



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Equality in Pay Proclamation
 - B. "Just Say No" Week Proclamation
 - C. Arbor Day/Earth Day Proclamation
 - D. Community Pride Day 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. Revised City Council Assignments
 - B. Investment Advisor Services
 - C. 2010 Striping and Pavement Marking Project Contract
 - D. Utilities System Materials Purchases
 - E. 2010 Computer Server Replacement Purchases
 - F. 2010 Desktop and Laptop Computer Replacement Purchases
 - G. Fire Department's Records Management System Purchase
 - H. Golf Courses' Cumulative Purchases Over \$50,000 in 2010
 - I. Short-term Leases and Long-term Leasebacks of Water Rights
 - J. First Amendment to the Rocky Mountain Metropolitan Airport Lease Agreement
 - K. Amended IGA with UDFCD and Adams County for Shaw Heights Tributary at Circle Drive
 - L. Big Dry Creek Flow Monitoring Intergovernmental Agreement with the City and County of Broomfield
 - M. Second Reading of Councillor's Bill No. 11 re Amended Redevelopment Assistance Agreement for Northgate Center

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Public Hearing re Application to Designate the Church's Stage Stop Well as a Local Historic Landmark
- B. Resolution No. 10 re Designate the Church's Stage Stop Well, 10395 Wadsworth Blvd, as a Local Historic Landmark
- C. Resolution No. 11 re Colorado Automobile Theft Prevention Authority Grant

11. Old Business and Passage of Ordinances on Second Reading

12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session

- A. City Council
- B. Executive Session – Discuss strategy and progress on potential lease of certain City owned real property and the City's position relative thereto, pursuant to WMC 1-11-3 (C)(2), WMC 1-11-3(C)(7), CRS 24-6-402(4)(a), and CRS 24-6-402(4)(e)

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MARCH 22, 2010 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Mark Kaiser, Mary Lindsey, and Faith Winter were present at roll call. Councillors Bob Briggs and Scott Major were absent. J. Brent McFall, City Manager, Marty McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Mayor Pro Tem Dittman moved, seconded by Kaiser, to approve the minutes of the regular meeting of March 8, 2010, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that City Council and the Westminster Economic Development Authority (WEDA) Board of Directors would be considering approval of an Amended Redevelopment Assistance Agreement for the Northgate Shopping Center tonight. The amended agreement was necessitated by a change in ownership of the shopping center, and staff incorporated a new provision in the amended agreement to require the new owner of the property to remove dilapidated structures to the north of the newly redeveloped shopping center, an improvement long sought within the Urban Renewal Area.

Mr. McFall announced that in keeping with general practice there would be no City Council study session on Monday, March 29, as it was the fifth Monday of the month.

Immediately following City Council and WEDA meetings, the Council would convene in executive session to discuss strategy and progress on potential sale, acquisition, trade or exchange of certain real property for park expansion pursuant to Westminster Municipal Code (WMC) §1-11-3(C) (2), WMC § 2-1-6, WMC §2-11-2 and Colorado Revised Statutes (CRS) §24-6-402(4) (a) and (e); to discuss City-RTD Northwest Rail Plan negotiations and strategy and provide direction and instructions to the City's negotiators allowed by WMC §1-11-3(C)(4) and (7) and CRS §24-6-402(4)(e); and to discuss strategy and progress on the sale, acquisition, trade or exchange of property or property rights for the McKay Lake Drainageway Project pursuant to WMC §section 1-11-3 (C)(2), (7) and (8) and CRS §24-6-402 (4)(a) and (e).

CITY COUNCIL COMMENTS

Mayor Pro Tem Dittman congratulated Director of Parks, Recreation and Libraries Bill Walenczak and staff for successfully remodeling the swimming pool at the City Park Recreation Center. Having attended the reopening on the facility, it was apparent the pool would be a focal point of recreation for children and adults over the next 25 years.

EMPLOYEE LENGTH OF SERVICE AWARDS PRESENTATION

Councillor Winter presented certificates and pins for 20 years of service to Bill Walenczak, Jean Matthews, and Mike Jones. Mayor McNally presented certificates, pins, and stipends to Martin McCullough and Terri Hamilton for 25 years of service to the City. Councillor Kaiser presented certificates and pins for 30 years of service to Jeff Brotzman, Marty Chase, and Carol Gifford. Mayor Pro Tem Dittman presented a certificate and pin for 35 years of service to Police Chief Lee Birk. All were congratulated and thanked for their contributions to the organization's successes.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the February 2010 Financial Report; approve the Metzger Farm Open Space Master Plan; authorize the Finance Director to sign a contract for legal services with Brownstein Hyatt Farber Schreck, LLP, in a form acceptable to the City Attorney's Office, for special legal services to include advice pertaining to Qualified Domestic Relations Orders relating to the Retirement Medical Savings Account and other pension-related legal issues that might arise; upon recommendation of the City Manager, find that the public interest would best be served by authorizing a negotiated purchase from the sole source provider, National Meter & Automation, Inc. for new water meter replacement transponders, and chambers and disc assembly purchases in the amount of \$93,780 and cumulative purchases from National Meter & Automation, Inc. in an amount not to exceed \$125,000 for calendar year 2010; based on the report and recommendation of the City Manager, determine that the public interest would be best served by authorizing the purchase of Workers' Compensation Excess insurance for \$77,034 from the sole responsive bidder, Midwest Employers Casualty Company; authorize the City Manager to execute a contract with Goodland Construction Inc. in the amount of \$66,307 for construction of the City Park Playground site work and authorize a contingency amount of 10% or \$6,600, authorize the purchase of playground equipment from Columbia Cascade in the amount of \$100,550, authorize the purchase of two shelters from ICON in the amount of \$62,311, and authorize the purchase of site amenities (benches, trash receptacles, tables, surfacing) in the amount not to exceed \$114,232 with various vendors for a total project cost of \$350,000; authorize the City Manager to execute a contract with Goodland Construction Inc. in the amount of \$47,080 plus a 10% contingency for the renovation of the basketball court and repairs to the retaining walls at Wolff Run Park and charge the expense to the capital improvement project account designated for Park Renovations in Adams County; authorize the City Manager to execute a contract with the low bidder, New Design Construction Company, in the amount of \$380,875 for construction services related to the Osceola Street and Perry Street Sewer Replacement with a 15% contingency of \$57,131, and authorize an amendment to URS Corporation for the design and construction management contract in an amount not to exceed \$25,000 for additional construction management services; authorize the City Manager to execute a final change order with Lillard & Clark Construction Company, Inc. in the amount of \$2,100,000 for construction of the renovation and expansion of the Big Dry Creek Wastewater Treatment Facility, representing a final Guaranteed Maximum Price contract amount of \$40,975,000, and authorize the transfer of \$800,000 from three existing utility fund capital improvement accounts where savings from completed projects remain to the Big Dry Creek Wastewater Treatment Facility Upgrade and Expansion capital account; authorize the City Manager to sign a contract, in substantially the same form as distributed in the agenda, with the Governor's Energy Office to manage and administer the Energy Efficiency and Conservation Block Grant funded Residential Energy Rebate program on behalf of the City of Westminster; authorize the City Manager to execute a grant application to the State Historical Fund in the approximate amount of \$70,724 to combine with a proposed City cash match of \$23,575 to complete preservation work on the Shoenberg Farm concrete silo; authorize the City Manager to sign an Intergovernmental Agreement between the City of Westminster and Boulder County to obtain trees from a Boulder County-owned tree nursery property at no charge to the City of Westminster; final passage of Councillor's Bill No. 8 on second reading providing for supplemental appropriation of funds to the 2009 budget of the General, General Reserve, Utility Rate Stabilization Reserve, Sales & Use Tax, Parks Open Space & Trails, and General Capital Improvement Funds; final passage of Councillor's Bill No. 9 on second reading authorizing a supplemental appropriation in the amount of \$150,000 reflecting the City's receipt of a Jefferson County Joint Venture Grant for the City Park Playground; and final passage of Councillor's Bill No. 10 on second reading granting a gas and electric franchise to Public Service Company of Colorado, subject to execution of a final agreement regarding street and signal lighting.

There were no requests to remove any item from the consent agenda and Mayor Pro Tem Dittman moved, seconded by Councillor Kaiser, to approve the consent agenda as presented. The motion carried.

RESOLUTION NO. 7 MAKING APPOINTMENTS TO FILL VACANCIES ON BOARDS & COMMISSIONS

It was moved by Councillor Lindsey, seconded by Mayor Pro Tem Dittman, to adopt Resolution No. 7 to appoint eligible applicants to fill vacancies on the Environmental Advisory Board, the Historic Landmark Board, the Open Space Advisory Board, the Parks, Recreation & Libraries Advisory Board, the Personnel Board, the Planning Commission, and the Special Permit and License Board. The motion passed unanimously at roll call.

RESOLUTION NO. 8 ACCEPTING ANNEXATION PETITION & SCHEDULING HEARING DATE

It was moved by Councillor Winter and seconded by Councillor Kaiser to adopt Resolution No. 8 accepting the annexation petition submitted by the City of Westminster for the 144th Avenue and Zuni Street annexation, making the findings required by state statute on the sufficiency of the petition and setting the date of May 10, 2010 for the annexation hearing. At roll call, the motion passed with all Council members voting yes.

RESOLUTION NO. 9 ACCEPTING ANNEXATION PETITION & SCHEDULING HEARING DATE

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Kaiser, the Council voted unanimously at roll call to adopt Resolution No. 9 accepting the annexation petition submitted by the City of Westminster for the 144th Avenue and Tejon Street annexation, making the findings required by state statute on the sufficiency of the petition, and setting May 10, 2010 as the date for the annexation hearing.

COUNCILLOR’S BILL NO. 11 RE NOTHGATE SHOPPING CENTER AMENDED AGREEMENT

Councillor Winter moved to pass Councillor’s Bill No. 11 on first reading authorizing the City Manager to sign an amended redevelopment assistance package with Parkwood East, LLC, in substantially the same form as the agreement circulated in the agenda packet, to improve the Northgate Shopping Center located at the southeast corner of 72nd Avenue and Federal Boulevard. Mayor Pro Tem Dittman seconded the motion and it passed unanimously on roll call vote.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Mayor Pro Tem Dittman, seconded by Kaiser, to adjourn. The motion carried, and the meeting adjourned at 7:26 p.m.

ATTEST:

City Clerk

Mayor



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Proclamation re Equality in Pay

Prepared By: Ben Goldstein, Management Analyst

Recommended City Council Action

Councillor Winter will present a proclamation proclaiming April 20, 2010 as City of Westminster “Equal Pay Day” in recognition of the passage of the Equal Pay Act and Title VII of the Civil Rights Act, and the continued inequity in pay for women and people of color.

Summary Statement

- The Mayor and City Council are being requested to proclaim April 20, 2010 as Equal Pay Day in the City of Westminster.
- Although the City of Westminster works hard to ensure equitable treatment in paying its employees, gaps remain for women and minorities throughout the country.
- According to statistics released in 2008 by the U.S. Census Bureau, year-round, full-time working Colorado women in 2007 earned only 80% of the earnings of year-round, full-time working men.
- Over a working lifetime, wage disparities cost the average American woman and her family significant amounts in lost wages, impacting Social Security benefits and pensions.
- The purpose of the proposed proclamation is to bring attention to the disparity in pay that exists for women and minorities and to encourage our community to work together to bring equality to all.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The City of Westminster is committed to equitable treatment in paying its employees; however, discrepancies remain in the greater community. Women and minorities continue to make less than Caucasian men, despite the passage of the Equal Pay Act and Title VII of the Civil Rights Act. In Colorado, the Anti-Discrimination Act (CADA) prohibits workplace discrimination based on sex and race, among other factors and helps close the pay gap.

In addition to Federal and State laws, there are organizations that support the effort for equality in pay, such as 9to5, The White House Project and The Coloradans for Fair Pay Coalition. With help from these organizations and others, the City of Westminster is confident that the pay gap will be closed. Progress has been made over the last 50 years, but further hard work and determination is needed to bring full equality to pay for all.

The attached Proclamation provides information on the current gap in pay for women and minorities and underscores the need for further recognition and corrective action to close the remaining pay gap by proclaiming April 20, 2010 as City of Westminster Equal Pay Day.

The City of Westminster remains dedicated to equal pay and will work to encourage other employers in the community to do so as well.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Equality In Pay Proclamation

WHEREAS, more than forty-five years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and people of color continue to suffer the consequences of inequitable pay differentials; and

WHEREAS, according to statistics released in 2008 by the U.S. Census Bureau, year-round, full-time working Colorado women in 2007 earned only 80% of the earnings of year-round, full-time working men; and

WHEREAS, women of color experience even greater pay disparities, with year-round, full-time working Colorado African American women earning 71 percent and Colorado Latinas 56 percent of the earnings of year-round, full-time working Colorado white men, the highest earners; and

WHEREAS, men of color also experience disparities when their pay is compared to that of white men; and

WHEREAS, over a working lifetime, wage disparities cost the average American woman and her family significant amounts in lost wages, impacting Social Security benefits and pensions; and

WHEREAS, fair pay equity policies can be implemented simply and without undue costs or hardship in both the public and private sectors; and

WHEREAS, a strong business and public interest case exists for pay equity; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and

WHEREAS, the Colorado Pay Equity Commission's 2008 report, "Fulfilling the Promise: Closing the Pay Gap for Women and Minorities in Colorado," offers incremental and achievable solutions to help address the issue; and

WHEREAS, Tuesday, April 20, 2010 symbolizes the time in the new year in which the wages paid to American women catch up to the wages paid to men from the previous year,

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim April 20, 2010 as

CITY OF WESTMINSTER EQUAL PAY DAY

Signed this 12th day of April, 2010.

Nancy McNally, Mayor



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Proclamation re “Just Say No” Week

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Councillor Briggs to present the proclamation for “Just Say No” Week in the City of Westminster.

Summary Statement

- Again this year, the City is supporting “Just Say No” Week.
- The City of Westminster in conjunction with the Westminster Area Community Awareness Action Team (CAAT), local schools, churches and area businesses are joining together to encourage all citizens of Westminster to participate in this effort and to be reminded that the use of alcohol, tobacco and other drugs by our youth is one of the most serious problems facing today’s society.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The City of Westminster has participated by proclaiming “Just Say No to Drugs Week” since 1986. The Westminster Area Community Awareness Action Team’s (CAAT) Drug-free Conference and “Just Say No” Carnival are community school-based programs dedicated to the well being of children and teenagers.

The Westminster Area CAAT has requested that City Council proclaim April 25 through May 1 as “Just Say No to Drugs” week. During that week, the “Just Say No” flag will be flown from a standard in front of City Hall as a visible reminder of the need for the community to focus on a drug-free society.

The issuance of this proclamation promotes City Council’s Strategic Plan Goal for a Safe and Secure Community by encouraging citizens to take responsibility for their own, their children’s, and the community’s safety and well-being through lifestyle choices that create a drug-free environment.

