>	<u>9,852</u>	<u>106.0%</u>
<b>Increase (Decrease) in Net Assets</b>	<u>0</u>	<u>(94,941)</u>		<u>(83,187)</u>	<u>11,754</u>	

**City of Westminster  
Financial Report  
For Two Months Ending February 29, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Revenues</b>						
Charges for Services	1,288,855	57,998		77,836	19,838	134.2%
Interfund Transfers	666,143	111,024		111,024	0	100.0%
Total Revenues	<u>1,954,998</u>	<u>169,022</u>		<u>188,860</u>	<u>19,838</u>	111.7%
<b>Expenses</b>						
Central Charges	99,044	16,342		16,529	187	101.1%
Recreation Facilities	1,855,954	194,875		170,472	(24,403)	87.5%
Total Expenses	<u>1,954,998</u>	<u>211,217</u>		<u>187,001</u>	<u>(24,216)</u>	88.5%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(42,195)</u>		<u>1,859</u>	<u>44,054</u>	

CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER  
 MONTH OF FEBRUARY 2012

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	273,939	23,258	297,197	255,649	17,565	273,214	7	32	9
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	292,134	675	292,809	292,621	1,270	293,891	0	-47	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	210,997	539	211,536	197,501	420	197,920	7	29	7
SHOPS AT WALNUT CREEK 104TH & REED TARGET	183,817	1,072	184,888	186,522	1,398	187,919	-1	-23	-2
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	170,235	210	170,445	170,653	580	171,233	0	-64	0
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	144,475	545	145,021	146,116	1,106	147,222	-1	-51	-2
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	140,160	407	140,567	146,946	729	147,675	-5	-44	-5
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	134,910	946	135,856	122,382	470	122,853	10	101	11
COUNTRYDALE BUSINESS PARK S SIDE 108TH & WADSWORTH BALL CORPORATION	51	124,922	124,972	21	17,137	17,158	136	629	628
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	108,311	14,158	122,468	110,721	28,188	138,910	-2	-50	-12
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	103,688	680	104,368	93,021	8,616	101,638	11	-92	3
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	96,514	389	96,902	107,700	2,594	110,294	-10	-85	-12
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	71,403	260	71,662	75,064	3,188	78,252	-5	-92	-8
WESTMINSTER MALL 88TH & SHERIDAN 2 DEPARTMENT STORES	58,750	799	59,549	79,473	2,022	81,494	-26	-60	-27
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	53,402	2,991	56,393	52,542	814	53,355	2	268	6

CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER  
 MONTH OF FEBRUARY 2012

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	54,804	99	54,903	56,967	54	57,022	-4	82	-4
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	49,615	1,303	50,918	49,037	229	49,266	1	469	3
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	47,506	2,644	50,150	42,659	486	43,144	11	445	16
GREEN ACRES NORTH SIDE 112TH SHER-FED CONOCO/FRCC	46,901	0	46,901	47,747	0	47,747	-2	*****	-2
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	45,080	127	45,207	43,510	200	43,710	4	-36	3
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	7,458	36,892	44,350	3,762	43,517	47,279	98	-15	-6
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,843	272	43,114	40,805	501	41,306	5	-46	4
WILLOW RUN 128TH & ZUNI SAFEWAY	31,358	271	31,629	30,566	257	30,822	3	5	3
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	25,711	87	25,798	20,954	102	21,056	23	-14	23
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	23,904	935	24,839	19,642	373	20,016	22	150	24
	2,417,962	214,479	2,632,442	2,392,583	131,813	2,524,396	1	63	4

CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER  
 FEBRUARY 2012 YEAR-TO-DATE

Center Location Major Tenant	YTD 2012			YTD 2011			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	906,442	38,997	945,439	843,178	44,266	887,444	8	-12	7
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	790,591	2,293	792,884	783,768	3,956	787,723	1	-42	1
SHOPS AT WALNUT CREEK 104TH & REED TARGET	506,845	2,411	509,256	506,765	4,654	511,419	0	-48	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	450,071	828	450,899	432,759	1,166	433,925	4	-29	4
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	413,217	1,303	414,520	413,390	1,151	414,541	0	13	0
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	383,844	2,308	386,152	363,008	2,258	365,266	6	2	6
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	358,983	2,999	361,982	339,602	2,370	341,972	6	27	6
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	349,888	1,124	351,012	363,719	1,246	364,964	-4	-10	-4
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	305,324	2,379	307,702	274,079	16,182	290,261	11	-85	6
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	274,979	2,415	277,394	289,720	3,689	293,409	-5	-35	-5
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	272,982	31,998	304,980	259,536	69,197	328,734	5	-54	-7
WESTMINSTER MALL 88TH & SHERIDAN 2 DEPARTMENT STORES	215,453	2,530	217,983	306,841	3,462	310,303	-30	-27	-30
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	204,371	803	205,173	216,020	3,792	219,812	-5	-79	-7
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	179,524	3,334	182,858	199,607	943	200,550	-10	254	-9
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	125,430	399	125,829	133,130	414	133,544	-6	-4	-6



CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
FEBRUARY 2012 YEAR-TO-DATE

Center Location Major Tenant	YTD 2012			YTD 2011			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	104,268	1,565	105,833	104,161	491	104,651	0	219	1
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	102,272	2,766	105,038	105,515	1,114	106,629	-3	148	-1
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	90,914	307	91,221	92,221	431	92,653	-1	-29	-2
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	83,596	1,257	84,854	78,407	986	79,393	7	27	7
WILLOW RUN 128TH & ZUNI SAFEWAY	66,831	1,332	68,163	65,280	765	66,044	2	74	3
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	61,031	320	61,352	49,693	10,979	60,672	23	-97	1
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	51,243	121	51,363	45,045	132	45,178	14	-9	14
GREEN ACRES NORTH SIDE 112TH SHER-FED CONOCO/FRCC	49,474	72	49,546	50,060	94	50,154	-1	-24	-1
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	47,327	2,728	50,055	45,719	1,235	46,954	4	121	7
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	46,200	1,630	47,830	51,070	995	52,064	-10	64	-8
	6,441,101	108,218	6,549,319	6,412,293	175,968	6,588,261	0	-39	-1



# Agenda Item 8 B

## Agenda Memorandum

City Council Meeting  
March 26, 2012



**SUBJECT:** Light Duty Vehicle Purchase

**Prepared By:** Jeffery H. Bowman, Fleet Manager

### Recommended City Council Action

Based on the results of the State of Colorado light duty vehicle bid and the Arapahoe County light duty vehicle bid, award the bid for twelve Chevrolet and GMC light vehicles for \$335,083 to Dellenbach Chevrolet and Mike Shaw Chevrolet–Buick-GMC. The total award includes \$23,205 for the purchase of a GMC Sierra 2500 that staff proceeded with the purchase on March 22, 2012, to ensure timely replacement and the best price for the City.

### Summary Statement

- City Council action is requested to award twelve light duty vehicle purchases based on the State of Colorado bid and the Arapahoe County light duty vehicle bid. These vehicles were previously approved and are within the amount authorized by City Council in the 2012 Utility and General Capital Outlay Replacement Fund budgets as outlined below:
  - General Capital Outlay Replacement Fund
    - Two vehicles for the Fire Department
    - Two vehicles for the Department of General Services
    - Three vehicles for the Department of Parks, Recreation and Libraries
    - Three vehicles for the Department of Public Works and Utilities
  - Utility Fund
    - Two vehicles for the Department of Public Works and Utilities
  
- City Council’s action on this item will ratify Staff’s purchase of one vehicle at \$23,205 on March 22, 2012. Staff had anticipated purchasing this vehicle based upon the timetable provided by Mike Shaw Chevrolet–GMC-Buick dealership on the State of Colorado bid. Unfortunately, General Motors changed their order cut-off dates, forcing Staff to purchase the vehicle prior to Council authorization. This March 22, 2012 purchase will save an estimated \$500 and additional wait time for a 2013 model.
  
- The City saves considerable dollars by purchasing vehicles through the State of Colorado vehicle bid process when possible. New for 2012, is the ability to buy vehicles off the Arapahoe County light duty vehicle bid.

<b>Expenditure Required:</b>	\$335,083	
<b>Source of Funds:</b>	\$276,806	General Capital Outlay Replacement Fund
	\$ 58,277	Utility Fund

**Policy Issue**

Should the City approve the use of the State of Colorado bid and the Arapahoe County light duty vehicle bid for the purchase of replacement light duty vehicles outlined in this agenda memorandum?

**Alternatives**

1. Reject the State of Colorado and Arapahoe County bids and instruct Staff to re-bid these replacement vehicles. This alternative is not recommended because the State and Arapahoe County bids reflect the purchasing power of all the political subdivisions in Colorado.
2. Do not purchase some or all of the proposed replacement vehicles in 2012. This alternative is not recommended because all of these vehicles have a maintenance history that make it impractical to keep them in regular service.

**Background Information**

As part of the 2012 Utility and General Capital Outlay Replacement Fund budgets, City Council approved the purchase of replacement vehicles for twelve light duty vehicles within the Departments of Fire, General Services, Parks Recreation and Libraries, and Public Works and Utilities. Of these vehicles, one required purchase faster than Staff had time to receive Council’s approval in advance of purchasing. This vehicle (number 7073) was expected to be purchased through Mike Shaw Chevrolet-GMC-Buick dealership in April and maintain the State bid purchase price. However, General Motors reduced their timetable for ordering this vehicle, resulting in an additional \$500 vehicle charge. In order to save the City the expected \$500, Staff purchased this vehicle on March 22, 2012, for \$23,205. City Council is requested to make a motion to ratify this purchase.

All approved replacement vehicles identified in the table below have reached a point where it is no longer economically reasonable to maintain them in service. Please note, the life-to-date vehicle maintenance costs in the table do not include accident repairs or fuel cost. All vehicles are used to transport crews, tools and material to job sites around the City and five are assigned plow duties.

DEPARTMENT	OLD UNIT #	YEAR	REPLACE- MENT MAKE/MODEL	MILES	LIFE-TO-DATE VEHICLE MAINTENANCE COST	NEW VEHICLE MAKE/MODEL	PRICE	BIDDER AWARDED
<b>General Capital Outlay Replacement Fund</b>								
Fire	5001	2000	Chevrolet S-10 Blazer	99,483	\$13,467	Chevrolet AWD Equinox	\$24,169	Dellenbach Chevrolet
Fire	5105	1999	Chevrolet Suburban	73,928	\$16,485	GMC 2500 4X4 Crew Cab P/U with Plow	\$33,106	Mike Shaw Chevrolet/GMC
General Services	1164	1997	Chevrolet 2500 Van	98,370	\$12,075	GMC Sierra 2500 2WD with Utility Box	\$24,665	Mike Shaw Chevrolet/GMC
General Services	1140	1999	GMC 2500 2WD P/U	95,053	\$12,958	GMC Sierra 2500 2WD with Utility Box	\$24,665	Mike Shaw Chevrolet/GMC
Parks, Recreation & Libraries	7025	1999	GMC 2500 4X4 P/U with Plow	88,379	\$26,654	GMC 2500 4X4 P/U with Plow	\$28,810	Mike Shaw Chevrolet/GMC
Parks, Recreation & Libraries	7065	1998	Chevrolet 2500 2WD P/U	95,289	\$14,765	GMC Sierra 2500 2WD P/U	\$21,658	Mike Shaw Chevrolet/GMC
*Parks, Recreation & Libraries	7073*	2000	Chevrolet 2500 2WD Ext Cab P/U	77,313	\$15,032	GMC Sierra 2500 2WD Ext Cab	\$23,205	Mike Shaw Chevrolet/GMC

Public Works & Utilities	6206	1998	GMC 2500 4X4 P/U with Plow	129,394	\$21,868	GMC 2500 4X4 P/U with Plow	\$32,176	Mike Shaw Chevrolet/GMC
Public Works & Utilities	6113	1999	GMC 1 Ton 4X4 P/U with Plow	105,315	\$21,635	GMC 2500 4X4 P/U with Plow	\$32,176	Mike Shaw Chevrolet/GMC
Public Works & Utilities	6128	2003	GMC 2500 4X4 P/U with Plow	194,039	\$33,563	GMC 2500 4X4 P/U with Plow	\$32,176	Mike Shaw Chevrolet/GMC

\* This vehicle was purchased on March 22, 2012, by Staff.

**Utility Fund**

<b>Utility Fund</b>								
Public Works & Utilities	9167	2001	Chevrolet AWD S-10 Passenger Van	71,423	\$12,058	Chevrolet AWD Traverse	\$27,261	Dellenbach Chevrolet
Public Works & Utilities	9799	2002	Chevrolet 3500 4X4 P/U	69,788	\$17,264	GMC 3500 4X4 P/U Dual Wheels & fuel tank	\$31,016	Mike Shaw Chevrolet/GMC

The replacement of these vehicles supports Council’s Strategic Plan goals of Safe and Secure Community, Financially Sustainable City Government, and Beautiful City by maintaining a cost effective, dependable fleet of vehicles.