Members of the Westminster Area Community Awareness Action Team Board will be present to accept this proclamation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – “Just Say No” Week Proclamation

WHEREAS, Alcohol, tobacco and other drug use by our youth is one of the most serious problems facing our society today; and

WHEREAS, The Westminster Area Community Awareness Action Team works to empower youth to lead healthy, productive, drug-free lives; and

WHEREAS, Just Say No to Drugs Week represents a comprehensive effort on the part of schools, parents, the community and children themselves to persuade youth not to use alcohol, tobacco and other drugs; and

WHEREAS, The Drug Free Youth Conference, Red Ribbon Week Celebration, Parents Who Host, Lose the Most Campaign, and “Just Say No to Drugs” Week are community and school-based programs dedicated to the well being of children and teenagers and locally coordinated by Westminster Area Community Awareness Action Team; and

WHEREAS, Resiliency of youth is promoted through City, school and community programs by providing opportunities to form strong relationships with positive peers and adults within community institutions, develop and practice new life skills, and assume useful, meaningful roles in their communities.

NOW THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 25 through May 1, 2010

JUST SAY NO TO DRUGS WEEK

in the City of Westminster and encourage all citizens of Westminster to participate in this effort and remind our citizens that drug use by youth is a serious problem that requires everyone’s attention.

Signed this 12th day of April, 2010.

Nancy McNally, Mayor



Agenda Item 6 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Proclamation re Arbor Day/Earth Day

Prepared By: Rob Davis, City Forester
Carey Rangel, Environmental Analyst

Recommended City Council Action

Councillor Lindsey will present a proclamation to City Forester Rob Davis and Environmental Analyst Carey Rangel proclaiming April 17, 2010, as Arbor Day and Earth Day in the City of Westminster, and accept the Tree City USA Award as presented by a member of the Colorado State Forest Service.

Summary Statement

- A member from the Colorado State Forest Service will present the Tree City USA award to the Mayor and City Council. This will be the 25th consecutive year that the City has received the Tree City USA Award.
- Councillor Mary Lindsey is requested to present the City's Arbor Day and Earth Day proclamation to City Forester Rob Davis and Environmental Analyst Carey Rangel.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

In 1872, J. Sterling Morton, the editor of Nebraska's first newspaper, proposed a tree-planting holiday to be called Arbor Day. Since that time, Arbor Day celebrations have spread to every state in the nation and to many foreign countries.

The Tree City USA Award is sponsored by the National Arbor Day Foundation and recognizes towns and cities across America that meets the standards of the Tree City USA Program. This program is designed to recognize those communities that effectively manage their public tree resources and to encourage the implementation of community tree management based on four Tree City USA Program elements:

1. A Tree Board or Department (The City's board consists of Rob Davis, Rich Dahl, Bill Walenczak, and Rod Larsen.)
2. A community tree ordinance, (Title XIII, Chapter 3)
3. A community forestry program with an annual budget of at least \$2/capita
4. An Arbor Day observance and proclamation

In 1962, Senator Gaylord Nelson of Wisconsin suggested that, due to rising concern over the state of the environment, one day be set-aside in observance of the environment. The first Earth Day was held on April 20, 1970. Earth Day is now celebrated annually on April 22 to raise awareness of and encourage citizen participation in activities that sway the balance of life and the Earth. For the City of Westminster, April 17, 2010, is established as Earth Day in order to coordinate with Arbor Day events. Each year, a different theme is chosen and for 2010 the theme is "The Green Generation" honoring a year-long celebration of Earth Day's 40th Anniversary.

The events scheduled for Arbor Day and Earth Day are as follows:

Arbor Day and Earth Day School Program: Thursday, April 15, 1:00 p.m. at Adams Elementary

The presentation at Adams Elementary School will educate 4th grade students about the benefits of trees, tree protection, and the history of Arbor Day and Earth Day. Prizes for the Arbor Day poster contest will be awarded, with the first place winner receiving a potted evergreen tree. Second through tenth place winners will receive a 2 to 3-foot shade tree. The students will be shown how to properly plant and take care of their trees as well. All students will receive buttons, tree seedlings, and a reusable grocery bag from the Environmental Advisory Board, which include educational materials on protecting our resources. A presentation may be made on how to live more green, conserve energy, and recycle at your curb.

Arbor Day and Earth Day Celebration: Saturday, April 17, 2010 at City Park Recreation Center

Park Service Division Staff will distribute bare-root maple, lilac and cedar trees, educational literature, and wood chip mulch. Westminster received a donation of \$570 from Panorama Orthopedics to cover the cost of 300 of this year's Arbor Day tree seedlings. This local business is sponsoring this program as an effort to offset their carbon footprint. There will be a small tree sale, and a drawing will be held for a free 1.25 inch caliper tree. The winner of the drawing will be contacted by phone and need not be present to win. During the Second Annual Green Expo, honoring Earth Day's 40th Anniversary, residents can talk to businesses in the area that can provide them with resources on how to live greener. Additionally,

SUBJECT: Proclamation re Arbor Day/Earth Day

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members of the City's Environmental Advisory Board and Green Team will be on hand to collect plastic bags for recycling, sell reusable grocery bags and provide information on living green, recycling, household hazardous waste, and storm water protection. Because the attendees are community involved and consciously aware of needs in the community, Volunteer Services will also host an open house for local non-profit and outreach organizations to showcase their volunteer opportunities during the event.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Arbor Day/Earth Day Proclamation

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day call Arbor Day be set aside for the planting of trees; and

WHEREAS, The holiday called Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, are a source of joy and spiritual renewal, and provide habitat for wildlife; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Westminster has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways; and

WHEREAS, in 1970, Senator Gaylord Nelson of Wisconsin, suggested in a speech that a one-day demonstration be held to show concern for the environment. April 22, 1970, was designated the original Earth Day. Denis Hayes, then a Harvard Law School student, left school to organize the event, which involved thousands of schools, universities, and environmental groups as well as members of Congress and officials and activists throughout the U.S.; and

WHEREAS, The holiday called Earth Day is now observed throughout the nation and world; and

WHEREAS, Annually a national theme is chosen for all to focus their attention on April 22; and

WHEREAS, The year 2010 Earth Day theme is “The Green Generation;”

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim Saturday, April 17, 2010,

ARBOR DAY and EARTH DAY

in the City of Westminster, and urge all citizens to support efforts to protect our trees and to support our City's urban forestry program; urge all citizens to plant trees to gladden the hearts and promote the wellbeing of present and future generations; and further urge all citizens to become aware of water quality impacts.

Signed this 12th day of April 2010.

Nancy McNally, Mayor



Agenda Item 6 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Proclamation re Community Pride Day

Prepared By: Richard Dahl, Park Services Manager
Patti Wright, Open Space Volunteer Coordinator

Recommended City Council Action

Mayor McNally will present a proclamation to Open Space Volunteer Coordinator Patti Wright proclaiming May 8, 2010, as Community Pride Day in the City of Westminster.

Summary Statement

- For several years, the City of Westminster and Hyland Hills Park and Recreation District have partnered for Community Pride Day, the largest annual volunteer trash cleanup in Westminster.
- Community Pride Day activities will include litter pickup in rights-of-way, greenbelts, trails, parks, and open space sites throughout the City and District. This cleanup program fosters residents' commitment to a cleaner community and attracts volunteers from scout troops, homeowners associations, schools, civic organizations, businesses, families, and church groups.
- The event will conclude at Westminster City Hall with a barbeque sponsored by the City of Westminster, Hyland Hills Park and Recreation District, and the Westminster Rotary Club, with assistance from the Westminster Youth Advisory Panel. Food, entertainment, music, door prizes, and fire engine rides are featured at the barbeque.

Expenditure Required: \$3,000

Source of Funds: General Fund - Parks, Recreation, and Libraries Operating Budget

Policy Issue

None identified

Alternative

None identified

Background Information

Community Pride Day was established several years ago in recognition of the Keep America Beautiful anti-litter campaign. This popular volunteer cleanup event has grown from a few hundred volunteers to over 1,400 volunteers last year.

On May 8, 2010, volunteers will begin cleaning up along designated routes at approximately 8 a.m. After completion of their cleanup, volunteers meet at Westminster City Hall to celebrate their hard work with food, entertainment, and prizes. The barbeque's entertainment includes music and games provided by Bryce Jackman. Hotdogs and hamburgers will be hot off the barbecue grill at City Hall, courtesy of the Westminster Rotary Club chefs, along with soda pop, chips, and dessert. Partnership with the Westminster Rotary Club and donations by Chick-Fil-A, Phat Cats, REI and other area merchants are instrumental in providing a quality event for the volunteers.

Mayor Nancy McNally will read the Community Pride Day proclamation and recognize sponsors. During the barbecue, the Westminster Fire Department will offer antique fire engine rides. The Westminster Youth Advisory Panel is also volunteering at the barbecue to help make it a success.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Community Pride Day Proclamation

WHEREAS, Keep America Beautiful, a national nonprofit organization, strives to empower individuals to take greater responsibility for enhancing their community environments, and therefore sponsors the Great American Cleanup; and

WHEREAS, The City of Westminster and Hyland Hills Park and Recreation District have joined together to mobilize citizens to take action in their communities and to support the nation's largest volunteer beautification and improvement project; and

WHEREAS, The goal of Community Pride Day is to bring together youth, government, businesses, families, neighborhoods, and community leaders to help clean up the City and Hyland Hills Park and Recreation District and share pride in our community; and

WHEREAS, Westminster and Hyland Hills Park and Recreation District have organized a cleanup program with sponsors and donations from the community; and

WHEREAS, The caring citizen-volunteers of our communities are ready and willing to do their part to engage in cleanup activities and demonstrate their civic pride and individual responsibility.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 8, 2010,

COMMUNITY PRIDE DAY

in the City of Westminster and call upon all citizens and civic organizations to recognize and support the efforts of the volunteers and citizens who take pride in keeping Westminster and Hyland Hills Park and Recreation District clean places to live.

Signed this 12th day of April, 2010.

Nancy McNally, Mayor



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Revised City Council Assignments

Prepared By: Mary Joy Barajas, Executive Secretary

Recommended City Council Action

Approve the attached Revised Council Assignments list as discussed at the February 22nd Post City Council briefing.

Summary Statement

- Council approval is requested pertaining to Council assignments for the remainder of 2010.
- These assignments pertain to internal committees of the City organization as well as numerous external organizations in which the City is involved.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The City of Westminster is involved in a number of organizations that are external to the city government. These include a wide range of both standing committees as well as groups that are formed to address current issues. They range from regional air quality and transportation issues to representation on the Denver Regional Council of Governments (DRCOG) and the Urban Drainage and Flood Control District (UDFCD). City Council and Staff are active participants on a number of committees related to regional issues such as the U.S. 36 MCC that works to develop strategies to improve commuting on US 36.

There are now 11 City Boards and Commissions (due Council's recent action eliminating the Board of Adjustment and Appeals and the Transportation Commission) to which a City Council liaison is assigned. The purpose of such Council assignments is to assure open and time sensitive communications between City Council and the respective Board or Commission. These particular assignments are to be handled on an "on-call" basis. The Chairperson of each respective Board or Commission shall be responsible to contact the Council representative when he or she is needed to be at the respective meeting. Otherwise, the Council representative is not required to be in attendance at the Board/Commission meeting.

City Council reviewed the City Council assignments at their February 22nd Post City Council briefing and provided Staff with direction on minor changes to the Council assignments. These changes are reflected on the attached City Council Assignment list for Council's official action.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CITY COUNCIL ASSIGNMENTS
March 2010

| <u>Organization</u> | Meeting Time/Date/Place | Council/Staff Representatives |
|---|--|---|
| 36 Commuting Solutions (formerly US36 TMO) | 2 nd Tuesday, 7:30-9:00 a.m. at the NITA Bldg 363 Centennial Pkwy | Bob Briggs/Scott Major/Dave Downing/Matt Lutkus |
| ADCOG Dinner | Quarterly 4 th Wednesday in Jan, April, July and August. | All |
| Adams 50 After School Task Force | 3 rd Thursday, 4-5:30pm, Hidden Lake High School | Faith Winter/Cindy McDonald |
| Adams County Economic Development | 4th Thursday, 11:30 a.m.-1:30 p.m. 12050 Pecos St, Suite 200. | Chris Dittman/Susan Grafton |
| Adco Housing Authority | 2 nd Thursday, 4-6pm, 7190 Colorado Blvd., Basement Room #2 | Faith Winter |
| ADCO Mayors Executive Committee | 3rd Friday, 7:30 a.m., location varies per municipality. | Nancy McNally/Brent McFall |
| Broomfield-Westminster Open Space Foundation | Varies. Scheduled as needed. | Nancy McNally/Mary Lindsey/Bob Briggs/Heather Cronenberg |
| CML Fiscal Issues | As needed, usually first meeting is late January, early February | Faith Winter |
| CML Policy Committee | Three times a year at CML offices (2/28 9:30am-3pm – final meeting in May) | Chris Dittman/Mary Lindsey |
| CML Tax Policy Committee | Varies | Steve Smithers |
| CO Women in Government | Varies (Contact: Sara Reynolds/CML) | Faith |
| DRCOG Board | 1 st and 3 rd Wednesday, 6:30-8:30 p.m., 1290 Broadway, Ste 1700, 1 st Floor | Nancy McNally/Faith Winter/Barbara Opie |
| Jefferson County Transportation Advisory & Advocacy Group (JEFFTAAG) | 2nd Wednesday, 7-9am at Jeffco Admin Courts Bldg – Lookout Mountain Room, 100 Jefferson Cty Pkwy, Golden | Chris Dittman /Bob Briggs, Alt/Dave Downing |

| Organization | Meeting Time/Date/Place | Council/Staff Representatives |
|---|---|---|
| Jeffco Economic Council Board Meeting | 3 rd Wednesday, 11:30 – 1:30 p.m., Jeffco Admin. Building | Chris Dittman /Susan Grafton/Bob Briggs |
| Metro Mayors Caucus | 1 st Weds of Feb/Apr/Jun/Aug/Oct from 8:30-11:30 pm at Denver Metro Chamber of Commerce Except Jan. 9 Retreat runs from 8:00 am to 4:00 pm and will take place at Fossil Trace Golf Course, 3050 Illinois, Golden 80401 | Nancy McNally |
| Rocky Mountain Rail Authority | Last Friday of each month @ 1pm, Jefferson County Courthouse | Bob Briggs/Dave Downing |
| Rocky Flats Stewardship Council | 1 st Monday of Feb/Apr/Jun/Aug/Oct/Nov from 8:30 – 11:30 a.m., Rocky Mtn. Metro Airport. No Jan Meeting. | Bob Briggs/Ron Hellbusch |
| Volunteer Firefighter Pension Board | As needed, will send notices. | Nancy McNally/Gary Doane & Gary Buschy |
| Urban Drainage and Flood Control District Board Meeting | 3 rd Thursday of each month, except for Jan @ UDFCD offices. 12:15 lunch; 1:00pm meeting, Annual Meeting Feb 2 | Nancy McNally |
| U.S. 36 Mayors/Commissioners Coalition | 1 st Thursday each month 7:30-9am; location – odd months Broomfield, event months Superior | Nancy McNally/Matt Lutkus /Dave Downing |
| Westminster Historical Society | 3 rd Saturday, 10:00 – 11:30 am at the Bowles House. | Mary Lindsey/Nancy McNally |

| City Boards/Commission/Panel | <u>Meeting Time/Date/Place</u> | <u>Council/Staff Representatives</u> |
|---|---|---|
| Board of Building Code Appeals Staff Liaison – Dave Horras | Meets on an as needed basis | Mark Kaiser |
| Election Commission – Staff Liaison – Linda Yeager | As needed basis in the GS Conf Rm. | Faith Winter |
| Environmental Advisory Board Staff Liaison – Carey Rangel | Last Thursday of every month @ 6:30 p.m. College Hill Library, Rm L167 | Faith Winter/Mary Lindsey |
| Historic Landmark Board Staff Liaison – Patrick Caldwell | 2 nd Wednesday of every month @ 7pm Council Board Room | Mary Lindsey/Bob Briggs |
| Human Services Board Staff Liaison – Carol Jones | Two to seven times a year. (Location: TBD) | Mark Kaiser |
| Open Space Advisory Board Staff Liaison – Heather Cronenberg | 4 th Wednesday of every month @ 5:00 p.m. in the Main Level Conference Room | Bob Briggs/Scott Major |
| Planning Commission Staff Liaison – Betty Losasso | 2 nd & 4 th Tuesday of each month @ 7:00 p.m. in Council Chambers | Chris Dittman/Scott Major |
| Parks, Recreation & Library Advisory Board Staff Liaison – Sue Andre | 2nd Thursday of every other month (except December) 6:00 p.m, location varies. | Scott Major/Mary Lindsey |
| Personnel Board Staff Liaison – Debbie Mitchell | Meets 1 time per year for legal updates and training of Board’s choice and as needed for personnel hearings. | Mary Lindsey/Faith Winter |
| Special Permit & License Board Staff Liaison – Linda Yeager | 1 st and 3 rd Wednesdays of each month (dependent upon applications) 7:00 p.m., Council Chambers | Mark Kaiser/Bob Briggs |
| Youth Advisory Panel Staff Liaison – Cindy McDonald | 1 st Monday of each month @ 5:30 p.m. in the Main Level Conference Room | Faith Winter/Scott Major |

Revised 3/25/2010



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Investment Advisor Services

Prepared By: Robert Smith, Treasury Manager
Robert Byerhof, Senior Financial Analyst
Rachel Price, Financial Analyst

Recommended City Council Action

Authorize the City Manager to execute a contract with Cutwater Asset Management for investment advisor services.

Summary Statement

- The City maintains an investment portfolio that as of December 31, 2009 was valued at \$131,075,588. The total value of the portfolio fluctuates throughout the year depending on revenue receipts and expenditures.
- Since 1998, the City has employed the services of an investment advisor due to the efficiencies inherent for these services such as:
 - The technical and personnel resources available to monitor market conditions relative to security purchases, sales, and credit issues.
 - The expertise to provide the necessary daily oversight to monitor and comply with the City's Investment Policy.
- On January 19, 2010 a Request for Proposal (RFP) was issued for investment advisor services. Seven proposals were submitted for analysis from which Staff recommends that Cutwater Asset Management be hired as the City's investment advisor.

Expenditure Required: Varies depending on portfolio balance

Source of Funds: Interest Earnings

Policy Issue

Should the City of Westminster proceed with a contract for investment advisor services with Cutwater Asset Management?

Alternatives

1. Choose another firm to perform the investment advisor services. Staff does not recommend this alternative, as Cutwater Asset Management represents the most qualified investment advisor provider based on review of the RFP's submitted.
2. Do not have an investment advisor assist the City manage its investment portfolio. Staff does not recommend this alternative. Given the size of the City's portfolio and staffing constraints, the City is best served by the professional services of an investment advisor to efficiently monitor the market, execute investment transactions, and monitor compliance of the City's Investment Policy.

Background Information

The City has employed the services of an investment advisor since June 1998. Originally, the City hired American Money Management. The firm was later purchased by MBIA Municipal Investors Service Corporation (MBIA), which recently changed the name of the investment management business, due to corporate restructuring, to Cutwater Asset Management; however, key portfolio personnel remain intact. Prior to June 1998, the City employed an Investment Officer, whose primary responsibility was managing the investments of City's portfolio. In mid-1998, the City decided to outsource the investment services as staff resources were needed for other functions.

The investment advisor's resources are devoted solely to observing market conditions, monitoring credit risk, contacting brokers for the best pricing and informing the City when action is deemed necessary to protect the City's portfolio. Finance personnel who would otherwise take on the role as a portfolio manager have numerous other responsibilities and duties that command attention on a daily basis, such as debt and lease management, banking relationships and services, financial analysis of various City projects and urban renewal areas, and administration of the City's Purchasing Card program.

Utilizing the services of an investment advisor has proven to be a cost effective and prudent relationship over the years. In 2009, the City earned a rate of return net of fees of 3.39%, totaling \$5,137,484 in interest earnings. This compared favorably to the return of the 2-year T-Note over the same time horizon of 0.95%, the City's portfolio benefited from the portfolio manager's expertise and active management. The 2-year T-Note was selected as a benchmark as the weighted average maturity of the portfolio was 575 days.

Maintaining the services of an investment advisor is a prudent and practical use of City funds given the complexities of the financial markets and professional expertise required to manage investments and monitor market conditions. The RFP for investment advisor services was released on January 19, 2010 and seven proposals were received and analyzed for experience and credentials of key personnel, report content, size of portfolios managed, number of public sector clients, references, and pricing. Pricing ranged from a flat fee as a percentage of the assets managed to a tiered structure based on incremental values of a portfolio. The table below estimates the annual fees of each respondent based on a total portfolio value of \$130,000,000.

| Firm | Estimate Annual Fee |
|---|----------------------------|
| Bond Logistix LLC ⁽¹⁾ | \$ 65,000.00 |
| Cavanal Hill Investment Management | \$ 141,500.00 |
| Chandler Asset Management | \$ 102,000.00 |
| Cutwater Asset Management/MBIA | \$ 65,000.00 |
| Davidson Fixed Income Management ⁽²⁾ | \$ 65,000.00 |
| Public Financial Management, Inc | \$ 97,000.00 |
| Scout Investment Advisors | \$ 325,000.00 |

⁽¹⁾ Plus a performance fee of 0.02 % for each 0.10% return in excess of benchmark

⁽²⁾ Annual fee capped at \$69,000

Initial review of the proposals led staff to interview two finalist candidates, Cutwater Asset Management and Davidson Fixed Income Management. They offered the best competitive flat percentage pricing of the respondents, were very comparable relative to the other attributes mentioned above, and have a strong local presence. Although Davidson provides a cap on their annual fees, this is not considered a significant factor in the recommendation as the cap does not become relevant based on the current value and anticipated value of the portfolio. Staff is projecting a decline in the portfolio balance due to the Utility's initiative to purchase water rights, which could reduce the portfolio balance approximately \$20,000,000 over the next year.

After thorough analysis and comparison of each finalist, Staff recommends that the contract be awarded to Cutwater Asset Management. Since 1998, the personnel at Cutwater Asset Management, previously known as MBIA, have managed the City's portfolio and provided excellent professional service, including earning safe excess returns above Treasury benchmarks. Given the longevity of the relationship, Cutwater Asset Management is very familiar with the City's cash-flows. In addition, the firm was instrumental in updating the City's Investment Policy that Council approved in May 2008. Each firm has quality personnel and depth of experience; however, the portfolio managers at Cutwater attained the Chartered Financial Analyst professional designation, which is recognized in the industry as one of the most respected form of designations for portfolio managers. In addition, Staff received outstanding references from other clients on Cutwater. Staff believes that it is in the City's best interest to continue the investment advisor relationship with Cutwater Asset Management.

Staff and a representative from Cutwater Asset Management will be present at the April 12th Council meeting to address any questions or concerns relative investment advisor services.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: 2010 Striping and Pavement Marking Project Contract

Prepared By: Dave Cantu, Contract Maintenance Supervisor
Ray Porter, Street Operations Manager

Recommended City Council Action

Authorize the City Manager to execute a contract for 2010 with options for two additional one-year renewals (2011 and 2012) for Citywide Lane Line Striping and Pavement Markings to the low bidder, RoadSafe Traffic Systems, Inc., in the amount of \$174,821 and authorize a contingency of \$10,489 for a total project budget of \$185,310.

Summary Statement

- City Council approved funds for this expense in the 2010 Department of Public Works and Utilities, Street Operations Division budget.
- As proposed, annual contract renewals for 2011 and 2012 will require agreement by both parties and any unit price cost adjustments will be based on Consumer Price Index for All Urban Consumers.
- The 2010 Striping and Pavement Marking Program consists of restriping of 925,120 square feet of citywide lane lines and replacement of 2,675 square feet of worn, crosswalk pavement markings.
- Formal bids were solicited in accordance with city bidding requirements for the 2010 Striping and Pavement Marking Project. Requests for proposals were sent to three contractors with three responding.
- The low bidder, RoadSafe Traffic Systems, Inc., meets all of the City bid requirements and has successfully completed similar projects in Westminster and in the Denver Metro area over the past thirteen years, doing business as Colorado Strijpe Wright Ltd.

Expenditure Required: \$185,310

Source of Funds: General Fund - Street Operations Division Budget

Policy Issue

Should Council award the bid to the low bidder, RoadSafe Traffic Systems, Inc. (RoadSafe), for striping and pavement marking application as specified in the contract documents for this project and authorize negotiations for 2011 and 2012 Striping and Pavement marking work?

Alternatives

Alternatives to this project include:

1. Reduce citywide restriping to once per year instead of twice per year. Available dollars for asphalt work or other needs would increase by \$83,261.
2. Eliminate application of durable plastic type pavement markings in intersections and apply paint instead. Available dollars for asphalt work or other needs would increase by \$7,818.

Staff does not recommend these alternatives because they would result in an overall increase in actual cost to the City. One rotation of restriping of lane lines each year and use of paint instead of durable plastic type pavement markings is less expensive initially, however, would wear out more quickly requiring additional mobilization and paint applications costing more in the long term.

In addition, quickly worn lane lines and pavement markings present a poor city image and decrease safety on city streets for citizens.

Background Information

2006 marked the first year of a specific contractual Striping and Pavement Marking Project with two rotations of citywide lane line restriping performed in the spring and fall. This contractual project has been extremely successful and based on the Department cost analysis is more cost effective than performing this work with in-house crews.

The contract sum for renewal periods 2011 and 2012 shall be negotiated and agreed to by both parties. Any unit price cost adjustment shall not exceed the annual percent of change of the Denver-Boulder-Greeley Consumer Price Index for all Urban Consumers.

| The following sealed bids were received: | |
|---|-----------|
| 1. RoadSafe Traffic Systems, Inc. | \$174,821 |
| 2. Highway Technologies, Inc. | \$190,235 |
| 3. Kolbe Striping, Inc. | \$234,178 |
| City Staff's Estimate | \$247,886 |

City Staff's estimated cost included an increase of 5% over 2009 pricing; RoadSafe's actual bid price decreased by 21% on lane line striping and 51% on durable plastic type pavement markings. The favorable bid can be attributed to the state of the economy and a desirable multi-year contract.

This contract helps achieve City Council's Strategic Plan Goals of "Financially Sustainable City Government," "Safe and Secure Community" and "Vibrant Neighborhoods and Commercial Area" by meeting the following objectives:

- Well maintained City infrastructure and facilities.
- Safe citizen travel throughout the City.
- Maintain and improve neighborhood infrastructure and housing.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Utilities System Materials Purchases

Prepared By: Richard Clark, Utilities Operations Manager

Recommended City Council Action

Based on the recommendation of the City Manager, determine that the public interest will be best served by approving Utilities Operations Division cumulative purchases in 2010 with various waterworks supply vendors that may exceed the \$50,000 limit for the year 2010. Authorize cumulative purchases from Dana Kepner Company, HD Waterworks and Ferguson Waterworks in amounts not to exceed \$100,000 for each vendor for 2010.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- The Utilities Division has identified three current vendors where the total cumulative expenditures will likely exceed \$50,000 for the year 2010 and need Council authorization to exceed the sole purchase limit of \$50,000 purchasing limit.
- Funds were previously appropriated in the 2010 Utilities Operations Division Budget and are available for the needed purchases.

Expenditure Required: Not to exceed \$300,000

Source of Funds: Utility Fund – Utilities Operations Division Operating Budget

Policy Issue

Should Council approve the cumulative purchase of waterworks materials from various vendors that total over \$50,000 in 2010?

Alternative

Do not approve the expenditures as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more conservative and prudent approach is to treat the smaller transactions as cumulative larger purchases with the vendors that are subject to Council approval.

Background Information

The Utilities Operations Division utilizes a variety of waterworks material vendors in providing the needed materials for the water and wastewater operations and programs provided by Division personnel. The 2010 Utilities Operating Budgets contain \$525,000 in line items for Utility System Materials. In addition, some purchase of material may be made from CIP accounts in order to expedite receipt of long lead time items. These on-going purchases include routine, competitively bid items, along with emergency purchases needed to address water or wastewater system critical events. Also, some are sole-source purchases since the needed item(s) are only stocked by limited or sole vendors in our area. All purchases will be made in accordance with the City's established purchasing procedures, with appropriate approvals at different levels.

The Utilities Division has identified three waterworks suppliers/vendors that are used on a regular basis and may accumulate up to \$100,000 each in orders during this year. These vendors are: Dana Kepner Company, HD Waterworks and Ferguson Waterworks.

The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$50,000 are identified in advance and brought to City Council for approval. Purchases for the year 2010 from Dana Kepner Company, HD Waterworks and Ferguson Waterworks are anticipated to total less than an aggregate \$100,000 for each vendor for the entire year. Any additional purchase up to this amount will be made in accordance with the City's established purchasing procedures. Any purchase that would exceed this amount will be returned to the City Council for appropriate action.

This approach helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government" and "Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives: well maintained City Infrastructure and facilities; and maintain and improve neighborhood infrastructure.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: 2010 Computer Server Replacement Purchases

Prepared By: David Puntteney, Information Technology Director

Recommended City Council Action

Find that the Western States Contracting Alliance pricing meets City Charter bidding requirements and authorize Staff to proceed with 2010 calendar year purchases of computer servers, disk hardware, memory, printers and software through Dell Computer Corporation in an amount not to exceed \$93,100.

Summary Statement

- The City uses 43 computer servers to support software applications and provide services for all departments.
- Computers servers are replaced on a four year replacement schedule in order to provide a high level of reliability, availability and performance. Maintenance contracts for computer servers more than four years old are expensive.
- City Council authorized adequate funds in the 2010 Utility Fund, Information Technology Department operating budget, to purchase replacement servers, storage and software.
- The City purchases computer servers through Dell Computer below the Western States Contracting Alliance (WSCA) contract prices, therefore meeting the City Charter bidding requirements. The prices under this joint purchasing contract are well below what the City could achieve purchasing on its own.
- The City is scheduled to replace eight computer servers in 2010.
- Technology purchases and services including software maintenance, disk storage, memory and related supplies are also purchased through Dell at or below the Western States Contracting Alliance (WSCA) contract prices and are included in the total projected 2010 amount.
- Decommissioned computer servers are occasionally relocated to the City's computer disaster recovery facility to serve as short-term recovery computers in the event of a disaster at the primary computer facility located at City Hall.
- The City will be replacing fewer servers in 2010 as a result of the successful virtualization program, which reduced the total number of physical servers from 83 to 43 over the last three years.