Respectfully submitted,

J. Brent McFall  
City Manager



Agenda Memorandum

City Council Meeting  
March 26, 2012



**SUBJECT:** Replacement Asphalt Paver Purchase

**Prepared By:** Dave Cantu, Street Operations Manager  
Jeff Bowman, Fleet Manager

**Recommended City Council Action**

Authorize the purchase of a replacement asphalt paver based on the current National Joint Powers Alliance best value award for pavers from Macdonald Equipment Company, the local “LeeBoy” dealer, for one, 2012 LeeBoy model 8816B paver in the amount of \$246,125.

**Summary Statement**

- This request is for an unscheduled equipment replacement for unit 6133, a 2006 LeeBoy 8515 paver, which experienced significant overheating and other engine issues that resulted in full engine failure. The paver was not operational for most of the 2011 paving season and was permanently taken out of service in September 2011.
- Staff has carefully weighed alternatives and concluded that any further repair expenditures on the paver would not produce a viable, long term outcome and therefore is not in the best interest of the City.
- Staff recommends replacing the existing paver with a larger class model, better suited to the demands placed on this machine and the operational needs of the City. This represents “one step up” in class size.
- VT LeeBoy, Inc. was awarded to bid for pavers through National Joint Powers Alliance (NJPA). NJPA serves agencies nationally with a competitive bid and award purchasing process that meets City purchasing requirements. Macdonald Equipment Company is the local “LeeBoy” vendor providing the proposed paver at NJPA bid price.
- Staff proposes utilization of fund balance from the General Capital Outlay Replacement Fund (GCORF) for this purchase, and will propose to replenish GCORF through the fiscal year 2011 Carryover Appropriation Process.

**Expenditure Required:** \$246,125

**Source of Funds:** General Capital Outlay Replacement Fund (GCORF)

**Policy Issues**

Should Council authorize the purchase of a replacement asphalt paver from Macdonald Equipment Company utilizing the NJPA paver award and authorize use of GCORF balance funds for this purchase to be replenished by the 2011 2 Carryover Funds Appropriation process?

**Alternatives**

1. Rebuild the existing air cooled engine a third time at a cost of \$7,211. Staff does not recommend this option, as both in-house and professional, third-party efforts have been unsuccessful in making the engine functional or reliable.
2. Replace engine with a liquid cooled engine at a cost of \$20,200. Staff does not recommend this option, as it requires a modification that would force-fit an engine for which the paver was not designed. Also, other modifications would need to be made to the paver to accommodate a different engine and these modifications would present reliability issues. Both alternatives A and B would invest additional maintenance dollars without the likelihood of producing a dependable paver.
3. Reject the NJPA bid and execute a bid for just one City paver. Staff does not recommend this alternative because the proposed paver was already competitively bid nationally and a better price is highly unlikely. Staff research shows other manufacturers' pavers in the comparable class size are priced at \$100,000 more than the "LeeBoy" 8816B paver. In addition, time is of the essence in getting a paver delivered and in operation this spring. Execution of a new bid process would delay work processes and paver rental costs would be required to keep crews productive and on schedule.

**Background Information**

The asphalt paver is an essential piece of equipment used by the Street Division for all patching and paving operations. It is integral in successfully accomplishing the Division's two highest priority core service businesses of pavement restoration/repair and pavement restoration/rehabilitation/replacement. The paver is used extensively in the preparation (patching, leveling, shaping and smoothing) of streets earmarked for the City's annual seal coating programs as well as in-house paving projects. The Street Division is highly dependent on a reliable paver in order to meet the City's pavement management goals/performance measure of maintaining at least 65% of Westminster streets at a pavement condition index rating of 70 (good) or better.

During the City's Fleet Optimization Study conducted in 2011, Staff identified the "LeeBoy" 8515 paver as an item for further research and analysis in order to address ongoing reliability issues and to ensure that the Street Division had "the right tool for the job" for paving operations. In May of 2009, the "LeeBoy" paver experienced significant overheating and other engine issues that resulted in full engine failure. The engine was re-built by Fleet. At the end of the 2010 paving season, the engine failed again. Following this occurrence, Fleet had the engine professionally re-built by a third party vendor in February 2011. Once the unit was received and placed back into operation, the unit's engine failed again in May 2011. The engine ultimately was removed three times and rebuilt, or repaired during the 2011 paving season. Despite significant diagnostic work, a specific cause for these ongoing failures has not been identified. One hypothesis is that the failure is occurring primarily due to the unit's air cooled engine operating at full capacity in high heat conditions. The paver was not operational for most of the 2011 paving season and was permanently taken out of service in September 2011. Downtime hours (3,300) and repair expenditures (\$70,838) have been exorbitant and, based on past experiences; Staff does not recommend continuing to invest in a questionable piece of equipment that is critical to successful achievement of one of the City's highest-priority core service businesses.

Staff recommends replacing the existing paver with a larger class model, which is better suited for the demands placed on this machine and the operational needs of the City. This represents “one step up” in class size. A larger class paver increases horse power from existing 85HP air cooled “HATZ” engine, to a 130HP liquid cooled “Cummins” engine, eliminating overheating issues while providing enhanced worker protection against moving parts and providing fume extraction to capture and expel fumes/emissions away from workers. This feature is not available on smaller class pavers. In addition, a larger class size paver would provide a more efficient operation, allowing increased paving width and reducing the number of passes required to pave a standard street from the current City practice of three or four passes to just two. This would provide for man hour and cost savings, as well as an overall improved “end product.” Less passes mean less seams, which would help lockout moisture that leads to road degradation over time.

Purchase of a larger class size paver now may also allow for downsizing of the City’s second and smaller paver when the time comes for replacement of that unit in the future. The second paver, a BOMAG, is a 2008 model and is utilized for smaller paving jobs, such as patching. This replacement would provide for proper sizing of each paver to match size of project. Full scale street paving and large patch work would be performed with the large paver, and the smaller paver would be utilized for water break excavation patching and small patchwork.

Street Division Staff researched the various manufacturers’ sizes and costs of pavers on the market as well as what local, city, county, and paving contractors are using. Findings are listed below:

Entity	Paver Make	Pave Model	Year	Cooling	Cost	Comments
Northglenn	LeeBoy	7000	1996	Liquid	Cost Unavailable	“Too small, under powered for what they do. Have not had any problems.”
Boulder	LeeBoy	8500	Respondent uncertain of year purchased	Air	Cost Unavailable	“Good luck, really like it.” 60-80 ton per day
Arapahoe County	Vogele	5100 Full size highway class paver	2009	Liquid	Cost Unavailable	“Modified the front of the paver to fit their trucks. No problems to date. Excellent training. Has a hard time with the radius of a cul-de-sac as it wants to bend to wings.”
Aurora	LeeBoy	8500	1996	Liquid	Cost Unavailable	Great paver – “small maintenance has been done. No big issues. Used daily”
Thornton	Blawnox	Full size highway paver	1999	Liquid	Approx. \$225,000 when new. \$300,000+ range new	“Good machine for them.” Replace in 2013
Broomfield	LeeBoy	8515	2005	Liquid	Cost Unavailable	“Good machine, no problems but they don’t use it a lot.”
Adams County	Cedar Rapids	Full size highway paver	2000	Liquid	\$300,000 range to replace	Power Equipment Co. 12 years old Screed 8’-16’ “Great training program hands on go through entire machine. Good manuals.”
Arvada	Cedar Rapids	Greyhound Series CR216	1999	Liquid	\$325,000+ price range	Screed 8’-16’ full size highway paver. “Good machine, but probably will look at a smaller machine for what they do.....It’s a bit too large.”

Contractors	Paver Make	Pave Model	Year	Cooling	Cost	Comments
Premier Paving	LeeBoy	8500	2008	Air	Cost Unavailable	Not used too much "Recommended to go with a CAT Paver – although expensive." Own several full size pavers for their large projects.
Asphalt Specialties	LeeBoy	8515	2006	Liquid	Cost Unavailable	"Buy a CAT AP555" Re: LeeBoy paver contractor changed something on paver which brought about warranty issues. They own and utilize full size pavers for their large projects.
Martin Marietta	LeeBoy	8500	2008	Air	Cost Unavailable	Have 4. No problems – used everyday small patch work. Took the place of spreader boxes. Several full size pavers, large jobs.
Vendors						
Honnen Equipment	Vogele "#1 on the market"	5100 Full size highway paver	2012	Liquid	2012 price range \$322,000	Heavier built Larger size & HP All are liquid cooled Electronic screed heaters
Wagner Equipment	CAT	AP555E	2012	Liquid	2012 price range \$375,000	Heavier built Larger size & HP Liquid cooled Electric Screed

Based on research, experience and analysis, Staff is recommending the purchase of a "LeeBoy" 8816B paver.

- The "LeeBoy" 8816B paver meets operational needs with size, maneuverability, horsepower, a liquid cooled engine, and safety/health features. Pricing is \$100,000 less than other manufacturers' pavers in the comparable size range. Staff checked with two Colorado contractors utilizing the "LeeBoy" 8816B model for the past five years and both reported cost effective, trouble free usage.
- Macdonald Equipment Company provided a free of charge, one week demonstration last summer allowing City crews to operate the proposed paver model. The crew grasped operation quickly and found it a good fit for the City's needs and operations.
- The proposed paver at \$246,125 will be equipped with automatic grade and slope controls, which are essential to meeting desired pavement thickness and smoothness and a better finished product on the streets. The unit also includes an 8 foot to 16 foot hydraulically extendable screed allowing paving width adjustment as needed without stopping paving operations to reposition paver, minimizing seams and joints between paving passes. Macdonald Equipment Company will also include a trade-in allowance of \$8,600 for the existing unit as is, without the engine.

As this is an unanticipated, critical operational need, Staff proposes utilization of fund balance in the General Capital Outlay Replacement Fund (GCORF) for this purchase. Currently, there is approximately \$1.07 million in fund balance in GCORF. These funds are set aside to address emergency and unanticipated vehicle and equipment needs. Staff proposes to reimburse GCORF for this expense from 2011 carryover funds. City Council will consider appropriation of 2011 carryover funds into 2012 this summer following completion of the annual financial audit.



**SUBJECT:** Replacement Asphalt Paver Purchase

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The replacement of this paver helps achieve City Council's Strategic Plan Goals of "Financially Sound City Government Providing Exceptional Services" and "Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives; maintaining a cost effective, dependable fleet of vehicles and equipment, and well maintained city infrastructure and facilities, and maintained and improved neighborhood infrastructure.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 D

### Agenda Memorandum

City Council Meeting  
March 26, 2012



**SUBJECT:** Excess Workers' Compensation Insurance Purchase

**Prepared By:** Martee Erichson, Risk Manager

### Recommended City Council Action

Authorize the City Manager to purchase Workers' Compensation Excess Insurance for \$78,491 from Midwest Employers Casualty Company.

### Summary Statement

- City Council is requested to authorize the City Manager to purchase the 2012/2013 annual excess workers' compensation insurance coverage effective April 1, 2012.
- The City annually purchases specific stop loss insurance to cover catastrophic on-the-job employee injuries that would exceed the City's self-insured funds. This insurance is purchased through a broker, IMA of Colorado, Inc., who has recommended purchase of the coverage from the Midwest Employers Casualty Company. The recommended quote from IMA for coverage through March 31, 2013, is \$78,491.
- For 2011/2012, the cost of coverage through Midwest Employers Casualty Company was \$77,309 including broker commission. For 2012/2013, with no change in policy coverage, the quote of \$78,491 includes an increase in premium plus broker fee of \$1,182 (1.5%). Additionally, there was an increase of 5.2% to the base premium rate much of which was offset by a change from a broker commission payment system to a flat broker fee.
- Adequate funds for this purchase were approved by City Council in the 2012 Workers' Compensation Self Insurance Fund budget.

**Expenditure Required:** \$78,491

**Source of Funds:** Workers' Compensation Self Insurance Fund

**Policy Issue**

Should the City continue to self-insure its workers' compensation coverage and purchase excess insurance to cover potential catastrophic claims?

**Alternatives**

1. City Council could conclude excess insurance policy coverage is not necessary and maintain the current self-insured retention (SIR) per claim of \$350,000 and take on a higher corridor deductible of \$150,000 for a premium of \$69,476 or take on a higher self-insured retention (SIR) per claim of \$400,000 and maintain the same corridor deductible of \$100,000 for a premium of \$68,311. These alternatives are not recommended. In addition to ever rising medical costs nationwide increasing the possibility of the City expending beyond self-insured funds, a Workers' Compensation law enacted in 2007 increased the City's risk of experiencing a catastrophic claim that could exceed the City's current retention.
2. City Council could consider fully insuring the City's Workers' Compensation Insurance Program. This alternative is not recommended due to the almost certain increase in claim costs to the City that would counteract the savings in insurance premium.

**Background Information**

The City currently self-insures the first \$350,000 of each workers' compensation claim with an additional corridor deductible of \$100,000. This high retention type of program allows for more control over claims handling and payment, reaping immediate rewards from the City's loss control and safety programs. By self-insuring, the City also avoids some increases in premiums that continue to affect the governmental entity insurance market.

Since 2006, the City has added a corridor deductible of \$100,000 to the self-insured program. This deductible would be payable by the City if any claims exceed the City's current retention limit but would be aggregate on all claims. Once the first \$100,000 over \$350,000 was paid it would be satisfied for the year and the excess carrier would pick up dollar one over \$350,000. In 2007, HB07-1008 passed creating a presumption that cancer in a firefighter with a career of five or more years is work related and covered under the Workers' Compensation program. This presumption increases the City's risk of a claim exceeding the self-insured retention limit and emphasizes the importance of the excess insurance coverage need.

In early March 2012, Risk Management completed and submitted the City's annual application for excess workers' compensation coverage to insurance broker IMA of Colorado, Inc. IMA then sought proposals on the open insurance market and received only two responses. In their renewal proposal, IMA selected Midwest Employers Casualty Company's proposal that includes an increase in premium plus broker fee of \$1,182 (1.5%) over last year's coverage.

The Safety National Casualty Company responded to IMA that they would not quote the coverage because they knew they could not be competitive with the incumbent market (Midwest) and wanted a minimum self-insured retention of \$500,000 per claim. Staff agrees with IMA's proposal of using Midwest again this year because:

- The relationship with one carrier benefits the City's coverage cost quotes. The City has been with Midwest for seven years, they know Risk Management Staff, the City's safety programs and loss history well enough to quote insurance costs more appropriate to the City's program.

- The Midwest policy includes a blanket waiver of subrogation. This means that they permit the City to relinquish any rights the City might have to collect from another party for damages when it is required by contract.
- The Midwest policy does not include a commutation clause that many policies have. Commutation is the right of a carrier to value an open claim after the policy expires and pay that amount to the insured, thereby releasing the carrier from any further liability for the claim.
- The Midwest policy includes a Cash Flow Endorsement which, in the case of a catastrophic claim, would allow the City to spread its payments out over time with the excess carrier assisting with cash advances.
- The Midwest Company offers the City several loss control resources such as on-line training and best practice seminars and benchmarking reports that Staff has found very helpful over the last seven years.

There was an increase of 5.2% to the base premium rate much of which was offset by a change from a broker commission payment system to a flat broker fee. Given the premium offset savings and the market for insuring workers' compensation for police and fire personnel continues to decrease, Staff is pleased with the renewal terms.

By purchasing excess workers' compensation insurance to cover potential catastrophic employee injuries, City Council implements protections that maintain sufficient reserves in the self-insurance fund supporting their Strategic Plan goal of a Financially Sustainable City Government Providing Exceptional Services.

Respectfully submitted,

J. Brent McFall  
City Manager



Agenda Memorandum

City Council Meeting  
March 26, 2012



**SUBJECT:** Wandering View Tanks Repairs Engineering and Construction Contracts

**Prepared By:** Dan Strietelmeier, Senior Engineer  
Steve Grooters, Senior Projects Engineer

**Recommended City Council Action**

1. Authorize the City Manager to execute a contract with the low bidder Riley Industrial Services, Inc. in the amount of \$2,185,767 for repairs to the Wandering View water tanks and authorize a 10 percent contingency in the amount of \$218,577 for a construction budget of \$2,404,344.
2. Authorize the City Manager to execute a contract amendment with Carollo Engineer’s Inc. for a net contract increase of \$179,615 for engineering services during construction.

**Summary Statement**

- The Water Tanks Major Repair and Replacement Project was initiated in 2010 and began with detailed inspections on each of the City’s tanks and prioritizing necessary repairs and upgrades.
- Results of these efforts along with scenarios for funding and phasing of tank projects were presented to City Council at the August 1, 2011 Study Session. Repairs to the Wandering View tanks were identified as the highest priority. A location map of these tanks is attached.
- Necessary repairs to the Wandering View tanks include point repairs to about fifteen roof supports in each tank, modifications to overflow piping, improvements to safety and access, and full recoating of the exterior and interior of each tank.
- Because repairs will be made sequentially, keeping one tank on-line at all times, the work will require a twelve month duration. The project will begin April 2012 with completion in Spring 2013.
- Given the specialized nature of this project, Staff required a contractor prequalification process that solicited credentials from nearly 50 companies. Of the eleven companies that submitted statements of qualification, eight were prequalified and five submitted bids for the project. Riley Industrial Services, Inc. presented the lowest qualified bid in the amount of \$2,185,767.
- The contract with Carollo Engineers, Inc. for design and bidding services was approved by City Council on September 27, 2011. Carollo Engineers, Inc. was originally selected through a competitive process and based on their successful performance to date, Staff negotiated a contract amendment for a net increase of \$179,615 for engineering services during construction. Approval of this amendment is requested at this time.
- Capital funding of \$3,400,000 was requested from City Council for this important water supply project on October 24, 2011 and is sufficient to fund completion of this project.

**Expenditure Required:** \$2,583,959

**Source of Funds:** Utility Fund - Wandering View Tanks Repairs Project Account

**Policy Issue**

Should the City execute a contract with the low bidder Riley Industrial Services, Inc. for the repairs to the Wandering View tanks and should the City authorize a contract amendment for Carollo Engineers, Inc. to perform construction management services?

**Alternatives**

1. City Council could choose to not proceed with the construction phase for Wandering View Tank Repairs. Due to the near-term improvements needed to maintain the reliability of the City's water tank storage supply, Staff recommends proceeding with repairs.
2. City Council could choose to request proposals for the construction services task. This is not recommended as Staff believes that the Carollo Engineers, Inc. team provides the best value for this project. In addition, they were selected through a competitive process for this project that anticipated final design and construction services. Their project team is intimately familiar with the improvements needed, having successfully completed the inspection and design phases of the project. Their knowledge will streamline key project tasks and provide the best value to the City.

**Background Information**

The City currently owns and operates several treated water storage tanks located throughout the City. These tanks are a necessary part of the water distribution system and provide water required to meet short-term periods of high consumer demand, emergency storage for potential times of interrupted water supply and water to meet fire flow demands. The Public Works & Utilities Department has an extensive maintenance program in place for these tanks that includes regular tank inspections and construction of priority repairs.

The most recent tank inspections were completed in 2010 and identified priority tank repairs for the two Wandering View Tanks located near 104<sup>th</sup> Avenue and Hooker Street (see attached map). This site includes one 3 million gallon tank constructed in the late 1970's and one 5 million gallon tank constructed in the early 1980's. Together, these tanks represent the largest storage volume in the City water distribution system. Repairs are needed to extend their useful life and maintain the City's ability to serve drinking water during periods of high consumer demand and/or emergency situations such as fire fighting. The proposed construction project includes five main components:

1. Replacement of several corroded roof supports
2. Installation of new larger access manways to improve maintenance access
3. Upsizing the Wandering View tanks emergency overflows to comply with current State regulations
4. Recoating of tank interiors and exteriors
5. Completion of a time sensitive request from the Colorado Department of Public Health and Environment to modify the Hydropillar tank overflow pipe to comply with current regulations

Project work will be limited to within the tank sites themselves, but does include complex operations that require a long-term construction period (i.e., 12 months) and some specialized heavy construction equipment.

Due to the proximity of this project to our customers, Staff required special precautions to minimize disruption or inconvenience to our customer's daily routine including:

1. Hiring a specialty contractor with high qualifications and successful experience specifically for this type of work.
2. Restricting work hours to Mondays through Fridays from 7am to 5pm to limit the impact of construction equipment and work noise. Weekend work will only be permitted if special circumstances arise.
3. Implementing a comprehensive dust and paint containment strategy, including protective tenting around the work zones on the tanks.
4. Monitoring of contractor compliance to State and local permit requirements for noise and dust control.
5. Use of low-odor paints that are formulated and certified for use in drinking water systems.
6. Sequencing the work to minimize the potential need for water service disruptions. (Note: the project as designed does not require any water outages to City customers.)

In addition to these special precautions, Staff implemented a comprehensive public notification process to keep City customers informed with what to expect with this project and the impacts it may impose. Information letters were mailed to the neighborhood surrounding the site and a Project Information Open House was held at the Northpark Clubhouse on February 21, 2012. Staff plans to communicate directly with the homeowners adjacent to the site to keep them updated about the project schedule and planned construction activities. Once the project is underway, updates will be posted on the City's Utility Construction Projects webpage.

In order to retain a highly qualified contractor for this project, the City initiated an extensive prequalification process in January 2012. Requests for qualifications were distributed to nearly fifty contractors nationwide. The City received statements of qualification from eleven contractors, eight of which were prequalified and permitted to submit bids for the project. Of the eight Request for Bids distributed on February 6, 2012, five were received on March 1, 2012 as follows:

<b><u>Contractor Name</u></b>	<b><u>Bid Amount</u></b>
Riley Industrial Services, Inc.	\$2,185,767
State Painting, Inc.	\$2,310,000
TMI Coatings, Inc.	\$2,672,000
Classic Protective Coatings, Inc.	\$2,975,400
Quality Lining and Painting, Inc.	\$4,077,322
Engineer's Estimate	\$2,590,000

After review of all bids received, Riley Industrial Services, Inc.'s bid was determined to be valid and the dollar amount reasonable for the scope of the work. Riley Industrial Services, Inc. has successfully completed other water tank projects across the country and is qualified to complete this project. The four low bids are within 36% of each other and the two low bids are below the engineer's estimate, indicating that the City received the best possible price at this time. For these reasons, Staff recommends executing a contract with Riley Industrial Services, Inc. for construction of this project, as well as a contingency amount of 10 percent. Construction will commence following award of the contract with substantial completion anticipated by April 2013.

The City contracted with Carollo Engineers, Inc. (Carollo) in September 2011 through a competitive process to provide design and bidding services for the project in the amount of \$357,109 with a contingency of \$35,710. As reported to City Council previously, the intent of this competitive process was to negotiate subsequent contracts with Carollo as the project progressed and to present those

contracts to City Council for approval. Staff recommends continuing work with the Carollo team for construction services because Carollo's performance has been successful, their cost of services is competitive and they have unique knowledge of the tanks having performed both the inspections and design work. As such, Staff negotiated a scope of work and competitive fee with Carollo for this next step of the project and recommends approving a contract amendment with them.

The negotiated fee for Carollo's engineering services during construction is \$294,615. However, savings were realized during the design phase because some design tasks were able to be streamlined. Applying these savings gives a net amendment amount of \$179,615. Furthermore, the full design contingency of \$35,710 remains available for potential use during the construction services phase. Therefore, no new/additional engineering contingency is requested at this time. The combination of final design and services during construction for the Wandering View tanks project amounts to a contract of \$536,724, or 25% of the project construction cost. Overall, Staff believes the cost for Carollo's engineering work on this project is competitive given the effort includes some follow-up tank inspection work for the City's elevated tanks, specialized inspections during construction and the extent of precautions and engineering oversight requested by the City during construction of this sensitive project.

The Water Tanks Major Repair and Replacement Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Vibrant Neighborhoods In One Livable Community" by contributing to the objectives of well-maintained City infrastructure and facilities and maintaining neighborhood infrastructure.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Wandering View Construction Area Map



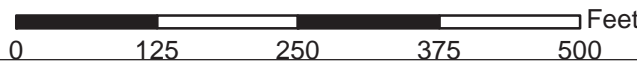


City of Westminster  
Wandering View Water Tanks  
Repair Project

Project Site



City of Westminster





**Agenda Memorandum**

City Council Meeting  
March 26, 2012



**SUBJECT:** 2012 Department of Homeland Security Regional Grant Application

**Prepared By:** Lee Birk, Chief of Police  
Russell Bowers, Public Safety Communications Administrator

**Recommended City Council Action**

Ratify the Police Department pursuing a 2012 Department of Homeland Security Regional Grant in the amount of \$350,000 for the purpose of replacing, enhancing and modernizing Police personnel portable radios.

**Summary Statement**

- In 2012, the radio system the City shares with the City of Arvada will be 20 years old and is the same proprietary radio protocol and system designed and implemented in 1992. This Radio system serves both emergency and non-emergency radio users in both cities, to include Police, Fire, EMS, Public Works and Utilities, Community Development, and Parks, Recreation and Libraries. Eventually, the radio system and equipment will reach an end of life status and will not be replaceable because of technology enhancements and the unavailability of replacement parts.
- In 2011, a five year, \$2,172,500 Capital Improvement Project (CIP) was approved to replace the aging radio system with a new technology P25 Digital Interoperable Simulcast Radio System. This project will update the radio technology and will allow for enhanced safety for the community, interoperability with surrounding agencies as well as reliable and dependable service and communications. The cost of such a system replacement makes the pursuit of grants an attractive option to assist in the required CIP funding.
- The Police Department has applied for the 2012 Department of Homeland Security Regional Grant. On February 17, 2012, the DHS released the funding levels for the Homeland Security Grant programs. The Urban Area Security Initiative (UASI) and the North Central Region (NCR) of the State of Colorado posted the 2012 DHS Regional Grant documents. This grant is offered through the Governor's Office of Preparedness in conjunction with the UASI and the NCR of the State of Colorado. The grant funding for 2012 will require 21% in matching funds for the purchase of 200 portable radios.
- The grant submittal deadline was March 16, 2012. Due to the short turnaround time, the grant application was submitted before City Council could be briefed on this issue.
- Should City Council direct staff to withdraw the Grant application, it can be accomplished. With authorization from City Council, staff will continue to pursue this grant opportunity.