Expenditure Required: \$93,100

Source of Funds: Utility Fund, Information Technology Department Operating Budget

Policy Issue

Should the City continue to replace aged computer servers, storage, peripheral equipment and software to ensure high availability, performance and capacity to support software applications and users?

Alternative

Forgo the 2010 replacement of computer storage, software and servers. This alternative is not recommended for the following reasons:

- Continued maintenance on older servers is expensive. The City purchases new servers that include a four year maintenance agreement.
- Application software upgrades frequently require more processing speed and memory. Attempting to upgrade older servers to meet the demands of new applications is many times impossible, and not cost effective, especially when combined with the cost of maintaining older computer technology.
- The expected performance and reliability of servers more than four years old is unacceptable for the City's critical applications.

Background Information

In 2006, the Information Technology Department conducted a comprehensive study of "virtualization" technology to determine how such technology could improve computer server availability and reliability while reducing the total number of servers required. Virtualization is the process of configuring an individual computer server to function as multiple virtual servers, thereby allowing multiple applications to be run on the same server. The study concluded that virtualization would result in a long term cost benefit to the City by reducing the required number of servers. In 2007, staff began the virtualization project, and by the end of 2009 successfully eliminated 40 servers, reducing the total number of physical production servers from 83 to 43. Without virtualization, the City would be replacing 17 servers in 2010. Instead, only eight servers require replacement in 2010.

The City's servers support applications such as Computer Aided Dispatch, Public Safety Records Management, Enterprise Resource Management, Court, Geographic Information Systems, Internet, Intranet, Utility Maintenance Management, Utility Billing, Office tools and many others. These servers are critical to departments to provide internal and external customer service and to conduct critical City operations. The City has established a four year replacement for computer servers. Decommissioned servers are occasionally relocated to the City's computer disaster recovery facility to provide short term, more limited use in the event of a disaster at City Hall that would restrict access to or availability of production servers. New servers include a four year maintenance agreement, so the City does not incur additional hardware maintenance expense during the full production life of the servers. The City has standardized on Dell computer systems, and has been very pleased with the overall performance of computer servers, warranty services and the support provided by Dell.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: 2010 Desktop and Laptop Computer Replacement Purchases

Prepared By: David Punttenney, Information Technology Director

Recommended City Council Action

Award the bid for 2010 desktop and laptop computer purchases to Dell Computer and authorize staff to proceed with the purchases of desktop computers, monitors, laptop computers and memory upgrades through Dell Computer Corporation in an amount not to exceed \$195,000.

Summary Statement

- Desktop computers are replaced on a five year schedule and laptop computers are replaced on a four year replacement schedule in order to provide a high level of reliability, availability and performance.
- City Council authorized adequate funds in the appropriate 2010 Utility Fund and General Fund department's operating budgets for the purchase of departmental PCs.
- The City usually purchases hardware through Dell Computer below the Western States Contracting Alliance (WSCA) contract prices, therefore meeting the City Charter bidding requirements. However, in 2010, staff prepared and sent an RFP to four vendors seeking bids for both HP and Dell computers in order to compare performance and pricing.
- Four vendors submitted bids including: Dell Computer, Ram Computer Supply, Zunesis and Lewan.
- Bids for desktop computers with a four year warranty ranged from \$509 to \$753 depending on configuration, operating system and performance.
- Bids for laptop computers with a four year warranty ranged from \$940 - \$1,233 depending on configuration, operating system and performance.
- Staff has concluded that the Dell Optiplex 780 desktop computer, bid at \$609, is the best overall choice for the City.
- Staff has concluded that the Dell Latitude laptop computer, bid at \$997.80, is the best overall choice for the City.
- Computer monitors are only replaced upon failure. The total recommended authorized amount includes \$24,000 that may be required for monitor replacements and memory upgrades.
- The City is scheduled to replace 31 laptops that will reach four years of age in 2010.
- The City is scheduled to replace 230 desktops that will reach five years of age in 2010.
- Decommissioned desktop and laptop computers are donated to the 7:10 Rotary Club for the Computers for Kids Program.

Expenditure Required: Not to exceed \$195,000

Source of Funds: General and Utility Fund Departmental Operating Accounts and Utility Fund, Information Technology Department Operating Budget

Policy Issue

Should the City continue to replace aged desktop and laptop computers and peripheral equipment to ensure high availability, performance and capacity to support software applications and users?

Alternative

Forgo the 2010 replacement of desktop and laptop computers and peripherals. This alternative is not recommended for the following reasons:

- In 2009, the City extended the desktop replacement schedule from four years to five years, extending the life of desktop computers by one additional year. Delaying replacement to six years would result in decreased employee productivity and customer service as a result of inadequate computer performance and reliability.
- Older desktop and laptop computers lack the processing power needed to adequately support newer applications.

Background Information

The City uses 989 desktop and laptop computers throughout all departments. These computers provide access to essential software and services needed for City operations.

In 2001, the City established a PC replacement schedule of three years or four years, depending on the type of applications and performance requirements on each PC. In 2005, with the improved reliability and speed of new computers, Information Technology eliminated the three year replacement schedule, and moved all computers to a four year replacement cycle. In 2008, IT Staff evaluated the potential savings and risk associated with extending the desktop computer replacement schedule from four years to five years. Through that study, staff determined that using desktop computers for one additional year before replacement may have minimal impact and save the City over \$330,000 if continued over the next ten years. The City was successful with the revised replacement schedule, and will continue to recommend a five year rather than four year replacement schedule for desktop computers. In 2010, the City is scheduled to replace 230 desktop and 31 laptop computers.

During the last several years, the City has purchased Dell computers through the WSCA joint purchasing agreement. However, in 2010, staff prepared an RFP and invited four vendors to submit bids for desktop and laptop computers. The four vendors submitting bids included: Dell Computer, Ram Computer Supply, Zunesis and Lewan. The Zunesis bid was disqualified due to the incomplete nature of the response. Bid prices varied depending on model configuration, memory, processor and operating system. A summary of the other three bids is as follows:

| <u>Vendor</u> | <u>Desktop Price Range</u> | <u>Laptop Price Range</u> |
|---------------|----------------------------|---------------------------|
| Dell | \$509 - \$697 | \$ 997 - \$1,179 |
| RAM | \$614 - \$753 | \$1,000 - \$1,233 |
| Lewan | \$558 - \$588 | \$ 940 - \$1,010 |

Staff is recommending the purchase of the Dell Optiplex model 780 desktop computer at \$609 and the Dell Latitude (6500/6600) laptop computer at \$997. These options are the best overall choice for the City when considering price, performance, staff knowledge, compatibility with existing administration tools and operating system choices.

The total projected maximum expenditures on Dell desktop, laptop and related hardware is as follows:

| | |
|---|------------------|
| 230 Desktop computers at \$609 | \$140,070 |
| 31 Laptop computers at \$997.80 | \$ 30,930 |
| <u>Monitor replacements and memory upgrades (as needed)</u> | <u>\$ 24,000</u> |
| Total | \$195,000 |

The City is very pleased with the overall PC quality, performance, warranty services and support provided by Dell in past years.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Fire Department Records Management System Purchase

Prepared By: Doug Hall, Deputy Fire Chief
David Puntteney, Information Technology Director

Recommended City Council Action

Authorize the City Manager to sign a contract with Alpine Software in the amount of \$98,650 to purchase the RedAlert Fire/EMS Records Management System to serve as the Fire Department's data and records management system. In addition, authorize a contingency amount of \$10,000 for additional Alpine conversion, training or support services as may be needed during implementation of the new system.

Summary Statement

- In 2008, staff conducted a needs assessment of the current Fire Department Records Management System (RMS) and found that the system no longer met the operational needs of the department and lacked important functional and reporting requirements. The current RMS was installed in January 2001. The current EMS module is no longer supported by the provider, Zoll. Upgrading to Zoll's supported version results in the EMS module not being fully integrated into the Fire Department RMS system.
- City Council authorized funds in the 2009/2010 CIP budget specifically for the purchase of new RMS software, installation and associated hardware.
- A competitive bid process resulted in submissions from seven vendors. Following a detailed review and analysis of proposals, as well as on-site demonstrations, staff determined that Alpine Software submitted the lowest bid representing a qualified product. Alpine submitted an initial bid of \$97,330. Further assessment of the bid and definition of City requirements resulted in a revised bid of \$98,650.
- The proposed system from Alpine Software is compliant with national standards, which qualifies the City of Westminster for potential grant funding opportunities.
- The proposed system from Alpine Software addresses the operational and reporting needs of the Westminster Fire Department.

Expenditure Required: \$98,650

Source of Funds: General Capital Improvement Fund – Fire Record Management System Project

Policy Issue

Does City Council agree that the current RMS is outdated and the City of Westminster will be better served with the purchase of the Alpine Software for Fire Department data and records management?

Alternatives

1. Do not authorize the purchase of the replacement RMS system. This alternative is not recommended due to the age of the current RMS and the lack of system support by the current vendor.
2. Approve one of the other six bidders. This alternative is not recommended as these bidders either did not offer a product that met the RMS needs of the Fire Department or were more expensive.

Background Information

Since the current RMS system was installed in January 2001, the Fire Department software requirements have expanded, and the current system no longer meets the operational and reporting needs of the Department. The current system has several deficiencies and shortfalls listed below that make its continued long-term use unfeasible.

- Lack of support of the current National EMS Information System (NEMSIS). Emergency Medical Service (EMS) agencies in Colorado are required to report EMS data in accordance with NEMSIS standards. Additionally, NEMSIS reporting qualifies the City of Westminster for EMS grant funding through the Colorado Department of Public Health and Environment.
- Available version upgrades do not meet City of Westminster needs for fire and hazardous materials incident analysis and equipment/supplies inventory control. The current vendor is not interested in reconfiguring the City’s software product to meet Fire Department data and records management needs.

Staff conducted a needs assessment and determined that an up-to-date RMS is essential for tracking and reporting the Fire Department’s performance as it relates to the department’s strategic goals, and to achieve national standards compliance for future grant funding opportunities. City Council approved \$300,000 as part of the 2009/2010 CIP budget specifically for the purchase of a fire records management system, as well as related computer hardware and mobile computers. The computer hardware and mobile computer needs are currently being defined and will be presented to City Council for approval in the near future.

In 2009, the Fire Department and Information Technology Department teamed to develop a request for RFP to solicit bids from qualified fire records management system vendors. Seven software vendors submitted proposals. Bid responses were as follows:

| Vendor | License, Implementation, and Data Conversion Cost | Annual Maintenance Costs |
|------------------------|---|--------------------------|
| ACS Firehouse* | \$76,270 | \$6,015 |
| Alpine Software | \$97,330 | \$9,995 |
| Emergency Technologies | \$197,102 | \$38,604 |
| FDM | \$301,370 | \$38,324 |
| High Plains | \$164,332 | \$18,047 |
| Image Trend* | \$98,000 | \$7,200 |
| Zoll | \$72,605 | \$14,387 |

*ACS Firehouse and Image Trend were disqualified due to the product being web-hosted. Staff’s assessment is web-hosted systems do not offer the same degree of system security and present more complex system maintenance issues from those associated with server-hosted systems.

The current vendor, Zoll RescueNet, submitted the lowest cost. However, Zoll was eliminated based on the EMS report module not integrating into the Telestaff program. This integration is an essential attribute in managing the staffing needs of the Fire Department and utilizing the EMS module to its full potential. Additionally, the vendor expressed reluctance to accommodate minor customization of the RMS data entry fields to meet organizational needs.

Staff narrowed the qualified vendors to the top four, and then conducted on site comprehensive demonstrations and reviews of the software to determine which vendor(s) offered the best product and business fit for the City of Westminster. Through a collaborative evaluation process, staff from the Fire and Information Technology Department identified the top two vendors. The recommended vendor, Alpine Software was found to be the most qualified vendor based on license costs, software usability, reporting capabilities, compliance, conversion of existing data, fit within the City technology standards, reference checks, and ongoing maintenance costs. Alpine Software submitted an initial bid proposal of \$97,330, and modified bid proposal of \$98,650.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Golf Courses' Cumulative Purchases Over \$50,000 in 2010

Prepared By: Ken Watson, Regional Parks and Golf Manager

Recommended City Council Action

Based on the recommendation of the City Manager, determine that the public interest will be best served by awarding contracts to the following vendors and approve 2010 expenses with Titleist up to a maximum of \$70,000 and Nike U.S.A. Golf Division up to a maximum of \$52,000.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- Funds were previously appropriated in the 2010 Budget and are available in the Golf Course Funds for the purchases.

Expenditure Required: Not to exceed \$122,000

Source of Funds: Golf Course Fund Operating Budget

Policy Issue

Should Council approve the purchase of golf course commodities that total over \$50,000 for 2010?

Alternative

Do not approve the purchases as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more conservative and prudent approach is to treat the smaller transactions as larger purchases that are subject to Council approval.

Background Information

Staff has identified one vendor, Titleist, as having received aggregate amounts exceeding \$50,000 and another vendor, Nike, as potentially receiving aggregate amounts exceeding \$50,000 by the end of 2010. Funds are available in the appropriate budgets for these expenditures.

The details of these purchases are as follows:

- The City anticipates expenses of up to \$70,000 from Titleist for both of the City's golf courses combined. The City purchases high-quality Pinnacle Range Balls (Legacy Ridge) from Titleist and merchandise for resale including 40% of the golf gloves; golf balls (Pro-v, Pro-v 1x, NXT, NXT Tour and Pinnacle); and a limited number of clubs for stock in the golf shop (woods, wedges, putters). Most iron, driver, fairway woods, hybrid purchases are done on a special-order basis with Staff providing the customer with a custom club fit.
- The City anticipates expenses from Nike USA Golf Division up to \$52,000. The golf courses also purchase Nike USA Golf Division merchandise for resale including golf balls (Mojo, Nike One Platinum and Nike One Black); 60% of the shoe inventory, clothing and a limited number of clubs and special-order all iron sets. In 2010, Staff will purchase approximately 50% of the golf shop's clothing line for resale from Nike USA Golf Division (shirts, jackets, wind shirts, socks).

These purchases support City Council's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Short-term Leases and Long-term Leasebacks of Water Rights

Prepared By: Mary Jay Vestal, Water Resources Engineer
Josh Nims, Water Resources Engineering Coordinator

Recommended City Council Actions

Authorize the City Manager to enter into long-term leasebacks with individual Farmers Reservoir and Irrigation Company (FRICO)-Standley shareholders who sell their shares to the City, subject to certain conditions; and authorize the City Manager to enter into short-term leases of water rights currently in excess of the City’s needs, subject to certain conditions.

Summary Statement

- The City, from time to time, purchases agricultural water rights for the purpose of incorporating this water for use within the City’s municipal water supply system at build out.
- The City has water that is needed for future growth, but not needed for water production at this time. This includes shares in FRICO and the Fulton Irrigation Ditch Company, currently available for leasing.
- Staff anticipates purchasing more shares in FRICO over the next year to develop additional firm yield supply for the future buildout needs of the City. Staff is requesting authorization to have the purchase agreements include an option for the sellers to lease their shares back for an extended period of time. Such leasebacks will be subject to the provisions of the City Charter, as well as to the additional limitations in the number of shares sold to the City and maximum 15-year leaseback terms.
- Staff is requesting authorization to lease the City’s excess shares to irrigators. Such leases will be subject to the provisions of the City Charter, and will additionally be limited to the 2010 irrigation season, and to 6 Fulton shares and 31.26 FRICO shares plus any newly purchased shares not subject to a leaseback agreement.
- The City will benefit financially from reimbursement for the leased water as is required by City Charter. Also, upcoming purchases are anticipated to be more successful with the option of leasebacks, which is appealing to some sellers.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

Does City Council wish to offer long-term leaseback agreements to FRICO-Standley shareholders who sell their shares to the City?

Does City Council wish to lease surplus water rights during the 2010 irrigation season?

Alternatives

City Council could decline to lease back water gained through upcoming purchases of FRICO-Standley shares. This alternative is not recommended as the need for irrigation water for the next several years may prevent shareholders from selling. The City will not need this additional water until more development occurs within the City.

City Council could decline to lease any of the City's excess water rights this year. This alternative is not recommended. By offering water leases in 2010, the City stands to gain funds and at the same time support local agriculture.

Background Information

Recently, the City has been actively engaged in purchasing FRICO-Standley shares. Based on the City's interest and feedback from shareholders, Staff recommends offering to enter into long-term leasebacks to the shareholders who choose to sell their shares to the City. The main benefits of offering leasebacks are the added incentive it gives to those considering to sell their shares, as well as the continued use of the water until the City needs it for municipal supply—in approximately 15 years, based on Staff's demand projections.

City Charter requires that water lease payments be sufficient to reimburse the water fund for all operation and maintenance expenses associated with the leased water, as well as to provide additional amounts to reduce the City's water debt and augment the water fund. Therefore, payment rates for such leasebacks will be at the annual FRICO assessment rate; however, if FRICO should opt not to impose an assessment on shares in a given year, as is its right to do, the payment rate that year will be equal to the 2010 assessment rate of \$27 per share. The intention of offering this price is to cover costs the City will incur related to the shares while the former shareholders get the beneficial use of water that is in excess of the City's current needs.

Long-term leaseback agreements will be subject to the following conditions:

- Limited to FRICO-Standley shares sold to City between March 12, 2010 and March 11, 2011
- Leaseback terms up to 15 years
- Reimbursement rates meet requirements of City Charter Section 14.3
- Shall retain the City's power to limit deliveries in order to prevent a water shortage within the City, as per City Charter Section 14.3

Last year, with Council approval, the City implemented a short-term water leasing program to lease the City's surplus FRICO shares to FRICO-Standley irrigators. Through this program, Staff was able to establish good working relationships with FRICO-Standley shareholders. As the 2009 short-term lease program was successful in meeting the water needs of 13 FRICO-Standley irrigators in efficiently using the City's FRICO shares, and in bringing in over \$18,000 in revenue, Staff recommends continuing this type of short-term lease in 2010.

Short-term leases will be subject to the following conditions:

- Limited to 6 Fulton shares and 31.26 FRICO shares, plus any newly purchased FRICO shares not subject to leaseback agreements
- Term will be for the 2010 irrigation season
- Reimbursement rates will equal the assessments on the shares
- Shall retain the City's power to limit deliveries in order to prevent a water shortage within the City, as per City Charter Section 14.3

The City of Westminster purchases agricultural water rights, in advance of actual need for the water, for incorporation into the City's municipal water supply system. Until such time as the City's demands grow into the acquired supply, the City has surplus water rights at its disposal which it may lease to agricultural and other water users. Staff recommends that Council authorize two distinctive lease types—one for ditch company shareholders who sell their shares to the City to be allowed to lease the shares back for an extended period of time, and one for shareholders to lease the City's other surplus water for the 2010 irrigation season.

Allowing Staff to negotiate leaseback agreements as part of new water purchases, subject to the terms of City Charter Section 14.3, supports City Council's goal of "Financially Sustainable City Government Providing Exceptional Services" by securing opportunities to develop a long-term water supply. Approving the maximum number of shares to lease and the rate at which to offer water leases in 2010, and allowing Staff to negotiate such lease agreements under the terms of City Charter Section 14.3, supports City Council's goal of "Financially Sustainable City Government Providing Exceptional Services" by providing for efficient, cost-effective internal services.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 J

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: First Amendment to the Rocky Mountain Metropolitan Airport Lease Agreement

Prepared By: Ken Watson, Regional Parks and Golf Manager

Recommended City Council Action

Authorize the City Manager to sign the attached first amendment to the existing lease agreement with the Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport Authority).

Summary Statement

- The City of Westminster entered into a lease agreement with the Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport Authority) on September 15, 1997, to lease approximately 121 acres of land for the City's Heritage Golf Course at Westmoor.
- The Airport is in the process of constructing a new FAA control tower and has requested an amendment to the original lease agreement that will modify the amount of acreage being leased by the City. (See attached diagram)

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council desire to amend the existing Rocky Mountain Metropolitan Airport lease agreement?

Alternative

City Council could decline or delay the approval of the amendment. This is not recommended because even though the new tower does not infringe on the golf course, the FAA is recommending that a protective fence barrier be located closer to hole #13 in order to protect the tower and parking lot from errant golf balls.

Background Information

On September 8, 1997, City Council authorized the City Manager to sign a land lease agreement with the then titled Jefferson County Airport Authority to lease approximately 121 acres of land for the City's new golf course, The Heritage Golf Course at Westmoor. The Heritage Golf course was constructed and opened for play in September 1999 and has been operating since that date. In 2009, officials of the now titled Rocky Mountain Metropolitan Airport contacted City Staff and reviewed plans for a new FAA control tower that was going to be constructed through federal grants on airport property. The airport asked Staff if they could take back a small portion of the land leased for the golf course operation in order to construct a safety fence to protect the tower and adjacent parking lot and asked the City to cooperate with this construction project as they believed it would only involve a small portion of the land currently leased by The Heritage Golf Course.

After reviewing plans, it was agreed the new control tower would not change any of the area currently used for play. However, the new construction would require moving a security fence and property description onto land that was originally in the description of land leased to the golf course. City Staff agreed to cooperate with the request to amend the property description and asked the Airport staff to submit a new "lease premises" description and also amend the "rent" section per an agreement in principal the two staff's have worked on with this change in the amount of acreage being leased.

The new amount of land leased to the City is 119.71 acres compared to approximately 121 acres in the original lease description. The new location of the security fence is closer to the cart path on Hole #13, but the change does not impact the fairway, tee boxes or existing cart path.

This amendment to the City's lease agreement with the Rocky Mountain Metropolitan Airport supports the City's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Beautiful and Environmentally Sensitive City."

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**AMENDMENT TO THE LEASE AGREEMENT
DATED SEPTEMBER 15, 1997, BETWEEN
THE CITY OF WESTMINSTER AND JEFFERSON COUNTY, COLORADO,
IN ITS CAPACITY AS SUCCESSOR IN INTEREST TO THE
JEFFERSON COUNTY AIRPORT AUTHORITY**

The City of Westminster (hereinafter referred to as "Lessee") and Jefferson County Colorado, on behalf of the Rocky Mountain Metropolitan Airport (hereinafter referred to as "Lessor") agree to amend the Agreement described above as follows:

Paragraph 1 of the Agreement is hereby deleted and replaced with the following:

1. Leased Premises. Lessor grants to Lessee an exclusive leasehold interest in approximately 119.7 acres of undeveloped Airport property. The property being leased to the City (the "Primary Premises") is the property described in Exhibit A-1 (Parcel A), excepting therefrom the property described in Exhibit A-2 (the Exception Parcel).

2. Paragraph 6 of the Agreement is hereby be deleted and replaced with the following:

6. "Rent." For the first ten years of the lease term, Lessee hereby agrees to pay rent pursuant to an Agreement in Principal entered into between Lessor and Lessee and attached as Exhibit B to the Lease. Effective July 1, 2008, the rent shall be as set forth on Exhibit "E," attached hereto and incorporated herein by this reference. Rent shall be payable quarterly on January 1, April 1, July 1 and October 1.

3. Paragraph 7 of the Agreement is hereby deleted and replaced with the following:

7. If Lessee exercises its option described in paragraph 2 to lease all or a portion of Parcel B, the rent for the lease of this additional acreage will be equal to the number of such additional acres divided by 119.71 multiplied by the then current rent for the Primary Premises.

4. Exhibit "A" is hereby deleted and replaced by Exhibits "A-1" and "A-2" attached hereto and incorporated herein by this reference.

This Amendment is dated the _____ day of _____, 2010.

JEFFERSON COUNTY, COLORADO,
on behalf of the
**ROCKY MOUNTAIN METROPOLITAN
AIRPORT**

CITY OF WESTMINSTER

By: _____
Printed Name: Timothy W. Carl
Title: Director of Development and
Transportation

By: _____
Printed Name: _____
Title: _____

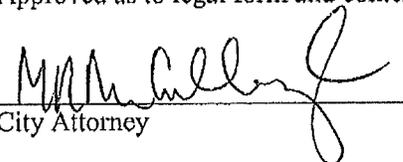
Attest: _____
Secretary

(Corporate Seal,
if applicable)

Attest: _____
City Clerk

(Seal)

Approved as to legal form and content:



City Attorney

PARCEL A
LEGAL DESCRIPTION

THAT PORTION OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, STATE OF COLORADO, COUNTY OF JEFFERSON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 4 SOUTH 89°38'57" WEST 1339.07 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 4 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE THE FOLLOWING (2) COURSES: (1) SOUTH 89°38'57" WEST 1430.00 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 4; (2) THENCE SOUTH 89°38'18" WEST 1315.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 682.50 FEET, A RADIAL LINE FROM SAID POINT BEARS SOUTH 34°08'00" WEST; THENCE NORTHWESTERLY 410.90 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°29'42"; THENCE TANGENT TO SAID CURVE SOUTH 89°38'18" WEST 455.32 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 465.00 FEET; THENCE WESTERLY 30.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°48'51"; THENCE TANGENT TO SAID CURVE NORTH 86°32'51" WEST 86.97 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 535.00 FEET; THENCE WESTERLY 27.69 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°57'57"; THENCE NON-TANGENT TO SAID CURVE NORTH 00°34'34" EAST 260.00 FEET; THENCE NORTH 51°38'40" EAST 115.00 FEET; THENCE NORTH 75°54'09" EAST 290.00 FEET; THENCE NORTH 00°34'34" EAST 140.00 FEET; THENCE NORTH 23°01'05" EAST 670.00 FEET; THENCE NORTH 31°54'30" EAST 200.00 FEET; THENCE NORTH 49°34'07" EAST 190.00 FEET; THENCE NORTH 00°34'34" EAST 240.00 FEET; THENCE NORTH 79°44'48" WEST 1184.58 FEET; THENCE NORTH 00°34'33" EAST 350.00 FEET; THENCE NORTH 34°09'36" EAST 250.39 FEET; THENCE NORTH 89° 37'59" EAST 973.24 FEET; THENCE SOUTH 85°24'30" EAST 280.00 FEET; THENCE SOUTH 74°21'59" EAST 164.00 FEET; THENCE SOUTH 67°54'17" EAST 206.00 FEET; THENCE SOUTH 55°55'43" EAST 685.00 FEET TO THE SOUTHWESTERLY LINE OF THE JEFFERSON COUNTY AIRPORT PER SBILL ASSOCIATES MAP, DATED JANUARY 1997; THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 34°04'17" WEST 70.00 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE SOUTH 39°17'39" WEST 500.00 FEET; THENCE SOUTH 35°03'06" WEST 1050.00 FEET; THENCE SOUTH 34°14'10" EAST 305.00 FEET; THENCE NORTH 70°08'40" EAST 423.00 FEET; THENCE NORTH 79°04'14" EAST 310.00 FEET; THENCE SOUTH 88°57'53" EAST 560.00 FEET; THENCE NORTH 35°14'14" EAST 270.00 FEET; THENCE NORTH 39°11'33" WEST 327.00 FEET; THENCE NORTH 34°04'17" EAST 430.00 FEET; THENCE SOUTH 55°55'43" EAST 675.00 FEET; THENCE SOUTH 47°15'06" EAST 760.00 FEET; THENCE SOUTH 10°44'17" WEST 620.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 119.999 ACRES (5,227,177 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

FOR AND ON BEHALF OF NOLTE AND ASSOCIATES, INC.



MARK A. MILLER
PROFESSIONAL LAND SURVEYOR
COLORADO REGISTRATION NO. 28656

DATE: 02/08/97 140 00:15
 SCALE: 1" = 600' N. 10 22.11
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 NOT THE WORK
 DETECTOR: 1100 1000

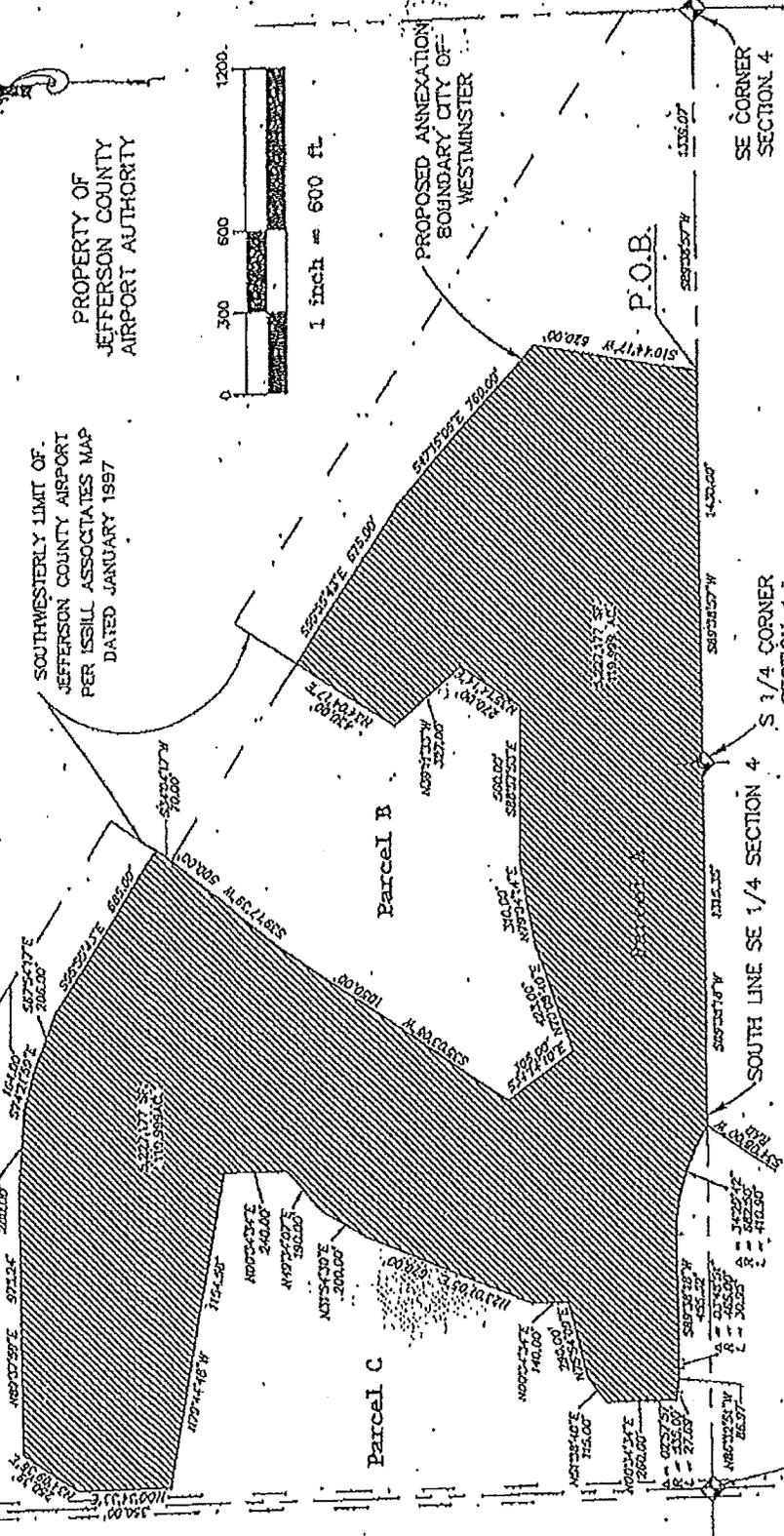
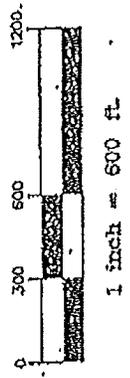
NOITE and ASSOCIATES, Inc.
 Engineers / Planners / Surveyors
 7000 S. Yosemite St., Suite 200, Englewood, CO 80112
 (303) 220-1000