**Expenditure Required:** \$73,500 (local match)

**Source of Funds:** General Capital Improvement Fund – Citywide Radio Replacement Project

## **Policy Issue**

Should the City of Westminster Police Department continue with their submission of the application for the 2012 DHS Regional Grant to fund the replacement and upgrade of portable radios?

## **Alternative**

Direct Staff to withdraw the submission of the 2012 DHS Regional Grant. This option is not recommended because it will require the continued servicing of aging and eventually obsolete portable radios and will ultimately result in the City funding the replacement of the radios or to seek other funding alternatives.

## **Background Information**

In 2011, the Police Department submitted and was approved for a five year Capital Improvement Program to replace the entire current aging radio system with a new P25 system. The replacement of the current system would entail new and improved technology to encompass improved interoperability (P25 Digital Interoperable Simulcast Radio System Technology) and a simulcast transmission system. These enhancements represent state of the art and best practice radio technology to ensure that multiple radio users with diverse radio systems and equipment can effectively communicate with each other. This project will update the radio technology and will allow for enhanced safety for the community, interoperability with surrounding agencies as well as reliable and dependable service and communications. The estimated CIP total project cost is \$2,172,500.

On February 17, 2012, the UASI and NCR of the State of Colorado posted the 2012 DHS Regional Grant documents. This grant is offered through the Governor's Office of Homeland Security in conjunction with the UASI and NCR of the State of Colorado. The Westminster Police and Fire Departments are members of both the UASI and NCR regions. The grant submittal deadline was March 16, 2012. Due to the short turnaround time, the grant application was submitted before City Council could be briefed on this issue.

As an active member of both the UASI and NCR, the City of Westminster has the ability to apply for DHS funding offered by the Governor's Office of Preparedness. A core mission of the DHS is to enhance the ability of State, local and tribal governments to prepare, prevent and respond to terrorist attacks and other disasters. The DHS preparedness grant programs are the funding mechanisms for building and sustaining national preparedness capabilities. The UASI and NCR Regions have regional committees. The Committees' tasks are to evaluate the needs of the Region within their capability area and recommend sub-projects to the UASI Working Group and the NCR Board of Directors to determine the framework for regional grant project/funding requests under the DHS.

The DHS Regional Grants fund a range of preparedness activities, including personnel, planning, organization, equipment purchase, training, exercises, and management/administration costs. The funding priorities for the 2012 DHS Regional Grant is to fund "projects that build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation." Staff has determined that the City's grant request is aligned with these funding priorities and is an avenue that allows the City to address the aging radio system issue.

The DHS Regional Grant process is highly competitive and it was important that the City apply by the deadline. If successful in applying for 2012 DHS Regional Grant program, it will allow for the purchase of 200 portable radios (\$350,000). The portable radios will have P25 Digital Interoperable Simulcast Radio System capability and will function and perform with the current radio system technology and the

eventual P25 radio system technology. Purchase of these portable radios is compatible with the Radio CIP and allows for an incremental step to be accomplished via Grant funding. The DHS Regional Grant Program for 2012 requires matching funds of 21%, which is \$73,500. Funds are available in the General Capital Improvement Fund to meet the matching requirements.

Action on this item supports City Council's Strategic Plan goals of Safe and Secure Community and Financially Sustainable City Government Providing Exceptional Services.

Respectfully submitted,

J. Brent McFall  
City Manager



**Agenda Memorandum**

City Council Meeting  
March 26, 2012



**SUBJECT:** Intergovernmental Agreement for the Provision of Water Service to the Metzger Farm Open Space

**Prepared By:** Heather Cronenberg, Open Space Coordinator

**Recommended City Council Action**

Authorize the City Manager to sign an Intergovernmental Agreement between the City and County of Broomfield, the Broomfield-Westminster Open Space Foundation, Inc., and the City of Westminster for the provision of water service to the Metzger Farm Open Space.

**Summary Statement**

- The Broomfield-Westminster Open Space Foundation (“Foundation”), funded by the two cities and grants, acquired the 152-acre Metzger Farm property in May 2006. The Metzger Farm Master Plan was approved by the Westminster City Council and Broomfield City Council in March of 2010.
- The proposed improvements to Metzger Farm Open Space (“Farm”) include landscaping near the parking lot and farmhouse that will need irrigation.
- Under normal circumstances, the water service provider would be the local jurisdiction within which the property is located. While the Farm is located in Westminster, Broomfield’s reuse and potable water lines are closer to the Farm than Westminster’s lines. Broomfield water lines provide the most direct route to the Farm, without the need to construct water main extensions for a single service.
- The proposed IGA allows for Broomfield to provide water service to the Farm. Both Broomfield and Westminster may enter into intergovernmental agreements to provide any function or service that each is authorized to provide, such as water service.
- At this time, only reuse water will be provided to the Farm. Costs to construct the reuse line have been incorporated into the construction work that is proposed to begin this spring. The IGA also specifies the process and responsibilities for obtaining future potable water service if both communities request that service in the future.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Is it beneficial for the City to enter into an Intergovernmental Agreement with the City and County of Broomfield and the Broomfield-Westminster Open Space Foundation, Inc. to provide water service to the Metzger Farm Open Space?

**Alternative**

The City could choose to provide water service to Metzger Farm. This option is not recommended as the City's water lines are located on the south side of 120<sup>th</sup> Avenue and along Federal Parkway. Constructing lines to the Farm would require extending the lines under 120<sup>th</sup> Avenue. Not only would this be disruptive, but the costs associated with extending the lines under 120<sup>th</sup> Avenue are much higher than the costs to extend lines from Broomfield that are adjacent to Metzger Farm.

**Background Information**

The 152-acre Metzger Farm is located at the northeast corner of the intersection of 120<sup>th</sup> Avenue and Lowell Boulevard in the City of Westminster. In a joint purchase, the City of Westminster and the City and County of Broomfield acquired the open space property in May 2006, and formed the Broomfield-Westminster Open Space Foundation to own and manage the property. The Metzger Farm Master Plan was approved by the Westminster City Council and Broomfield City Council in March 2010. Improvements to the site defined by the master plan include: parking; trails including a bridge connection to Big Dry Creek Trail; a picnic shelter; a fishing dock; and an overlook. Wenk Associates, Inc. was hired in June of 2011 to develop construction documents based on the approved master plan. Staff from both Westminster and Broomfield worked collaboratively with Wenk Associates to finalize the documents. Bid documents were sent out and a low bidder has been recommended to City Council. Construction is anticipated to begin in late April and be complete in early Fall.

The proposed improvements to Metzger Farm Open Space ("Farm") include a 0.1-acre native shrub and tree area along the northern edge of the trailhead parking. There is also an existing 0.3-acre turf area with shrubs and trees surrounding the farmhouse and caretaker unit that need irrigation water. While the Farm is located in Westminster, Broomfield's reuse and potable water lines are closer to the Farm than Westminster's lines. Broomfield has a reuse line and potable line that run along the north side of the Farm in the 124<sup>th</sup> Avenue right of way. The potable line also extends along the west side of the Farm in the Lowell Boulevard right of way. Westminster's nearest potable water line is on the south side of Federal Boulevard south of Metzger Farm and the reuse line is on the south side of 120<sup>th</sup> Avenue near the Academy of Charter Schools. Broomfield water lines provide the most direct route to the Farm, without the need to construct water main extensions for a single service. The proposed service connections are also easiest to construct from Broomfield's water system. The proposed reuse service line will extend from 124<sup>th</sup> Avenue south adjacent to the north-south trail that runs through the center of the Farm and then head west on the north side of the farmstead and trailhead parking area.

The proposed Intergovernmental Agreement ("IGA") among Broomfield, Westminster and the Foundation as property owner ("Parties") defines the terms and conditions for establishing reuse water service to maintain these two areas and future potable water service if desired by the Parties. Both Broomfield and Westminster may enter into intergovernmental agreements to provide any function or service that each is authorized to provide, such as water service. At this time, only reuse water will be provided to the Farm. The Foundation is responsible for paying \$22,229.46 for the water license fee and all costs for the installation and construction of the reuse service line. Both costs have been incorporated into the construction work that is proposed to begin this spring. The IGA also specifies the process and responsibilities for obtaining future potable water service. Using 2012 prices, these costs are estimated to be \$3,000 for inclusion in the Northern Colorado Water Conservancy District, \$22,454 for a water license fee, and \$12,000 for a service connection and meter for a total of \$37,454. The reuse water lines will be constructed according to Broomfield specifications and the Foundation will be responsible for paying the reuse water bills. Broomfield currently serves this site with sewer services.

**SUBJECT:** IGA re Provision of Water Service to the Metzger Farm Open Space

Page 3

This project supports the City's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Beautiful and Environmentally Sensitive City" by collaborating with Broomfield and by providing the City with increased access to open space.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND COUNTY OF  
BROOMFIELD, THE CITY OF WESTMINSTER, AND THE BROOMFIELD-  
WESTMINSTER OPEN SPACE FOUNDATION, INC. FOR THE PROVISION OF THE  
WATER SERVICE TO THE METZGER FARM OPEN SPACE

THIS AGREEMENT, hereinafter referred to as the "Agreement" is made and entered into among the CITY AND COUNTY OF BROOMFIELD, a Colorado home rule municipality and county (hereinafter referred to as "Broomfield"), the CITY OF WESTMINSTER, a Colorado home rule municipality (hereinafter referred to as "Westminster"), and the BROOMFIELD-WESTMINSTER OPEN SPACE FOUNDATION, INC., a Colorado non-profit corporation (hereinafter referred to as the "Foundation"), which may be individually referred to herein as a "Party" or collectively referred to herein as the "Parties."

WITNESSETH:

WHEREAS, Broomfield and Westminster are authorized pursuant to section 18(2) of Article XIV of the Colorado Constitution and section 29-1-203 C.R.S. to enter into intergovernmental agreements to provide any function or service that each is otherwise lawfully authorized to provide; and

WHEREAS, Broomfield and Westminster are each authorized to lawfully provide water service; and

WHEREAS, Broomfield and Westminster entered into an Intergovernmental Agreement for the Acquisition of the Metzger Farm Open Space, which is approximately 150 acres of property located in Westminster at northeast corner of 120th Avenue and Lowell Boulevard and hereinafter referred to as the "Property;" and

WHEREAS, Broomfield and Westminster created a non-profit corporation, the Foundation, to oversee, manage, maintain, and operate the Property on behalf of Broomfield and Westminster; and

WHEREAS, pursuant to Section 31-35-402(1)(b) C.R.S., municipalities are authorized to provide water service extraterritorially in another municipality, only so long as approval is obtained from the municipality within which the extraterritorial water service is provided; and

WHEREAS, Westminster, on behalf of the Foundation, is entering into contracts for the construction of waterlines and associated appurtenances for the provision of water services to the Property; and



WHEREAS, the Parties desire to enter into this Agreement to set forth each Party's obligations and authorities with regard to the provision of potable and reuse water to the Property.

NOW THEREFORE, IT IS MUTUALLY AGREED by and among each of the Parties as follows:

1.0 Recitals Incorporated. The Recitals set forth above are incorporated in this Agreement and shall be deemed terms and provision hereof, to the same extent as if fully set forth in this Section 1.0.

2.0 Westminster Authorization of Water Service to Property. Westminster hereby approves the provision of potable and reuse water services by Broomfield to the Property subject to the following limitations:

2.1 Nothing contained in this Agreement shall constitute or be interpreted as a waiver or abrogation of Westminster's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of Westminster or its inhabitants; and thus the construction, reconstruction, maintenance, or provision of water services hereunder by Broomfield to the Property in Westminster shall be subject to applicable provisions of the Broomfield Municipal Code; and

2.2 Nothing in this Agreement is intended to prevent Westminster from providing potable and reuse water services to the Property in the future, provided that:

2.2.1 Westminster provides Broomfield at least sixty (60) days advance written notice of its intent to provide such potable and reuse water service to the Property;

2.2.2 Westminster terminates this Agreement as set forth in Section 6.0 below; and

2.2.3 All the Parties to this Agreement understand and agree that any amounts, including all license fees, paid to Broomfield, pursuant to the terms and conditions of this Agreement are not refundable.

2.3 The following terms apply to the provision of potable water to the Property:

2.3.1 If potable water is required for the Property, the Foundation hereby agrees to make a written request to Broomfield and Broomfield agrees to petition the Municipal Subdistrict of the Northern Colorado Water Conservancy District (hereinafter referred to as the "Municipal Subdistrict") for inclusion into the Municipal Subdistrict, upon written notice of such requirement to the Foundation from Broomfield.

The Parties understand and agree that the inclusion into the Municipal Subdistrict is subject to final approval by the Weld County District Court.

2.3.2 All costs, including attorney's fees, for processing the petition described in Section 2.3.1 above shall be paid by the Foundation.

2.3.3 Broomfield will update its Water Service Area map to include the Property and forward it to Denver Water pursuant to the terms and conditions of the existing water lease agreement between Broomfield and Denver Water.

2.4 The following terms apply to the provision of reuse water to the Property:

2.4.1 The Foundation will submit a letter of intent for use of reuse water for the Property to the Colorado Department of Public Health and Environment, Water Quality Control Commission.

2.4.2 The Foundation shall comply with and will submit annual reports in accordance with 5 CCR 1002-84, the Reclaimed Water Control Regulation, regarding reuse water.

### 3.0 Financial Obligations Regarding Water Service to Property.

3.1 The Foundation shall:

3.1.1 Pay all costs of license fees, inclusions, and construction necessary for the provision of water service to the Property, including, but not limited to, license fees, construction, operations, maintenance, replacement, and monthly consumption charges. The initial, estimated costs of construction and inclusion are outlined in Exhibit A, attached hereto and incorporated herein by this reference, however, the Parties hereby agree that all costs referenced in this sub-section 3.1.1 are subject to change based upon actual costs and the monthly consumption charges shall be as set forth in the Broomfield Municipal Code, as amended from time to time;

3.1.2 Designate what entity shall receive bills;

3.1.3 Provide for maintenance necessary for water facilities in excess of Broomfield's standard meter maintenance procedures.

3.2 Broomfield shall be responsible for reading meters and billing monthly costs of water services for the Property to the Foundation. Broomfield shall also be responsible for the costs to operate and maintain the appurtenant water facilities up to the boundary of the Property and any water meters serving the Property. The operations and maintenance costs for all on-site water facilities and all equipment, other

than any water meters, shall be the responsibility of the Foundation as described in subsection 3.1.1 above.

4.0 Easements. The Foundation hereby grants to Broomfield, its contractors, and its agents the right to enter, re-enter, and occupy the Property, including the right of ingress and egress in to, over, through, under, and across the Property as necessary to install water meters and test water quality in its provision of water services to the Property, as described in this Agreement, including a twenty (20) foot access easement, centered upon said waterlines to and along all pipelines installed at the Property, for emergency access and repair of any of the waterlines or associated appurtenance on the Property.

5.0 Water Quality. Westminster and the Foundation hereby authorize Broomfield to conduct standard flushing, testing, and monitoring of water provided to the Property, as Broomfield deems necessary, in its sole discretion, in order to maintain the quality of water for on-site consumption or on-site use to applicable water quality standards.

6.0 Term/Termination. This Agreement shall remain in full force and effect until terminated by any Party upon giving sixty (60) days advance written notice to the other Parties.

7.0 Severability. It is understood and agreed by the Parties hereto that if any part, term or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

8.0 Applicable Law. This Agreement shall be governed by the laws of the State of Colorado and in accordance with the provision of all applicable local law of the Parties various jurisdictions.

9.0 Binding Nature. This Agreement shall be binding upon the successors and assigns of each of the Parties hereto including the sale of the Property, except that no Party may assign any of its rights or obligations hereunder, without the prior written consent of all the other Parties.

10.0 Notice. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by first class mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth below, or at such other address as has been

previously furnished in writing, to the other Party or Parties. Such notice shall be deemed to have been given when deposited in the United States mail:

To Westminster: City of Westminster  
Attn: City Manager  
4800 W. 92nd Ave.  
Westminster, CO 80031

To Foundation: The Broomfield-Westminster Open Space Foundation, Inc.  
Attn: Brent McFall, Registered Agent  
4800 W. 92nd Ave.  
Westminster, CO 80031

To Broomfield: City & County of Broomfield  
Attn: City & County Manager  
One DesCombes Drive  
Broomfield, CO 80020

11.0 Binding Effect. This Agreement shall inure to the benefit of and be binding upon the Parties, their respective legal representative, successors, heirs, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

12.0 No Third Party Beneficiaries. This Agreement is intended to describe the rights and responsibilities only as to the Parties hereto. This Agreement is not intended and shall not be deemed to confer any rights on any person or entity not named as a Party hereto.

13.0 Financial Obligations of the Parties. All financial obligations of the Parties under this Agreement are subject to appropriation, budgeting, and availability of funds to discharge such obligations. Nothing in this Agreement shall be deemed to pledge any Party's credit or faith, directly or indirectly, to the other Parties.

14.0 Running of Benefits and Burdens. The easement, restrictions, benefits, and obligations hereunder shall create mutual benefits and servitudes running with the land.

15.0 Execution Required. This Agreement shall not be binding upon any Party hereto unless and until the Parties have executed this Agreement.

16.0 Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same documents.

17.0 Minor Changes. The Parties executing this Agreement are authorized to make non-substantive corrections to this Agreement and attached exhibits, if any, as they consider necessary.

18.0 Days. If the day for any performance or event provided for herein is a Saturday, a Sunday, a day on which national banks are not open for the regular transactions of business, or a legal holiday pursuant to section 24-11-101(1), C.R.S., such day therefore shall be extended until the next day on which such banks and state offices are open for the transaction of business.

19.0 Good Faith of Parties. In the performance of this Agreement or in considering any requested approval, acceptance, or extension of time, the Parties agree that each will act in good faith and will not act unreasonably, arbitrarily, capriciously, or unreasonably withhold, condition, or delay any approval, acceptance, or extension of time required or requested pursuant to this Agreement.

20.0 Survival of Obligations. The obligations contained in this Agreement that are not fully performed as of termination shall survive termination and shall continue to bind the Parties until fully performed.

21.0 Parties not Partners. Notwithstanding any language in this Agreement or any other agreement, representation, or warranty to the contrary, the Parties shall not be deemed to be partners or joint venturers, and neither Party shall be responsible for any debt or liability of the other Party.

IN WITNESS WHEREOF, this Agreement is executed by the Parties hereto in their respective names as of \_\_\_\_\_, 2012.

THE CITY AND COUNTY OF BROOMFIELD,  
a Colorado municipal corporation and county

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Mayor  
One DesCombes Drive  
Broomfield, CO 80020

ATTEST:

---

City & County Clerk

APPROVED AS TO FORM:

---

City & County Attorney



THE CITY OF WESTMINSTER,  
a Colorado municipal corporation

---

Mayor  
4800 W. 92nd Ave.  
Westminster, CO 80031

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the City Attorney



## EXHIBIT A

### ESTIMATED INITIAL CONSTRUCTION AND INCLUSION COSTS FOR WATER SERVICE

#### **Initial Cost – For Non-potable Water Service**

License Fee (based on 1.98 Tap Equivalents) = \$22,229.46

Installation and Construction = \$21,021.26

#### **Estimated Cost – For Future Potable Water Service**

Inclusion to Northern Colorado Water Conservancy District, Municipal Subdistrict  
(Document preparation, processing, and filing) = \$3,000

License Fee (based on 1.0 Tap Equivalents) = \$22,454.00

Service Connection and Meter (based on 3/4" meter) = \$12,000.00



**Agenda Memorandum**

City Council Meeting  
March 26, 2012



**SUBJECT:** Councillor's Bill No. 8 re 2011 4<sup>th</sup> Quarter Budget Supplemental Appropriation

**Prepared By:** Karen Barlow, Accountant

**Recommended City Council Action**

Pass Councillor's Bill No. 8 on first reading, providing for a supplemental appropriation of funds to the 2011 budget of the General, Water, General Capital Outlay Replacement Fund, Parks Open Space and Trails, and General Capital Improvement Funds.

**Summary Statement**

- At the end of each quarter, Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2011 4<sup>th</sup> Quarter supplemental appropriation.
- General Fund amendments:
  - \$62,801 Reimbursements
  - \$79,134 Program Revenue
  - \$222,799 Grants
- Water fund amendments:
  - \$34,715 Interest Earnings
- General Capital Outlay Replacement Fund amendments:
  - \$28,632 Grants
- Parks, Open Space, and Trails Fund amendments:
  - \$2,958 Grants
- General Capital Improvement Fund amendments:
  - \$1,095 Interest Earnings

**Expenditure Required:** \$432,134

**Source of Funds:** The funding sources for these budgetary adjustments include reimbursements, program revenues, grants, and interest earnings.

**Policy Issue**

Does City Council support amending the appropriations for the 2011 budget of the General, Water, General Capital Outlay Replacement, Parks Open Space and Trails, and General Capital Improvement Funds as outlined?

**Alternative**

The alternative would be not to amend the 2011 budget appropriations for the General, Water, General Capital Outlay Replacement, Parks Open Space and Trails, and General Capital Improvement Funds and to utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them with their current budget or planned projects in anticipation of appropriation of these additional funds.

**Background Information**

The attached Councillor's Bill is a routine action addressing the need to adjust revenue and expenditure appropriations as a result of activities or events that were not anticipated during the normal budget process.

The Police Department provides businesses located in the City of Westminster contractual police security for their businesses and special events. This police security is considered extra duty and the revenue received from this service reimburses the police department for the hours worked by the officers. In order to cover the extra duty overtime expense incurred year to date, the amount of \$69,000 is being appropriated to the department's Extra Duty Overtime expenditure account.

The Police Department received \$21,661 from the North Metro Task Force High Intensity Drug Tracking Area (HIDTA) grant funding for overtime incurred by the department's Task Force members working on Federal HIDTA cases. The reimbursement from the Task Force was for overtime incurred from July through December 2011, and the reimbursement is being appropriated to the department's Overtime account.

The Police Department received \$1,484 from the North Metro Task Force for overtime incurred by Westminster Police Department Task Force Detectives while working cases involving U.S. Immigration and Customs (ICE) enforcement in September 2011. The funds are being appropriated to the police department's overtime account.

The Police Department received \$31,889 from the US Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG). This is partial funding for the police department's agency contribution to North Metro Task Force for their operations budget. The funds are being appropriated to the police department's Lease Payments-Investigative Section account.

The Police Department received \$14,553 from the State of Colorado Department of Transportation for their participation in the 2011 High Visibility Impaired Driving Enforcement (HVIDE) campaign. The grant reimburses overtime incurred by enforcement officers while working the Labor Day, Prom Night, Memorial Day, Halloween, Thanksgiving Day, New Year's Eve and New Year's Day enforcement campaigns. The funds are being appropriated to the department's Overtime account.

The Police Department received \$4,332 from the State of Colorado, Department of Transportation, for the Federal Driving Under the Influence (DUI) Checkpoint Colorado Grant. The grant reimbursed overtime incurred by enforcement officers working the August DUI Checkpoint campaigns. The funds are being appropriated to the department's Overtime account.

The Police Department received \$611 from the Jefferson County Emergency Communications Authority Board for the Intergraph Industry Advisory Council Conference, October 4 through October 7, 2011, in Washington D.C. This was attended by the department's Communications Supervisor. The reimbursement is for airfare expenses, and the funds are being appropriated to the department's career development account.

The Police and Fire Departments received \$56,844 from the Jefferson County Emergency Communications Authority Board for the Sprint air card (wireless data) charges associated with the mobile data computers (MDC's) that are utilized in the police and fire vehicles for access to the computer aided dispatch (CAD) and other mobile systems. The funds are being appropriated to the Police (\$39,914) and Fire department's (\$16,930) telephone accounts.

The Police Department received \$1,608 from the Department of Justice Bulletproof Vest Program for Ballistic Vests purchased by the Police Department. The Bulletproof Vest Program reimburses up to 50% of the total cost of the ballistic vests. This reimbursement is being appropriated to the department's Uniform and Equipment account.

The City Attorney's Office received \$3,862 from applicants to pay for Ken Fellman's fees for legal services related to the approval of telecommunication site lease applications. These funds are being appropriated to the department's Professional Services account.

The Fire Department received \$15,000 from the State of Colorado for the Emergency Management Special Grant which was used for installing the City Hall council board room television and projector in the Fire Administration conference room. These funds are being appropriated to the Contract Services (EM Grant) account.

The Fire Department received \$13,700 from the State of Colorado for the Emergency Management Program Grant (EMPG). This money will be used to continue developing a City of Westminster Emergency Plan and support a Regional Tornado Exercise. These funds are being appropriated to the Contract Services (EM Grant) account.

The Fire Department received \$117,376 from the State of Colorado Forest Service on behalf of the Wildland Team. These funds were received as reimbursement for Salary Overtime and expenses incurred during the Wildland Team deployment to seven separate Wyoming fires, the Honey Prairie fire in Georgia, and the Indian Gulch fire in Colorado. The funds are being appropriated to the Salaries Overtime account, Supplies account, and the Wildland Truck Replacement CIP, which will assist with future apparatus replacement.

The Fire Department received \$2,260 from the West Metro Fire Protection District on behalf of the Colorado Urban Search and Rescue Task Force One. This reimbursement is for overtime and to backfill salaries incurred by the Fire Department personnel. These funds are being appropriated to the Salaries Overtime account.

The Fire Department received \$420 from Mile-High Regional Emergency Medical and Trauma Advisory Council to offset the cost of annual ambulance inspections. These funds are being appropriated to the Professional Services EMS account.