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 GOLF LEASE AGREEMENT
 EXHIBIT A-1
 Page 2 of 2
 2 of 3 sheets

SOUTHWESTERLY LINE OF JEFFERSON COUNTY AIRPORT PER ISSBILL ASSOC MAP DATED JANUARY 1997
 CITY OF BROOMFIELD TANK PROPERTY BOOK 1606, PAGE 463

SECTION 4
 T2S, R69W 6TH PM

SOUTHWESTERLY LIMIT OF JEFFERSON COUNTY AIRPORT PER ISSBILL ASSOCIATES MAP DATED JANUARY 1997
 PROPERTY OF JEFFERSON COUNTY AIRPORT AUTHORITY



NE 1/4 SEC 9
 T2S, R69W 6TH PM

NW 1/4 SEC 9
 T2S, R69W 6TH PM

SW CORNER SECTION 4

SOUTH LINE SE 1/4 SECTION 4
 S 1/4 CORNER SECTION 4

LEGAL DESCRIPTION:

ROCKY MOUNTAIN METROPOLITAN AIRPORT GOLF COURSE PARCEL

A PARCEL OF LAND IN SECTION 4, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, JEFFERSON COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: THE BASIS OF BEARINGS IS THE EAST LINE OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING N00°20'52"W, A DISTANCE OF 5167.78 FEET BETWEEN A FOUND 2-1/2" ALUMINUM CAP, LS 2149 AT THE SOUTHEAST CORNER, PER MONUMENT RECORD, AND A FOUND 3" ALUMINUM CAP (ILLEGIBLE) AT THE NORTHEAST CORNER, PER MONUMENT RECORD.

BEGINNING AT A POINT FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 4 BEARS S55°58'47"E, A DISTANCE OF 3626.46 FEET;

THENCE S84°04'04"W, A DISTANCE OF 17.69 FEET;

THENCE N55°57'59"W, A DISTANCE OF 678.67 FEET;

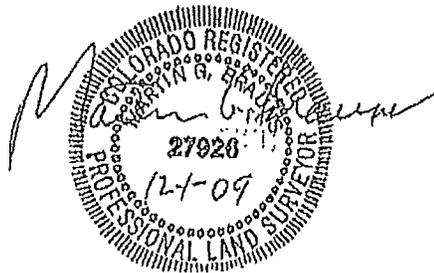
THENCE N34°02'00"E, A DISTANCE OF 18.10 FEET;

THENCE S55°55'56"E, A DISTANCE OF 678.68 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 12,145 SQUARE FEET OR 0.2788 ACRES, MORE OR LESS.

FOR AND ON BEHALF OF:
KELLY SURVEYING & DESIGN GROUP, LTD.
6801 SOUTH EMPORIA STREET, SUITE 205
GREENWOOD VILLAGE, COLORADO 80112
PHONE: 303-792-6257
DATE: DECEMBER 1, 2009
KSD JOB NO. 2268

BY: MARTIN G. BRAUNS, PLS 27926



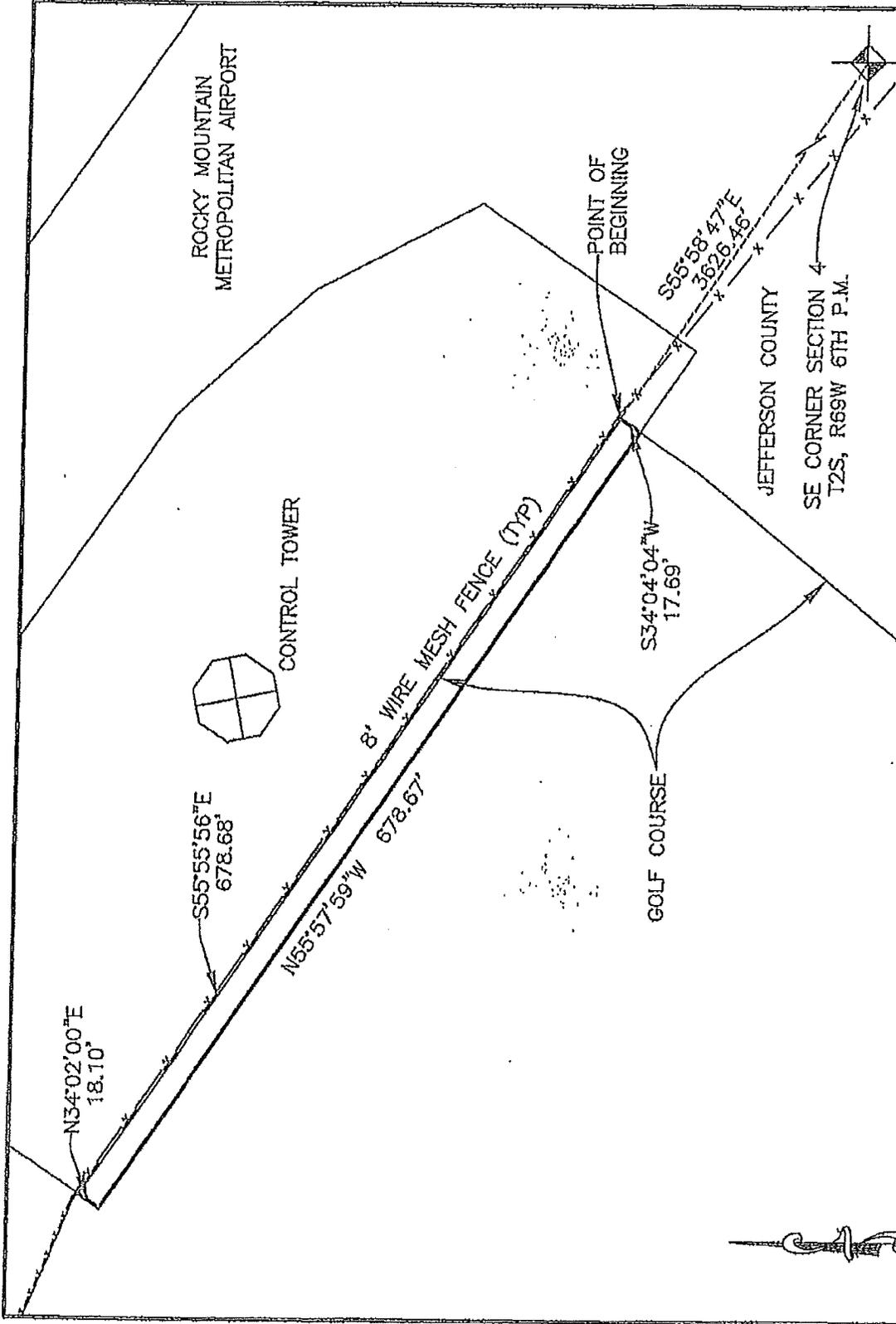


EXHIBIT: RMMA - GOLF COURSE PARCEL
 PREPARED BY:

KELLYSURVEYING & DESIGN GROUP, LTD.
 8801 SOUTH ENFORIA STREET, SUITE 205
 GREENWOOD VILLAGE, COLORADO 80112
 PH: (303) 752-5257 FAX: (303) 750-1829

Sheet 2 of 2
 DATE: 12-1-09

Not To Scale



City of Westminster (Golf Course)
 Payment Schedule for 2008-2057

Exhibit E

| Rate as of July 1st | 3.0% Compounded Annually & Adjusted Every 5th Yr |
|---------------------|---|
| 2008 | \$80,011.12 |
| 2009 | \$80,011.12 |
| 2010 | \$80,011.12 |
| 2011 | \$80,011.12 |
| 2012 | \$80,011.12 |
| 2013 | \$92,754.82 |
| 2014 | \$92,754.82 |
| 2015 | \$92,754.82 |
| 2016 | \$92,754.82 |
| 2017 | \$92,754.82 |
| 2018 | \$107,528.26 |
| 2019 | \$107,528.26 |
| 2020 | \$107,528.26 |
| 2021 | \$107,528.26 |
| 2022 | \$107,528.26 |
| 2023 | \$124,654.72 |
| 2024 | \$124,654.72 |
| 2025 | \$124,654.72 |
| 2026 | \$124,654.72 |
| 2027 | \$124,654.72 |
| 2028 | \$144,508.99 |
| 2029 | \$144,508.99 |
| 2030 | \$144,508.99 |
| 2031 | \$144,508.99 |
| 2032 | \$144,508.99 |
| 2033 | \$167,525.53 |
| 2034 | \$167,525.53 |
| 2035 | \$167,525.53 |
| 2036 | \$167,525.53 |
| 2037 | \$167,525.53 |
| 2038 | \$194,208.00 |
| 2039 | \$194,208.00 |
| 2040 | \$194,208.00 |
| 2041 | \$194,208.00 |
| 2042 | \$194,208.00 |
| 2043 | \$225,140.30 |
| 2044 | \$225,140.30 |
| 2045 | \$225,140.30 |
| 2046 | \$225,140.30 |
| 2047 | \$225,140.30 |
| 2048 | \$260,999.31 |
| 2049 | \$260,999.31 |
| 2050 | \$260,999.31 |
| 2051 | \$260,999.31 |
| 2052 | \$260,999.31 |
| 2053 | \$302,569.73 |
| 2054 | \$302,569.73 |
| 2055 | \$302,569.73 |
| 2056 | \$302,569.73 |
| 2057 | \$302,569.73 |

Rocky Mountain Metropolitan Airport Control Tower / Heritage Golf Course - Property Alignment Fence Diagram





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Amended Intergovernmental Agreement with Urban Drainage and Flood Control District and Adams County for Shaw Heights Tributary at Circle Drive

Prepared by: John Burke, Senior Engineer

Recommended City Council Action

Authorize the City Manager to sign the Amended Intergovernmental Agreement (IGA) with the Urban Drainage and Flood Control District (UDFCD) and Adams County for the final design and construction of drainage improvements on the Shaw Heights Tributary between Circle Drive and Rotary Park.

Summary Statement

- This storm drainage project will mitigate the nuisance flooding that has occurred at the intersection of Shaw Boulevard and Circle Drive for over twenty years. The project will construct a high capacity inlet at the intersection of these two streets and route the storm flows through an underground pipe to the Rotary Park regional detention pond (see attached map).
- The preliminary engineering work for this project that was authorized by City Council on March 27, 2006 has been completed, and the final design is well underway. This amended IGA will authorize the funds necessary for the completion of the final design and the construction of this project.
- The total cost for this project is estimated at \$910,000, further broken down as follows: \$120,000 for final design; \$20,000 for right-of-way acquisition; \$740,000 for construction and \$30,000 for contingency. The following are the maximum contributions from each agency: City: \$410,000; Adams County: \$340,000 and UDFCD: \$160,000.
- The IGA contains provisions for amending the document in the future if a modified funding arrangement is necessary.
- Under the terms of the IGA, the UDFCD will manage the project, hire a contractor to construct the improvements and provide construction inspection services.

Expenditure Required: \$350,000 (\$60,000 previously paid for preliminary design)

Source of Funds: \$340,000 Shaw Boulevard/Circle Drive Project
\$10,000 Miscellaneous Stormwater Utility Fund

Policy Issue

Should the City enter into an Intergovernmental Agreement with the Urban Drainage and Flood Control District and Adams County for the construction of drainage improvements at Shaw Boulevard and Circle Drive?

Alternative

Council could choose not to execute this intergovernmental agreement at this time. Staff does not recommend this alternative because the matching funds from Adams County and the UDFCD will help complete this project in a cost effective manner. If Council chooses not to approve this IGA, it would take additional City funds to complete the project in the future without Adams County and UDFCD participation.

Background Information

This area of the City has experienced drainage and flooding issues for more than twenty years. The current, inadequate drainage system collects runoff from roughly 270 acres of the upstream basin and simply discharges it directly into the Allen Ditch. This is not an appropriate solution. These drainage flows are substantially larger than what can adequately be contained within the ditch banks. Therefore, even minor storm events have the potential to overtop the ditch and flood the basements of the adjacent single family residential properties in the City of Westminster and unincorporated Adams County.

The proposed drainage improvements project will construct a high capacity inlet on the west side of the intersection of Circle Drive and Shaw Boulevard. This inlet will capture up to the 10-year storm event and convey this stormwater into a 48-inch diameter storm sewer in Circle Drive. This 48-inch diameter storm sewer will continue south along Circle Drive, then run west at 84th Avenue, cross below the Allen Ditch, continue west in Wagner Drive and ultimately discharge into the regional detention pond at Rotary Park.

Because the improvements are benefitting both the City of Westminster and Adams County residents, the County has been part of the design team and will be funding \$340,000 for their share of costs associated with this project.

The City's additional share for this project (\$350,000) is available from the Shaw Boulevard and Circle Drive Project (\$340,000) and the Miscellaneous Stormwater Project (\$10,000) of the Stormwater Utility Fund. Since the UDFCD will manage and bid this project, the actual construction contract will not require City Council authorization. If the bids received by the UDFCD are lower than the engineer's estimate, any remaining unused City funds will return to the Miscellaneous Stormwater Project account.