The Fire Department received \$810 in class registration fees for conducting CPR training classes. These funds are being appropriated to the Supplies EMS account.

The Westminster Youth Scholarship Fund in the Parks and Recreation Department received \$9,324 from various community events in 2011, including the 4<sup>th</sup> of July, the Holy COW Trail Stampede, Concerts in the Park, concessions at Special Events, and art shows. These funds are used to award scholarships for city-sponsored recreation programs to youth who could not otherwise afford to participate. The funds are being appropriated to the Special Promotions Youth Scholarship account.

The Parks and Recreation Department received a grant in the form of a gift card of \$2,460 from Home Depot for the purchase of trees to re-vegetate and revitalize Big Dry Creek Open Space. These funds are being appropriated to the Buildings and Grounds Materials account.

The Parks and Recreation Department received \$498 from Pulling for Colorado for a Russian-olive tree removal volunteer project. The funds are being appropriated to the Equipment Rental and Supplies accounts.

The Water fund received interest payments throughout 2011 in the amount of \$34,715 on the Water 2010 Bond Issue. Issuance restrictions require the interest earnings to be appropriated for use on the respective projects or debt service. The funds are requested for appropriation for debt service in the Interest Payments account.

The Building Operations and Maintenance Department received \$1,095 in interest earnings. In 2010, Staff recommended an Energy Performance Contract (EPC) with Siemens structured as two separate energy performance contracts. The first EPC was proposed as a traditional energy performance contract financed over a 10 year period utilizing the energy and water cost savings for annual lease payments with a total project cost of \$3,384,282 of which \$2,497,094 was lease financed. In 2011, there was \$1,095 in interest earnings on the lease. This is being appropriated into the Energy Performance Project – Phase 2 to fund energy saving expenditures.

Staff is requesting that \$35,000 be reallocated from Community Development's Planning Division regular salary account into the City Attorney's Office regular salary account. Commencing with the 2007/2008 Budget, the City began budgeting for attrition savings in the regular salary projections in the General Fund as a means to help balance the budget. This attrition salary budgeting was based on historic trends of significant annual savings in the regular salary accounts due to staff turnover and unfilled positions. A flat percentage reducing all General Fund regular salary accounts is applied during the budget development process. When this practice was implemented, it was noted that no certainty exists as to which department will have turnover and which will not. Staff was well aware that there may be years in which one department had sufficient turnover and resulting savings to cover the reduced regular salary budget but that there may be other years in which minimal or no turnover occurred, making a department exceed its overall departmental budget, including its regular salary account(s). The 2011 fiscal year is the first year in which a department did not have sufficient turnover and/or other budget savings to offset their regular salary account. Per the original plan, Staff is requesting authorization to move funds from another department where actual attrition has occurred to offset another department's regular salary account. While this action does not change the overall appropriations of the fund, moving funds across departmental lines requires City Council authorization. At year end, the Planning Division had a balance of \$68,123 that can be reallocated to help cover the City Attorney's Office regular salary account.

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$81,235	\$90,450	\$171,685
State Grants	1000.40620.0000	25,879	131,929	157,808
Other County Grants	1000.40640.0000	0	420	420
Youth Scholarships	1000.41030.0528	0	9,324	9,324
Off Duty Police Services	1000.41340.0000	257,231	69,000	326,231
Off Duty Fire Services	1000.41340.0013	3,210	810	4,020
Cell Tower App Review Fee	1000.41455.0000	0	3,862	3,862
Reimbursements	1000.43080.0000	138,615	<u>58,939</u>	197,554
Total Change to Revenues			<u>\$364,734</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
City Attorney-Regular Salaries	10003120.60200.0000	\$668,994	\$35,000	\$703,994
Prof Services	10003120.65100.0000	15,778	3,862	19,640
Transfers Capital Replacement	10010900.79800.0450	34,453	28,632	63,085
Telephone	10020050.66900.0000	149,266	39,914	189,180
Salaries OT-Investigation Section	10020300.60400.0344	182,069	23,145	205,214
Career Dev-Comm Sect	10020300.61800.0345	7,374	611	7,985
Lease Pmts-Inv Section	10020300.67700.0344	81,343	31,889	113,232
Salaries OT-Extra Duty	10020500.60400.0005	257,231	69,000	326,231
Salaries OT-Traffic	10020500.60400.0348	83,076	18,885	101,961
Unif&Equip Allow-Patrol Adm Se	10020500.61000.0000	113,945	1,608	115,553
Salaries Overtime	10025260.60400.0000	205,128	68,668	273,796
Salaries Overtime-EMS	10025260.60400.0546	76,307	12,954	89,261
Mileage Reimbursement	10025260.61200.0000	351	125	476
Prof Serv EMS	10025260.65100.0546	14,930	420	15,350
Telephone	10025260.66900.0000	67,373	16,930	84,303
Contract Services (EM Grant)	10025260.67800.0545	13,959	28,700	42,659
Supplies	10025260.70200.0000	34,848	9,257	44,105
Supplies EMS	10025260.70200.0546	11,537	810	12,347
CD Planning-Regular Salaries	10030360.60200.0000	887,132	(35,000)	852,132
Spec Prom Yth Scholarship	10050760.67600.0528	6,824	9,324	16,148
Total Change to Expenses			<u>\$364,734</u>	

These appropriations will amend Water Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Interest Earnings Water 2010	2000.42520.1201	\$0	\$34,715	\$34,715
Total Change to Revenues			<u>\$34,715</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Interest Payments	20010900.78400.0000	\$2,242,402	\$34,715	\$2,277,117
Total Change to Expenses			<u>\$34,715</u>	

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
TRF General Fund	4500.45000.0100	\$34,453	<u>\$28,632</u>	\$63,085
Total Change to Revenues			<u>\$28,632</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Wildland Truck Replacement	81145010911.80400.8888	\$4,453	<u>\$28,632</u>	\$33,085
Total Change to Expenses			<u>\$28,632</u>	

These appropriations will amend Parks, Open Space, and Trails Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Jefferson County Grants	5400.40640.0020	\$0	\$498	\$498
Other Grants	5400.40650.0057	0	<u>2,460</u>	2,460
Total Change to Revenues			<u>\$2,958</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Equipment Rental	54050550.66000.0000	\$3,000	\$428	\$3,428
Supplies	54050550.70200.0000	8,500	70	8,570
Building & Grounds Maintenance	54050550.71800.0000	54,170	<u>2,460</u>	56,630
Total Change to Expenses			<u>\$2,958</u>	

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Int Earnings HVAC Energy Audit	7500.42520.0925	\$0	<u>\$1,095</u>	\$1,095
Total Change to Revenues			<u>\$1,095</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Energy Perf Contract-Phase 2	81075012956.80400.8888	\$(1,095)	<u>\$1,095</u>	\$0
Total Change to Expenses			<u>\$1,095</u>	

These adjustments will bring the City’s accounting records up-to-date to reflect the various detailed transactions.

The proposed council action supports the City Council’s strategic goals of Financially Sustainable City Government Providing Exceptional Services; Safe and Secure Community; Strong, Balanced Local Economy; Vibrant Neighborhoods in One Livable Community; and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **8**

SERIES OF 2012

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE AMENDING THE 2011 BUDGETS OF THE GENERAL, WATER, GENERAL CAPITAL OUTLAY REPLACEMENT, PARKS OPEN SPACE AND TRAILS, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2011 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2011 appropriation for the General, Water, General Capital Outlay Replacement, Parks Open Space and Trails, and General Capital Improvement Funds initially appropriated by Ordinance No. 3550 is hereby increased in aggregate by \$432,134. This appropriation is due to the receipt of funds from reimbursements, program revenue, grants, interest earnings, and transfers.

Section 2. The \$432,134 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item # 10 A dated March 26, 2012 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$364,734
Water Fund	34,715
General Capital Outlay Replacement Fund	28,632
Parks, Open Space, and Trails Fund	2,958
General Capital Improvement Fund	<u>1,095</u>
Total	<u>\$432,134</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26<sup>th</sup> day of March, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of April, 2012.

ATTEST:

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Mayor

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City Clerk





**Agenda Memorandum**

City Council Meeting  
March 26, 2012



**SUBJECT:** Councillor's Bill No. 9 re Modifications to the Westminster Municipal Code  
Title VIII re the Industrial Pretreatment Program

**Prepared By:** David Meyer, Water Quality Specialist  
Mary Fabisiak, Water Quality Administrator  
Mike Happe, Utilities Planning & Engineering Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 9 on first reading approving the proposed modifications to the Westminster Municipal Code Title VIII relating to the Industrial Pretreatment Program.

**Summary Statement**

- The City administers an Industrial Pretreatment Program as required by the United States Environmental Protection Agency (U.S. EPA) in order to regulate discharges by industrial users into the sewage collection system.
- The Industrial Pretreatment Program protects the City's wastewater treatment facility from incompatible pollutants and reduces the possibility of release of contaminants to the environment.
- The proposed modifications to the Municipal Code align definitions with federal definitions, change some paragraph references, update local wastewater discharge limitations based on current facility performance and permit limits, and provide authority to establish sector control programs and issue general wastewater discharge permits applicable to groups of similar users.
- Currently four businesses in the City are issued Industrial Discharge Permits. These businesses will not be negatively impacted by the proposed changes and new businesses will not be at a competitive disadvantage.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should the City update the local discharge limitations and make other changes to the Municipal Code related to the Industrial Pretreatment Program?

**Alternative**

Council could direct Staff to develop alternative modifications; however, modifications must meet the requirements and approval of the U.S. EPA. Staff does not recommend this alternative.

**Background Information**

The City operates an Industrial Pretreatment Program as required by the U.S. EPA. The program regulates the types and quantities of pollutants that industrial and commercial businesses may discharge to the City's wastewater treatment facility. The City must evaluate and update its local discharge limits when significant changes occur at its wastewater treatment facility or when the State issues a new discharge permit. The proposed changes are based on a new discharge permit issued by the State in 2010 and by expansion of the City's wastewater treatment facility. Also, the U.S. EPA is expected to propose regulations restricting the discharge of dental amalgam later this year. The ability for the City to develop sector-wide control programs and issue general, rather than individual industrial discharge permits, will be less burdensome on both the City and on dischargers. Staff intends to return to Council for the bill's second reading after the U.S. EPA approves the City's modifications.

These changes to the Municipal Code will assist in meeting the City's goals of a Safe and Secure Community and Beautiful and Environmentally Sensitive City by allowing the City's wastewater treatment facility to effectively treat the City's wastewater and remain in compliance with applicable environmental regulations.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 9

SERIES OF 2012

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING SECTIONS 8-10-1, 8-10-2, 8-10-3, 8-10-4, 8-10-6, AND 8-10-9 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING INDUSTRIAL PRETREATMENT CODE UPDATES**

THE CITY OF WESTMINSTER ORDAINS:

**Section 1.** Section 8-10-1, subsection (D), paragraphs (28) and (32) W.M.C., are hereby AMENDED as follows:

**8-10-1: GENERAL PROVISIONS - DEFINITIONS: (3381)**

(D) DEFINITIONS: Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

(28) Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the municipality, as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

(32) Slug Load or Slug Discharge. ~~Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 8-10-2(A) of this ordinance.~~ A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.

**Section 2.** Section 8-10-2, subsection (A), paragraph (2), subparagraph (o) and subsection (D) paragraphs (3) and (4) W.M.C., are hereby AMENDED as follows:

**8-10-2: GENERAL SEWER USE REQUIREMENTS – PRETREATMENT STANDARDS: (3381)**

(A) Prohibited Discharge Standards:

(2) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(o) Trucked or hauled pollutants, except at discharge points designated by the City Manager and in accordance with Section 8-10-3(D) of this Chapter; ~~Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.~~

(D) Local Limits:

(3) Daily Maximum Discharge Limits: No person shall discharge wastewater containing in excess of the following maximum limits. These limits apply at the point where the wastewater is discharged to the POTW. The City Manager may impose mass-based limitations in addition to the concentration-based limits below.

~~0.090~~.13 mg/l arsenic (total)

~~0.140~~.10 mg/l cadmium (total)

- ~~19.934.63~~ mg/l chromium (total)
- ~~1.441.26~~ mg/l chromium (VI)
- ~~2.902.69~~ mg/l copper (total)
- ~~0.350.77~~ mg/l lead (total)
- ~~0.00070.0005~~ mg/l mercury (total)
- ~~0.560.84~~ mg/l molybdenum (total)
- ~~2.531.82~~ mg/l nickel (total)
- ~~0.040.13~~ mg/l selenium (total)
- ~~0.190.91~~ mg/l silver (total)
- ~~9.248.44~~ mg/l zinc (total)

(4) Pollutant Loadings: The following are the total cumulative pollutant loadings allowed from all commercial dischargers. The City manager may limit the discharge of pollutants from commercial dischargers as necessary to meet the following daily allowable loadings.