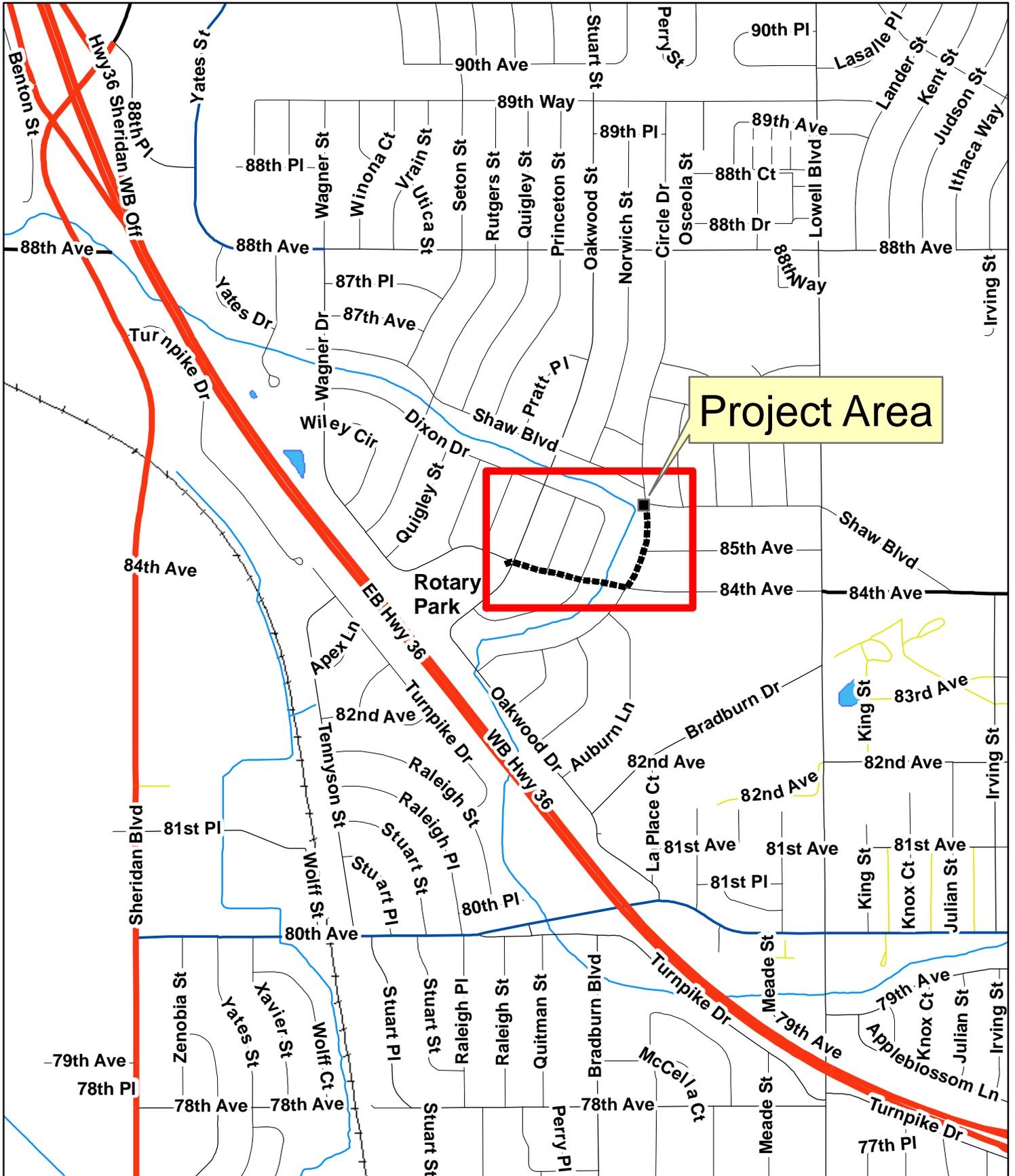
The proposed improvements are planned to be completed during the fall of 2010.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

SHAW HEIGHTS TRIBUTARY



1,000 0 1,000 Feet



1 inch = 1,000 feet

AMENDMENT TO
AGREEMENT REGARDING
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
SHAW HEIGHTS TRIBUTARY AT CIRCLE DRIVE,
ADAMS COUNTY

Agreement No. 06-02.07B

THIS AGREEMENT, made this _____ day of _____, 2010, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT") and ADAMS COUNTY (hereinafter called "COUNTY") and CITY OF WESTMINSTER (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Shaw Heights Tributary at Circle Drive" (Agreement No. 06-02.07) dated October 19, 2006, as amended; and

WHEREAS, PARTIES now desire to proceed with additional design and construction of drainage and flood control improvements; and

WHEREAS, PARTIES desire to increase the level of funding by \$790,000; and

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. __, Series of 2010); and

WHEREAS, the City Council of CITY, County Commissioners of COUNTY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

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

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:
 4. PROJECT COSTS AND ALLOCATION OF COSTS
 - A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:
 1. Final design services;
 2. Delineation, description and acquisition of required rights-of-way/ easements;
 3. Construction of improvements;
 4. Contingencies mutually agreeable to PARTIES.
 - B. It is understood that PROJECT costs as defined above are not to exceed \$910,000 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

| <u>ITEM</u> | <u>AMOUNT</u> |
|-----------------|---------------|
| 1. Final Design | \$120,000 |
| 2. Right-of-way | 20,000 |
| 3. Construction | 740,000 |
| 4. Contingency | 30,000 |
| Grand Total | \$910,000 |

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

| | <u>Percentage Share</u> | <u>Previously Contributed</u> | <u>Additional Contribution</u> | <u>Maximum Contribution</u> |
|----------|-------------------------|-------------------------------|--------------------------------|-----------------------------|
| DISTRICT | 18.00% | \$60,000 | \$100,000 | \$160,000 |
| CITY | 45.00% | \$60,000 | \$350,000 | \$410,000 |
| COUNTY | 37.00% | \$0 | \$340,000 | \$340,000 |
| TOTAL | 100.00% | \$120,000 | \$790,000 | \$910,000 |

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior Board approval. Payment of each party's full share (CITY - \$410,000; COUNTY - \$340,000; DISTRICT - \$160,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to COUNTY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13). Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

3. All other terms and conditions of Agreement No. 06-02.07 shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By _____

ATTEST:

Title Executive Director

Date _____

ADAMS COUNTY

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:

County Attorney

CITY OF WESTMINSTER

(SEAL)

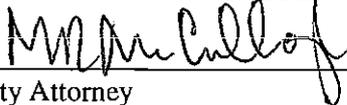
By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:



City Attorney



Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Big Dry Creek Flow Monitoring Intergovernmental Agreement with the City and County of Broomfield

Prepared By: Mary Fabisiak, Water Quality Administrator

Recommended City Council Action

Authorize the Mayor to sign an Intergovernmental Agreement with the City and County of Broomfield for a license to install and operate a flow monitoring station on Big Dry Creek at the Westminster Big Dry Creek Wastewater Treatment Facility.

Summary Statement

- The City and County of Broomfield (Broomfield) is required to install flow monitoring stations on Big Dry Creek as a result of an agreement with the Northern Colorado Water Conservancy District.
- Broomfield is proposing to install one of four stations on Big Dry Creek at the City of Westminster's Big Dry Creek Wastewater Treatment Facility (BDCWWTF).
- This Intergovernmental Agreement (IGA) would grant Broomfield a license to enter and occupy a space to install and operate the station.
- Broomfield would install and operate the station at no cost to the City of Westminster.
- Westminster would have access to the data generated at no cost.
- Broomfield personnel would access the station after gaining admittance through the secured gate at the BDCWWTF.
- The City and County of Broomfield's City Council approved the agreement on February 23, 2010.
- It is anticipated that the facility would be constructed during the summer of 2010.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should Westminster allow the City and County of Broomfield access to install and operate a flow monitoring station at the Westminster Big Dry Creek Wastewater Treatment Facility?

Alternatives

The City could decide to not allow access to the City and County of Broomfield. This alternative is not recommended as City Staff would have access to the data collected by the station for its own use.

As a second alternative, the City could install its own station. This alternative is not recommended as City Staff will have access to this data at no cost.

Background Information

The City and County of Broomfield entered into an Intergovernmental Agreement with the Northern Colorado Water Conservancy District for replacement of Colorado-Big Thompson (C-BT) return flows dated April 14, 2006 (Northern IGA). Pursuant to the Northern IGA, Broomfield is responsible for the installation and maintenance of a monitoring system on Big Dry Creek capable of measuring and tracking any C-BT effluent flowing in Big Dry Creek between Broomfield's wastewater treatment plant and the South Platte River. Broomfield desires to construct, install and maintain a stream flow monitoring station on Big Dry Creek at the BDCWWTF as part of Broomfield's Big Dry Creek Monitoring Program to be known as the Treatment Plant Gauging Station (Station). The Station would consist of a solar panel, data acquisition hardware and a flow monitoring sensor mounted on the bridge over Big Dry Creek.

Broomfield is responsible for all installation and operation costs for the Station and will provide the City of Westminster access to all data generated at the Station at no cost. The City can utilize the stream flow data generated by the Station for a water quality sampling program that the Big Dry Creek Watershed Association is conducting on Big Dry Creek and for the City's water operations and water accounting. The purpose of this Agreement is to allow Broomfield access to a site for the Station located upon the BDCWWTF property.

This project meets City Council's Strategic Plan goals of "Financially Sustainable City Government and Beautiful City" by maintaining a cost effective and dependable water supply.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY AND COUNTY OF BROOMFIELD AND
THE CITY OF WESTMINSTER FOR LICENSE AND INSTALLATION OF GAUGING
STATION ON BIG DRY CREEK AT
WESTMINSTER WASTEWATER TREATMENT FACILITY**

THIS INTERGOVERNMENTAL AGREEMENT ("IGA") is made and entered into this _____ day of _____, 2010 by and between the City and County of Broomfield, a Colorado home rule city and county ("Broomfield") and the City of Westminster, a Colorado home rule municipal corporation ("Westminster")(collectively the "Parties," and individually a "Party").

WITNESS:

WHEREAS, §29-1-201, C.R.S., authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2); and

WHEREAS, the purpose of Part 2 of Article 1 of Title 29, C.R.S., is to implement the aforesaid provisions of the Colorado Constitution and authorize the Parties to enter into intergovernmental agreements; and

WHEREAS, §29-1-203(1), C.R.S., provides, *inter alia*, that governmental units may cooperate with one another to provide any function, service, or facility lawfully authorized to each of the contracting units; and

WHEREAS, Broomfield entered into an Intergovernmental Agreement with Northern Colorado Water Conservancy District ("District") for Replacement of C-BT Return Flows dated April 14, 2006 ("Northern IGA"); and

WHEREAS, pursuant to the Northern IGA, Broomfield is responsible for the installation and maintenance of a monitoring system ("Big Dry Creek Monitoring Program") on Big Dry Creek capable of measuring and tracking any C-BT effluent flowing in Big Dry Creek between Broomfield's wastewater treatment plant and the South Platte River; and

WHEREAS, Westminster owns, operates and controls the Westminster Big Dry Creek Wastewater Treatment Facility ("BDCWWTF") located on Big Dry Creek, and

WHEREAS, Broomfield desires to construct, install, and maintain a stream flow gauging station on Big Dry Creek at the BDCWWTF as part of Broomfield's Big Dry Creek Monitoring Program to be known as the Treatment Plant Gauging Station ("Station"); and

WHEREAS, Westminster desires to utilize the stream flow data generated by the Station for a water quality sampling program that Big Dry Creek Watershed Association ("Association") is conducting on Big Dry Creek and also to utilize the stream flow data generated by the Station in conjunction with Westminster's water operations; and

WHEREAS, the purpose of this IGA is to allow Broomfield access to a site for the Station located upon the BDCWWTF property owned by Westminster for the installation, operation and maintenance of said Station, and for Westminster to utilize the stream flow data generated by said Station for the Association's water quality sampling program and Westminster's water operations;

NOW, THEREFORE, in consideration of the above premises and mutual covenants and promises of the Parties contained herein, and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. Westminster hereby grants to Broomfield a License to enter and occupy a portion of the BDCWWTF property for the purpose of installing, using, maintaining and/or removing the structures and devices that constitute the Station on Big Dry Creek at the location described in paragraph 3, below, and Westminster further grants to Broomfield the right of ingress and egress to the gauging station from adjacent public rights-of-way ("License"). The period of use covered by this License commences on April 12, 2010, and shall continue for as long as needed to permit Broomfield to meet its monitoring responsibilities under the Northern IGA. Upon expiration of the Northern IGA, this License may be extended upon mutual agreement of the Parties. The Parties agree that this is not a lease, nor shall this License ripen into an easement.
2. The Station shall be for the purpose of making stream flow measurements downstream of the Bull Canal diversion and its return points. Broomfield shall use existing ingress and egress facilities to avoid disruption of Westminster's operations on the BDCWWTF property.
3. The Station will be located along Big Dry Creek at the BDCWWTF, at the approximate location shown on the attached Exhibit A, incorporated herein by this reference.
4. The Station equipment will consist of the following components: a measuring sensor, a data collector and battery, a solar panel, telemetry, a mast for mounting equipment, and electrical wiring. A general description of the location and equipment is attached as Exhibit B, incorporated herein by this reference. Should Broomfield desire to change, in a substantial manner, the location or equipment herein described, it may do so without amending this IGA, so long as the Parties' City Managers have agreed in writing to any such changes.
5. Broomfield shall be responsible for the day-to-day operation and maintenance of the Station. Westminster will not be responsible for the maintenance of the equipment Broomfield installs for Broomfield's use.
6. Should any equipment of Broomfield need to be moved, Westminster will work with Broomfield to first find and approve an alternate location close to the original site for relocating the equipment.

7. The Station and any improvements installed by Broomfield pursuant to the License, shall remain the property of Broomfield.
8. If the Station is ever removed by Broomfield, Broomfield shall restore the Property to, as nearly as practicable, the same state and condition existing prior to the installation of the Station and the Station and all tools and equipment shall be removed by Broomfield at its own cost.
9. Broomfield, to the extent allowed by law, will indemnify Westminster against any loss or damage which shall result from the exercise by Broomfield, its agents, contractors and employees of ingress to or egress from the Property, from the Station, or by any wrongful or negligent act or omission of Broomfield or of its agents, contractors, or employees in the course of their employment in the installation, use, maintenance and/or removal of the Station. This indemnification is subject to the provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et. seq.*, as amended.
10. Westminster retains the right to make full use of the Property unless such use endangers or interferes with the rights of Broomfield under this IGA.
11. Westminster shall not interfere with Broomfield's rights of operation, maintenance, and reasonable access to the Station by constructing barriers or otherwise.
12. The provisions of the License shall inure to the benefit of and bind the successors and assigns of the Parties hereto and all covenants shall apply to and run with the land.
13. The Parties anticipate that data generated by the Station will be reported electronically. Said electronic data will be made available to Westminster by Broomfield in the form, by the means, and with a frequency agreed by and between the Broomfield Public Works Director and the Westminster Public Works Director.
14. This IGA becomes effective on the date of execution by both Parties.
15. This IGA may be executed in counterparts, including counterparts by facsimile, each of which when considered together shall constitute the original IGA.
16. Notices under this IGA shall be in writing, shall be addressed as set forth below, and shall be sent by first class U.S. Mail or by hand delivery.

16.1 If to Broomfield, to:

City and County of Broomfield
Attn: City and County Public Works Director
One DesCombes Drive
Broomfield CO 80020

With a copy to:

Harvey W. Curtis, Esq.
Harvey W. Curtis & Associates
2310 South Valley Highway, Suite 230
Englewood CO 80112

and to:

Office of the City and County Attorney of Broomfield
One DesCombes Drive
Broomfield, CO 80020

16.2 If to Westminster, to:

City of Westminster
Attn: Director of Public Works
4800 West 92nd Avenue
Westminster CO 80031

With a copy to:

Office of the City Attorney
4800 West 92nd Avenue
Westminster, CO 80031

17. The provisions of this IGA are severable and in the event any provision, clause, sentence, section or part thereof is held to be invalid, illegal, unconstitutional, inapplicable or unenforceable to any person or circumstances, such invalidity, illegality, unconstitutionality, inapplicability or unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the IGA or their application to the Parties. It is understood and agreed that the terms, conditions and covenants of this IGA would have been made by both Parties if such invalid, illegal, unconstitutional, inapplicable or unenforceable provisions, sentence, clause, section or part had not been included therein. To the extent that any portion of this IGA found to be invalid, illegal, unconstitutional, inapplicable or unenforceable may be made valid by striking of certain words or phrases, such words or phrases shall be deemed to be stricken and the remainder of the provisions and the remainder of the other portions of this IGA shall remain in full force and effect.