- ~~0.150.07~~ lbs/day arsenic (total)
- ~~0.240.05~~ lbs/day cadmium (total)
- ~~33.152.52~~ lbs/day chromium (total)
- ~~2.400.69~~ lbs/day chromium (VI)
- ~~4.831.47~~ lbs/day copper (total)
- ~~0.590.42~~ lbs/day lead (total)
- ~~0.0210.053~~ lbs/day mercury (total)
- ~~0.930.46~~ lbs/day molybdenum (total)
- ~~4.200.99~~ lbs/day nickel (total)
- 0.07 lbs/day selenium (total)
- ~~0.340.49~~ lbs/day silver (total)
- ~~15.374.60~~ lbs/day zinc (total)

**Section 3.** Section 8-10-3, W.M.C. is hereby AMENDED BY THE ADDITION OF THE FOLLOWING NEW SUBSECTION (E) to read as follows:

**8-10-3: PRETREATMENT OF WASTEWATER:** (3381)

(E) SECTOR CONTROL PROGRAMS: The City Manager may establish sector control programs to control specific pollutants as necessary to meet the objectives of this chapter for users that engage in similar activities and discharge similar pollutants. The City Manager shall establish policies for each sector control program. Users subject to these sector control programs may be required to install and operate wastewater pretreatment systems and, or implement best management practices and may be required to apply for a wastewater discharge permit.

**Section 4.** Subsections 8-10-4(B)(1), 8-10-4(C), and 8-10-4(D) are hereby AMENDED; A NEW SUBSECTION (E) IS ADDED to read as follows; and existing subsections (E) through (M), W.M.C., are hereby relettered as subsections (F) through (N):

**8-10-4: WASTEWATER DISCHARGE PERMITS:** (3381)

**(B) WASTEWATER DISCHARGE PERMIT REQUIREMENT:**

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining ~~an individual a~~ wastewater discharge permit from the City of Westminster, except that a significant industrial user that has filed a timely application pursuant to Section 8-10-4(C) of this ordinance may continue to discharge for the time period specified therein.

**(C) WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS:** Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges, shall apply for a wastewater

discharge permit in accordance with Section 8-10-4(~~EF~~) within 30 days of the requirement, or within such other time period specified by the City Manager.

(D) WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS: Any user required to obtain a wastewater discharge permit who proposes to begin discharging into the POTW must obtain such permit prior to beginning such discharge. An application for this wastewater discharge permit, in accordance with Section 8-10-4(~~EF~~), must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

(E) TYPES OF WASTEWATER DISCHARGE PERMITS: At the discretion of the City Manager, the City Manager may issue either individual wastewater permits or general wastewater discharge permits to control significant industrial user discharges to the POTW. General Permits may be used if the following conditions are met. All Facilities to be covered by a general permit must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring; and
- (5) In the opinion of the City Manager, are more appropriately controlled under a general permit than under individual discharge permits.

**Section 5.** Subparagraph 8-10-6(A)(2)(a), subsection 8-10-6(C), paragraph 8-10-6(E)(1), and subparagraphs 8-10-6(N)(1) and (2), W.M.C., are hereby AMENDED as follows:

**8-10-6: REPORTING REQUIREMENTS: (3381)**

(A) BASELINE MONITORING REPORTS:

- (2) Users described above shall submit the information set forth below:-
  - (a) All information required in Section 8-10-4(~~EF~~)(1)(a)(~~+~~), Section 8-10-4(~~EF~~)(1)(b), Section 8-10-4(~~EF~~)(1)(c)(~~+~~), Section 8-10-4(~~EF~~)(1)(f) and Section 8-10-4(~~EF~~)(1)(g)(~~+~~).

(C) REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE: Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City Manager a report containing the information described in Section 8-10-4(~~EF~~)(1)(f) and (g) and 8-10-6(A)(2)(b) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8-10-2(B), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8-10-6(N)(1) of this ordinance. All sampling will be done in conformance with Section 8-10-6(K).

(E) REPORTS OF CHANGED CONDITIONS: Each user must notify the City Manager of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. A significant change for the purposes of this paragraph is an increase in the volume of wastewater of 20% or more, an increase in pollutant concentration or pollutant mass of 20% or more, or the addition any new regulated pollutant.

(1) The City Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 8-10-4(~~EF~~) of this Chapter.

(N) CERTIFICATION STATEMENTS:

(1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver – The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 8-10-4(GH); users submitting baseline monitoring reports under Section 8-10-6(A); users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 8-10-6(C); users submitting periodic compliance reports required by Section 8-10-6(D), and users submitting an initial request to forego sampling of a pollutant based on Section 8-10-6(D)(2). The following certification statement must be signed by an authorized representative as defined by Section 8-10-1(D)(2):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(2) Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the City Manager pursuant to 8-10-1(D)(31)(c) and 8-10-4(GH)(3) must annually submit the following certification statement signed in accordance with the signatory requirements in 8-10-1(D)(2). This certification must accompany an alternative report required by the City Manager:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- (a) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical Industrial User as described in section 8-10-1(D)(31)(c) [40 CFR 403.3(v)(2)];
- (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information.

\_\_\_\_\_  
\_\_\_\_\_

**Section 6.** Subsections 8-10-9(A) and (B), W.M.C., are hereby AMENDED as follows:

**8-10-9: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE: (3381)**

The City Manager shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to any significant industrial user that meets any of the criteria in paragraphs (A) through (H) below and any other user that meets the definition in paragraphs (C), (D) or (H) below. Significant noncompliance shall mean:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six- (6-)

month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(L);

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(L), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of March, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of April, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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

# **AGENDA**

## **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY SPECIAL MEETING**

**MONDAY, March 26, 2012**

**AT 7:00 P.M.**

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (March 19, 2012)
- 3. Purpose of Special WEDA Meeting is to**
  - A. Adopt Resolution No. 140 re First Amendment to the Loan Agreement between WEDA and Compass Mortgage Loan
- 4. Adjournment**



CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY  
MONDAY, MARCH 19, 2012, AT 7:22 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Winter and Board Members Atchison, Briggs, Kaiser, Lindsey, and Major. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Board Member Major, to approve the minutes of the meeting of February 27, 2012, as written. The motion carried unanimously.

PUBLIC HEARING ON 2011 AND 2012 BUDGET AMENDMENTS

At 7:23 p.m. the Chairperson opened a public hearing to consider amendments to the 2011 and 2012 Budgets. The Executive Director explained that no formal presentation was planned, but staff was present to answer any questions from the Board.

Board Members had no questions. The Chairperson opened the hearing for public comment. There was none. The hearing was closed at 7:23 p.m.

RESOLUTION NO. 138 AMENDING THE 2011 BUDGET

It was moved by Board Member Briggs and seconded by Board Member Major to adopt Resolution No. 138 authorizing a supplemental appropriation to the 2011 Westminster Economic Development Authority budget. At roll call, the motion carried with all members of the Authority voting affirmatively.

RESOLUTION NO. 139 AMENDING THE 2012 BUDGET

Board Member Briggs moved to adopt Resolution No. 139 authorizing a supplemental appropriation to the 2012 Westminster Economic Development Authority budget. Board Member Lindsey seconded the motion, and it carried unanimously on roll call vote.

ADJOURNMENT

There was no further business for the Authority's consideration, and it was moved by Atchison, seconded by Major, to adjourn. The motion passed and the meeting adjourned at 7:25 p.m.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Secretary

# WEDA Agenda Item 3 A

## Agenda Memorandum

Westminster Economic Development Authority Meeting  
March 26, 2012



**SUBJECT:** Resolution No. 140 re First Amendment to the Loan Agreement between the Westminster Economic Development Authority and Compass Mortgage Loan

**Prepared By:** Robert Smith, Treasury Manager  
Robert Byerhof, Senior Financial Analyst  
Karen Creager, Special Districts Accountant

### Recommended Board Action

Adopt Resolution No. 140 approving the First Amendment to the Loan Agreement between the Westminster Economic Development Authority and Compass Mortgage Corporation dated May 8, 2009 and authorizing the Executive Director to execute the Amendment.

### Summary Statement

- On May 8, 2009, the Westminster Economic Development Authority (WEDA) entered into a loan agreement with Compass Mortgage Corporation (Lender) to refinance a debt issue that had been secured by a letter of credit from DEPFA Bank plc. The 2005 Revenue Bonds (North Huron Project) were refinanced by the Lender as a result of a downgrade in credit rating of DEPFA Bank plc.
- The amendment to the loan agreement is deemed necessary to release certain property tax increment collections as a pledged revenue towards the loan. These pledged revenues related to certain property tax levying districts located within the North Huron Urban Renewal Area (URA), and were not previously excluded. Currently, incremental property tax collections of the 144<sup>th</sup> Avenue Metropolitan District, the 136<sup>th</sup> Avenue General Improvement District, and the Orchard Park Place Metropolitan District are excluded from loan revenue pledge; however, the Orchard Park Place General Improvement District (GID) is not.
- The amendment to the loan agreement permits the incremental property tax revenues of the Orchard Park Place General Improvement District and any subsequent district established in the URA to be excluded as a pledged revenue source.
- Exclusion of the mill levy increment from the revenue pledge permits a district to utilize these revenues to pay for certain obligations of the district.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the Board approve amending the Loan Agreement with Compass Mortgage Corporation (Lender) to exclude incremental property tax collections of improvement districts as a pledged revenue source on WEDA's loan with the Lender within the North Huron URA?

**Alternative**

The alternative would be to not approve the amendment to the Loan Agreement. This alternative is not recommended. The intent of pledged revenues to repay the loan did not include the incremental property tax collections from improvement districts within the URA. These collections were intended to be utilized for other district obligations.

**Background Information**

In 2009, WEDA refinanced three outstanding Variable Rate Revenue Bonds that had been secured by letters of credit from DEPFA Bank plc after the Bank's credit rating fell to below investment grade. The WEDA 2005 Revenue Bonds (North Huron Project) were refinanced by a \$62,375,000 loan from Compass Mortgage.

Interpretation of the Loan Agreement with Compass Mortgage resulted in the need to amend the pledged revenue sources to exclude incremental property tax collections within the Orchard Park Place GID in a similar fashion to the other existing mill levy taxing improvement districts located within the URA. The amendment to the Loan Agreement will also exclude any future improvement district's incremental property tax revenues as a pledged revenue.

The amendment does not in any way impact the credit related provisions of the loan agreement with Compass Mortgage Corporation. Staff has received the consent of the Lender for this amendment.

This recommended action supports the strategic objectives of a Financially Sustainable City Government Providing Exceptional Services, a Strong, Balanced Local Economy and Vibrant Neighborhoods in One Livable Community. It does so by assuring that the City receives payment, when appropriate, for the services it provides to WEDA that undertakes redevelopment of neighborhoods and commercial areas.

Respectfully submitted,

J. Brent McFall  
Executive Director

Attachments – Amended Loan and Resolution

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**AMENDMENT NO. 1 TO LOAN AGREEMENT**

by and between

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**  
as Borrower

and

**COMPASS MORTGAGE CORPORATION**  
as Lender

Dated as of March 26, 2012

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## LOAN AGREEMENT

**THIS AMENDMENT NO. 1 TO LOAN AGREEMENT** (this “Amendment No. 1”) is made and entered into as of March 26, 2012, by and between **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** (the “Borrower”), a public body corporate and politic duly existing under the laws of the State of Colorado, and **COMPASS MORTGAGE CORPORATION**, an Alabama corporation, in its capacity as lender (the “Lender”). All capitalized terms used and not otherwise defined herein shall have the respective meanings assigned in Article I of the Loan Agreement (defined below).

### RECITALS

WHEREAS, the Borrower is a public body corporate and politic and has been duly created, organized, established and authorized by the City of Westminster, Colorado (the “City”) to transact business and exercise its powers as an urban renewal authority, all under and pursuant to the Colorado Urban Renewal Law, constituting part 1 of article 25 of title 31, Colorado Revised Statutes (the “Act”); and

WHEREAS, pursuant to the Act, the Borrower has the power and authority to borrow money and to apply for and accept loans to accomplish the purposes set forth in the Act, and to give such security as may be required; and

WHEREAS, the Borrower and the Lender have previously entered into a Loan Agreement dated as of May 8, 2009 (the “Original Loan Agreement”); and

WHEREAS, the Original Loan Agreement may be amended only in accordance with the terms of Section 9.08 of the Original Loan Agreement, by an instrument in writing; and

WHEREAS, the Lender is willing to enter into this Amendment No. 1 pursuant to the terms and conditions contained herein; and

WHEREAS, the Note remains in full force and effect.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the parties hereto agree as follows.

### ARTICLE I

#### AMENDMENTS

**Section 1.01. Additions to Article I of the Original Loan Agreement.** Article I of the Original Loan Agreement is hereby amended to add the following definition:

“*Excluded Mill Levies*” means, collectively, (i) any mill levy imposed by the 144th Avenue Metropolitan District, the 136th Avenue General Improvement District and/or Orchard Park Place General Improvement District, (ii) any mill levy imposed by any special district formed after July 1, 2006, pursuant to Title 32, Article 1, Colorado Revised Statutes, which mill

levy is in addition to, and not a replacement for, property taxes levied by taxing entities in existence as of July 1, 2006, and (iii) any mill levy imposed by any other improvement district formed pursuant to Part 6 of Title 31, Article 25, Colorado Revised Statutes (excluding the 144<sup>th</sup> Avenue General Improvement District), which mill levy is in addition to, and not a replacement for, property taxes levied by taxing entities in existence as of the date of the Original Loan Agreement (other than a replacement for property taxes levied by entities described in clause (i) or (ii) hereof).

**Section 1.02. Amendments to Article I of the Original Loan Agreement.** The following definitions set forth in the Original Loan Agreement are hereby amended and restated in their entirety as follows:

*“Projected Pledged Property Tax Revenues”* means, for any particular Fiscal Year, the amount of Pledged Property Tax Revenues projected to be generated in such Fiscal Year (net of the then current Property Tax Base Amount) based upon the most recent Final Assessed Valuation of the Urban Renewal Project Area, the most recent certified Property Tax Base Amount, and the most recent ad valorem property tax mill levies certified by all taxing jurisdictions within the Urban Renewal Project Area (but excluding ad valorem property taxes produced by Excluded Mill Levies).

*“Pledged Property Tax Revenues”* means, for each Fiscal Year, that portion of the ad valorem property taxes produced by the levies at the rates fixed each year by or for the governing bodies of the various taxing jurisdictions within or overlapping the Urban Renewal Project Area (but excluding ad valorem property taxes produced by Excluded Mill Levies) upon that portion of the valuation for assessment of all taxable property within the Urban Renewal Project Area which is in excess of the Property Tax Base Amount; provided, however, that such amount shall be reduced by any lawful collection fee charged by the County.

**Section 1.03. Amendment to Schedule A to Annual Debt Service Coverage Certificates.** Schedule A of the Annual Debt Service Coverage Certificate set forth in Exhibit D to the Original Loan Agreement is hereby amended to: (a) add another line item titled “Current Property Tax Base Amount for 144th Avenue GID” after the line item titled “144th Avenue GID Assessed Value;” and (b) add at the end of the line item titled “Projected Property Taxes--144th Avenue GID” the following: “(Net of Property Tax Base Amount)”. The resulting amended and restated Schedule A is set forth on Exhibit A to this Amendment No. 1.

## ARTICLE II

### MISCELLANEOUS

**Section 2.01. Affirmation of Representations, Warranties and Covenants made in the Original Loan Agreement.** The Borrower hereby affirms and remakes the representations, warranties and covenants made in the Original Loan Agreement.

**Section 2.02 No Default or Event of Default Under Original Loan Agreement.** The Borrower hereby represents and warrants to the Lender that, as of the date hereof, no Default or

Event of Default under the Original Loan Agreement has occurred and is continuing and no Default or Event of Default will exist immediately after giving effect to this Amendment No. 1.

**Section 2.03 Expenses.** The Borrower agrees to pay all of the reasonable costs and expenses incurred in connection with the preparation, execution and delivery of this Amendment No. 1 and any other documents or instruments which may be delivered in connection herewith, including without limitation, the reasonable fees and expenses of Kutak Rock LLP, counsel to the Lender.

**Section 2.04 Ratification.** Except as modified herein, all terms and provisions of the Original Loan Agreement are hereby ratified and affirmed.

**Section 2.05 Severability.** If any section, paragraph, clause, or provision of this Amendment No. 1 shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Amendment No. 1, the intent being that the same are severable.

**Section 2.06 Execution in Counterparts.** This Amendment No. 1 may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**Section 2.07 Captions.** The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Amendment No. 1 or the Original Loan Agreement.

**Section 2.08 Amendment of Original Loan Agreement; Integration.** As of the Amendment Effective Date (defined herein), all references contained in any of the Financing Documents (as defined in the Original Loan Agreement) to the Loan Agreement shall mean the Original Loan Agreement as amended by this Amendment No. 1 and the Original Loan Agreement and this Amendment No.1 are hereby integrated as if the terms of this Amendment were originally set forth in the Original Agreement.

**Section 2.09 Amendment Effective Date.** This Amendment No. 1 shall become effective as of January 1, 2012 (the "Amendment Effective Date") upon satisfaction of each of the following conditions:

(a) Receipt by the Lender of an executed original of this Amendment No. 1 and proceedings of the Borrower authorizing execution of the same; and

(b) Payment by the Borrower of all costs and expenses incurred in connection with this Amendment No. 1.

[The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the undersigned have executed this Amendment No. 1 as of the date set forth above.

**LENDER**

COMPASS MORTGAGE CORPORATION, an  
Alabama corporation

By \_\_\_\_\_  
Matthew J. Chorske, Vice President

**BORROWER**

WESTMINSTER ECONOMIC DEVELOPMENT  
AUTHORITY

By \_\_\_\_\_  
Chair/Vice Chairperson

[SEAL]

Attest:

By \_\_\_\_\_  
Secretary

[Signature Page to Amendment No. 1 to Loan Agreement]



**EXHIBIT A TO AMENDMENT NO. 1**  
**SCHEDULE A TO ANNUAL DEBT SERVICE COVERAGE CERTIFICATE**

<b>ESTIMATED DEBT REQUIREMENTS</b>	Amount	line
Principal		
Interest		
Borrower Termination Payment (if any then due)		
Total		(A)
Target Revenues (line A multiplied by 1.40)		(B)
<b>PROJECTED AVAILABLE DEBT SERVICE REVENUES</b>		
<b>Projected Pledged Property Tax Revenues</b>		
Urban Renewal Project Area Assessed Value		
Certified Tax Levies--Entities Covering Entire Urban Renewal Project Area		
Current Property Tax Base Amount		
Projected Property Taxes--Entities Covering Entire Urban Renewal Project Area (Net of Property Tax Base Amount)		(C)
144 <sup>th</sup> Avenue GID Assessed Value		
Current Property Tax Base Amount for 144 <sup>th</sup> Avenue GID		
Certified Tax Levy--144 <sup>th</sup> Avenue GID		
Projected Property Taxes--144 <sup>th</sup> Avenue GID (Net of Property Tax Base Amount)		(D)
Estimated County Collection Costs		(E)
Total (C plus D minus E)		(F)
<b>Available Supplemental Reserve Moneys</b>		
Amount in Revenue Fund		
Amount in Supplemental Reserve Fund and Loan Payment Fund		
Total		(G)
50% of Maximum Annual Debt Service Requirements		(H)
Available Supplemental Reserve Moneys (G less H)		(I)
<b>Annual Maintenance Expenses</b> (no more than \$250,000)		(J)
<b>Reserve Fund Replenishment</b>		
Reserve Requirement		(K)
Amount in Reserve Fund		(L)
Replenishment Due (K minus L)		(M)
<b>Supplemental Reserve Fund Replenishment</b>		
50% of Maximum Annual Debt Service Requirements		(N)
Amount in Supplemental Reserve Fund and Loan Payment Fund		(O)
Replenishment Due (N minus O; if O is greater than N, enter \$O)		(P)
<b>Projected Available Debt Service Revenues</b> (excluding sales tax) (F plus I, minus J, minus M, minus P)		(Q)
Sales Tax Base Amount		(R)
Sales Tax Revenues Required (B minus Q plus R)		(S)
Actual Taxable Sales		(T)
Resulting Sales Tax Percentage (S divided by T, multiplied by 100)		(U)
<b>Minimum Pledged Sales Tax Rate</b> (U rounded up to nearest 0.10%)		

**ACKNOWLEDGEMENT AND CONSENT**

The undersigned representative of Banco Bilbao Vizcaya Argentaria S.A (“BBVA”), in its capacity as Party A under the International Swap Dealers Association, Inc. Master Agreement dated as of May 8, 2009, between the Westminster Economic Development Authority and BBVA (as supplemented by the Schedule and accompanying confirmation of pricing related thereto), hereby acknowledges and consents to the foregoing Amendment No. 1 to Loan Agreement.

Date: \_\_\_\_\_

**BANCO BILBAO VIZCAYA ARGENTARIA S.A**

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

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

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

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **140**

INTRODUCED BY BOARD MEMBERS

SERIES OF 2012

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**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY AUTHORIZING, APPROVING AND DIRECTING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO 2009 LOAN AGREEMENT DATED AS OF MAY 8, 2009, WITH COMPASS MORTGAGE CORPORATION (NORTH HURON URBAN RENEWAL PROJECT) AND AFFIRMING OTHER ACTIONS TAKEN BY THE AUTHORITY IN CONNECTION THEREWITH.**

WHEREAS, the Westminster Economic Development Authority (the "Authority") is a public body corporate and politic, and has been duly created, organized, established and authorized by the City of Westminster, Colorado (the "City") to transact business and exercise its powers as an urban renewal authority, all under and pursuant to the Colorado Urban Renewal Law, constituting Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended (the "Act"); and

WHEREAS, pursuant to Section 31-25-105 of the Act, the Authority has the power to borrow money and to apply for and accept advances, loans, grants and contributions from any source for any of the purposes of the Act and to give such security as may be required; and

WHEREAS, the Authority has previously issued its Tax Increment Adjustable Rate Revenue Bonds (North Huron Urban Renewal Project) Series 2005 in the original aggregate principal amount of \$68,300,000 (the "Series 2005 Bonds"); and

WHEREAS, the Authority entered into a Loan Agreement dated as of May 8, 2009 (the "Loan Agreement") with Compass Mortgage Corporation ("Compass") to obtain a loan (the "Loan") in order to finance the costs of refunding the Series 2005 Bonds (the "Refunding Project"); and

WHEREAS, pursuant to a Cooperation Agreement dated as of May 1, 2009 (the "2009 Cooperation Agreement") between the City and the Authority, the City has agreed, subject to conditions specified in the 2009 Cooperation Agreement, to loan funds to the Authority for the Refunding Project and deposit to certain funds in accordance with the Loan Agreement; and

WHEREAS, the City and the Authority approved the First Amendment to the Cooperation Agreement on March 28, 2011 to provide City discretion as to whether and when the Authority shall be responsible for the repayment of costs and services rendered by the City in support of the Authority; and

WHEREAS, the City and the Authority have determined that it is in the best interest of the inhabitants and taxpayers thereof to amend the 2009 Loan Agreement to provide for the exclusion of certain mill levies, meaning, collectively, (i) any mill levy imposed by the 144th Avenue Metropolitan District, the 136th Avenue General Improvement District and/or Orchard Park Place General Improvement District, (ii) any mill levy imposed by any special district formed after July 1, 2006, pursuant to Title 32, Article 1, Colorado Revised Statutes, which mill levy is in addition to, and not a replacement for, property taxes levied by taxing entities in existence as of July 1, 2006, and (iii) any mill levy imposed by any other improvement district formed pursuant to Part 6 of Title 31, Article 25, Colorado Revised Statutes (excluding the 144<sup>th</sup> Avenue General Improvement District), which mill levy is in addition to, and not a replacement for, property taxes levied by taxing entities in existence as of the date of the Original Loan Agreement (other than a replacement for property taxes levied by entities described in clause (i) or (ii) hereof); and

WHEREAS, pursuant to the Loan Agreement, the 2009 Loan Agreement may be amended with the prior written consent of Compass and Banco Bilbao Vizcaya Argentaria S.A. (“BBVA”), the Swap Provider as defined in the Loan Agreement; and

WHEREAS, the City and the Authority have obtained such prior written consent.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, COLORADO:

Section 1.      Approval and Authorization of the First Amendment. The form of the First Amendment to the 2009 Loan Agreement is attached hereto as “Exhibit A” and incorporated herein by this reference (“First Amendment”). The form of the First Amendment is hereby approved and the Executive Director is hereby authorized and directed to execute the First Amendment in substantially the same form as attached hereto. Except as amended by the First Amendment, the 2009 Loan Agreement shall remain unchanged in all other respects and shall remain in full force and effect.

Section 2.      General Repealer. All prior resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3.      Effectiveness. This Resolution shall take effect immediately upon its passage.

PASSED, ADOPTED AND APPROVED this March 26, 2012.

(SEAL)

\_\_\_\_\_  
Chair/Vice Chairperson

\_\_\_\_\_  
Secretary

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Attorney for the Authority

STATE OF COLORADO )  
 ) SS.  
 WESTMINSTER ECONOMIC )  
 DEVELOPMENT AUTHORITY )

I, the Secretary of the Westminster Economic Development Authority (the “Authority”), do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the Board of Commissioners of the Authority (the “Board”) at a meeting held on March 26, 2012.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of March 26, 2012, by an affirmative vote of a majority of the members of the Board as follows:

Name	“Yes”	“No”	Absent	Abstain
Nancy McNally				
Faith Winter				
Herb Atchison				
Bob Briggs				
Mark L. Kaiser				
Mary Lindsey				
Scott Major				

3. The members of the Board were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Chair or Vice Chairperson of the Board, sealed with the Authority seal, attested by the Secretary of the Board and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Notice of the meeting of March 26, 2012, in the form attached hereto as Exhibit A, was posted in at the Westminster City Hall, 4800 W. 92nd Avenue, in the City of Westminster, not less than twenty-four hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said Authority affixed March 26, 2012.

(SEAL)

\_\_\_\_\_  
 Secretary

EXHIBIT A

(Form of Notice of Meeting)