18. This IGA shall be governed by the substantive law of the State of Colorado. Venue for any dispute under this IGA shall be in the Adams County District Court.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals the day and year first above written.

CITY AND COUNTY OF BROOMFIELD

CITY OF WESTMINSTER

By Walter Spader
Mayor Pro-Tem

By _____
Mayor

ATTEST FOR BROOMFIELD:

ATTEST FOR WESTMINSTER:



Judith L. Keisel
City and County Clerk, Deputy

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

William A. Mitchell
City and County Attorney

Jan K. Greenfield
City Attorney's Office

ACKNOWLEDGMENTS:

STATE OF COLORADO)

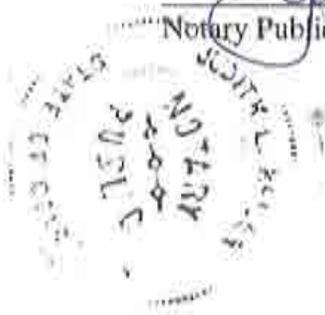
)
) ss.
)

City and County of Broomfield

The foregoing was acknowledged before me this 23 day of February, ²⁰¹⁰ ~~2008~~ by Walter Spader as Mayor Pro-Tem of the City and County of Broomfield.

Witness my hand and official seal.

My commission expires: Sept. 17, 2013
Judith L. Keisel
Notary Public



STATE OF COLORADO)
) ss.
City and County of _____)

The foregoing was acknowledged before me this ____ day of _____, 2008 by Nancy McNally, as Mayor of the City of Westminster.

Witness my hand and official seal.

My commission expires: _____

Notary Public



**CITY AND COUNTY
OF BROOMFIELD
BIG DRY CREEK
MONITORING PROGRAM**



Substantial efforts have been made to accurately compile GIS data and documentation. Accuracy is not guaranteed. This product is for reference purposes only and is not to be construed as a legal document or survey instrument.

EXHIBIT A:

**ACCESS BRIDGE AT
WESTMINSTER
BIG DRY CREEK
WASTEWATER
TREATMENT FACILITY**

295BRM65
09/03/2008



LEONARD RICE ENGINEERS, INC.
3000 California Street, Suite 200 Denver, Colorado 80202
303-733-8888 FAX: 303-733-8810

Exhibit B

MEMORANDUM

TO: Mary Fabisiak, City of Westminster
FROM: Melanie Lawrence and Jennifer Ashworth, Leonard Rice Engineers, Inc.
FILE: 295BRM65
DATE: September 4, 2008
RE: General Description of Location and Equipment

Site Selection within Westminster

The site chosen within Westminster is located just upstream of the Westminster Big Dry Creek Wastewater Treatment Facility's secondary access bridge, east of Huron Street. The purpose of placing the monitoring equipment at this location is to track flows downstream of the Bull Canal diversion and return points. Figure 1 shows the secondary access bridge and proposed location for the equipment.



Figure 1: Westminster Big Dry Creek Wastewater Treatment Facility, Secondary Access Bridge.

Equipment for Monitoring Study

The equipment Broomfield has chosen for the monitoring study will be configured as follows: a data collector and battery inside a 12 x 14 inch box, mounted on a mast located outside of the creek bed with a solar panel and antenna at the top of the mast. Figure 2 shows an example of what this will likely look like.





Figure 2: Mast with an Enclosure and Solar Panel Mounted.

Electrical wiring will run to the measuring sensor, which at the Westminster site will be an ultrasonic level sensor. Broomfield would like to mount the ultrasonic sensor to the underside of the existing bridge, but in case this is not possible, the ultrasonic sensor will be mounted to an arm that will hang out over the creek bed. Figure 3 shows a representation of what this configuration will look like.



Figure 3: Mounting Arm with Ultrasonic Sensor Attached. Potential configuration should it not be possible to mount ultrasonic underneath existing bridge.

Memorandum to Mary Fabisiak
September 4, 2008
Page 3

The ultrasonic sensor also requires a separate sensor for temperature correction. This is shown in white in Figure 3. The exact location will be determined at the time of installation, but Broomfield would like to install the mast on the north side of the creek, closer to the fence.



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Second Reading for Councillor’s Bill No. 11 re Amended Redevelopment Assistance Agreement for the Northgate Shopping Center in the South Westminster Urban Renewal Area

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Pass Councillor’s Bill No. 11 on second reading authorizing the City Manager to sign an amended redevelopment assistance package with Parkwood East, LLC relative to the Northgate Shopping Center located at the southeast corner of 72nd Avenue and Federal Boulevard.

Summary Statement

- Parkwood East, LLC (Developer) purchased the 21-acre Northgate shopping center at the southeast corner of 72nd Avenue and Federal Boulevard.
- In April 2007, the Developer entered into an Agreement with the City and Westminster Economic Development Authority (WEDA) to improve the property for the Rancho Liborio grocery and center.
- In exchange for the financial assistance, the Developer agreed to complete all improvements to the site as per the approved Official Development Plan (ODP) and evaluate the feasibility of demolition or reuse of the dilapidated structures located to the east of the Liborio grocery.
- The Developer has found a prospective buyer for the property that is interested in accelerating development of the entire property, and is requesting authorization to assign the Agreement.
- City staff and the Developer have agreed to the following changes to the Agreement that would be favorable to the City, thereby making the assignment of the Agreement more acceptable.
 - The dilapidated structures on the property will be demolished and removed by January 1, 2011 with all costs to be paid by the Developer;
 - The unfinished improvements required pursuant to the ODP will be completed and a final Certificate of Occupancy obtained by August 31, 2010, unless otherwise agreed to by the City;
 - Financial penalties will be imposed along with the possibility of termination to the Agreement should the Developer fail to meet the obligations as specified above.
 - The Agreement will expressly permit an assignment to a prospective buyer(s).
- This Councillor’s Bill was approved on first reading March 22, 2010.

Expenditure Required: Up to \$2,426,311 (Remaining Rebate Balance)

Source of Funds: Sales tax proceeds from the Northgate Shopping Center Project

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **11**

SERIES OF 2010

INTRODUCED BY COUNCILLORS
Winter - Dittman

A BILL

FOR AN ORDINANCE AUTHORIZING AN AMENDED REDEVELOPMENT ASSISTANCE AGREEMENT FOR THE REDEVELOPMENT OF THE NORTHGATE SHOPPING CENTER IN WESTMINSTER, COLORADO

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

WHEREAS, it is important for the City of Westminster to generate additional sales tax revenue and remain competitive with other local governments in offering assistance for occupancy of existing retail space in the City; and

WHEREAS, the City of Westminster ("City") has indicated its desire to improve and redevelop the area at 72nd Avenue and Federal Boulevard, including the property known as the Northgate Shopping Center site, within the South Westminster Urban Renewal Area; and

WHEREAS, the Parkwood East LLC has all of the property in ownership covered by this Agreement; and

WHEREAS, the Westminster City Council did approve a Redevelopment Assistance Agreement between the City, the Westminster Economic Development Authority and Parkwood East LLC providing financial assistance on April 23, 2007.

WHEREAS, the City and Parkwood East LLC are in agreement that amendments to said Redevelopment Assistance Agreement are in the interest of both parties; and

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Mayor of the City of Westminster is hereby authorized to sign an Amended Redevelopment Assistance Agreement with Parkwood East LLC in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of March, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of April, 2010.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT "A"

FIRST AMENDED REDEVELOPMENT ASSISTANCE AGREEMENT

This First Amended Redevelopment Assistance Agreement (this "Amendment") made this 12th day of April, 2010, replaces that certain Redevelopment Assistance Agreement effective the 9th of January, 2008 (the "Effective Date"), by and among the **CITY OF WESTMINSTER** ("City"), a Colorado home-rule municipality, and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**, an urban renewal authority organized and existing pursuant to the provisions of Part 1, Article 25, Title 31, C.R.S. ("WEDA"), and **PARKWOOD EAST, LLC**, 12460 1st Street, Eastlake, Colorado 80614 ("Developer").

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

1. Definitions.
 - a. Sales Tax Rebate Area. Sales Tax Rebate Area means the real property described on Exhibit "A" attached hereto and incorporated herein by this reference.
 - b. Phase 2 Improvement Area. Phase 2 Improvement Area means the real property described on Exhibit "B" attached hereto and incorporated herein by this reference.
 - c. Rebate Year. Rebate Year means each 12 month period starting on the Rebate Commencement Date.
 - d. Rebate Commencement Date. Rebate Commencement Date means the date on which the City issues a temporary or a permanent certificate of occupancy for a Liborio's grocery store within the Sales Tax Rebate Area.
 - e. Rebate Period. Rebate Period means the 6 year period of time commencing on the 7th of January, 2009 and ending on the sixth (6th) anniversary thereof being the 7th of January, 2015.
2. Sales Tax Rebate.
 - a. The Maximum Rebate payable under this Agreement is Two Million Six Hundred Thousand Dollars and no cents (\$2,600,000) ("Maximum Rebate").
 - b. During the Rebate Period, the City shall rebate to Developer an amount equal to 50% of sales tax collections paid to the City that are attributable to the City's 3.0% General Sales Tax on sales generated by tenants occupying the commercial space on the Property as defined below (the "Rebate"). The Rebate shall not extend beyond the Rebate Period nor exceed the Maximum Rebate.
 - c. The Rebate shall not include any sales tax collected and received from any Westminster business located and operating outside the Sales Tax Rebate Area that relocates to the Sales Tax Rebate Area and ceases operations at the previous location.
 - d. The Rebates shall be paid by the City on an annual basis within sixty (60) days following the end of each Rebate Year.

3. Conditions Precedent. The City's obligation to pay any Rebate otherwise payable under this Agreement is subject to the following conditions precedent:

a. Developer shall have completed all improvements within the Sales Tax Rebate Area in accordance with the final Official Development Plan (ODP) for the Northgate Shopping Center approved by the City. All improvements shall be completed and final Certificate of Occupancy obtained no later than August 31, 2010. If any building permit or permits are not issued on or before May 15, 2010, the City shall agree in good faith to an extension for completion of the improvements without penalty. Should the Developer fail to so complete the improvements and obtain a final Certificate of Occupancy by August 31, 2010, unless otherwise agreed to by City, ten percent (10%) of the Sales Tax Rebate shall be forfeited for each month the Developer fails to complete the required improvements and obtain the Certificate of Occupancy. Should the Developer fail to complete improvements and obtain a Certificate of Occupancy by January 1, 2011, this Agreement shall become null and void.

b. Liborio's grocery store shall occupy and have commenced business operations at the Northgate Shopping Center.

c. Developer shall have submitted a reasonably acceptable Voluntary Cleanup Plan for approval by the State of Colorado.

In the event any of the foregoing conditions have not been satisfied on or before the end of the first Rebate Year, this Agreement shall automatically terminate and the City shall have no obligation whatsoever to Developer.

3. Other Conditions. Developer shall provide evidence of continued progress relative to the Voluntary Cleanup Plan approved by the State until such time as the Plan is completed and the Property is released by the State. Should the condition not be met, the City may hold any Rebate otherwise due until such time Developer is in compliance with said condition. Any interest income earned on any amount so held shall accrue to the benefit of the City.

4. Demolition of Dilapidated Structures. The Developer shall demolish and remove the buildings, as shown in Exhibit "B", to the satisfaction of the City, by no later than January 1, 2011. Should the Developer fail to remove the buildings by such date, this Agreement shall be deemed terminated.

5. Intent of Parties.

a. This instrument shall constitute the entire agreement between the City and Developer and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter, except that it does not supersede any agreement between the City of Westminster and Developer regarding the Official Development Plan (ODP) or any other development plans for the Northgate Shopping Center.

b. Notwithstanding any possible interpretation of this Agreement to the contrary, Developer shall have no rights or remedies against WEDA, and WEDA shall have no duties or obligations to Developer, under this Agreement.

c. Nothing in this Agreement shall be deemed or construed as a waiver of any provision of the City Code or the City Charter.

6. Termination.

a. Unless sooner terminated as provided in this Agreement, this Agreement shall terminate when the total Sales Tax Rebates reach the Maximum Rebate Amount, or upon the date of the City's payment to Developer of the final Rebate following the conclusion of the sixth (6th) Rebate Year, whichever event occurs sooner.

b. The Developer may sell all or a portion of the Sales Tax Rebate Area and assign the rights and obligations of the Agreement to the purchaser(s) without terminating this Agreement. Should the Developer assign the rights and obligations of this Agreement, the Assignee shall assume full responsibility for fulfilling the remaining obligations of this Agreement.

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

8. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple year fiscal obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. Notices. Any notices or other communications required or permitted to be given under this Agreement will be sufficiently given and will be deemed given when given by hand delivery, overnight delivery, mailed by certified or registered mail, postage prepaid, at the address below or at such address or addresses as either party hereafter designates in writing to the other party hereto.

To the City of Westminster:

J. Brent McFall
City Manager, City of Westminster
4800 West 92nd Avenue
Westminster CO 80031
Telephone: (303) 430-2400
Facsimile: (303) 430-1809

To Parkwood East, LLC:

Clay Carlson
12460 1st Street
P.O. Box 247
Eastlake, CO 80614-0247

10. Governing Law; Disputes.

a. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter, the Westminster Municipal Code, and the Colorado Urban Renewal Law.

b. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Adams County, Colorado. In the event of such a lawsuit, the prevailing party therein shall be entitled to recover its reasonable attorney fees and costs that were incurred as a result thereof.

11. WEDA's Obligations to City.

a. WEDA agrees to repay the City any amounts paid by the City to Developer pursuant to this Agreement, regardless of whether net tax increment existed at the time any such payment was made.

b. WEDA's obligations shall be payable when and if sufficient tax increment revenue is available to permit WEDA to meet its obligation under this Agreement after meeting all of WEDA's other prior and superior obligations, including but not limited to debt service. WEDA's repayment obligations to the City under this Agreement shall be due and payable by January 31 following the end of the calendar year in which any Rebate is paid to Developer by the City.

c. WEDA shall have no further obligation to the City after January 31 following the year in which this Agreement terminates.

CITY OF WESTMINSTER

BY: _____
Nancy McNally, Mayor

ATTEST:

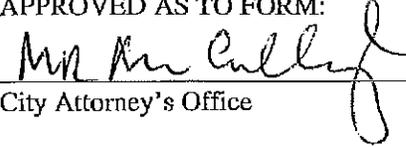
City Clerk

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

BY: _____
J. Brent McFall, Executive Director

ATTEST:

Secretary

APPROVED AS TO FORM:


City Attorney's Office

PARKWOOD EAST, LLC.

BY: _____

Name: _____

Title: _____

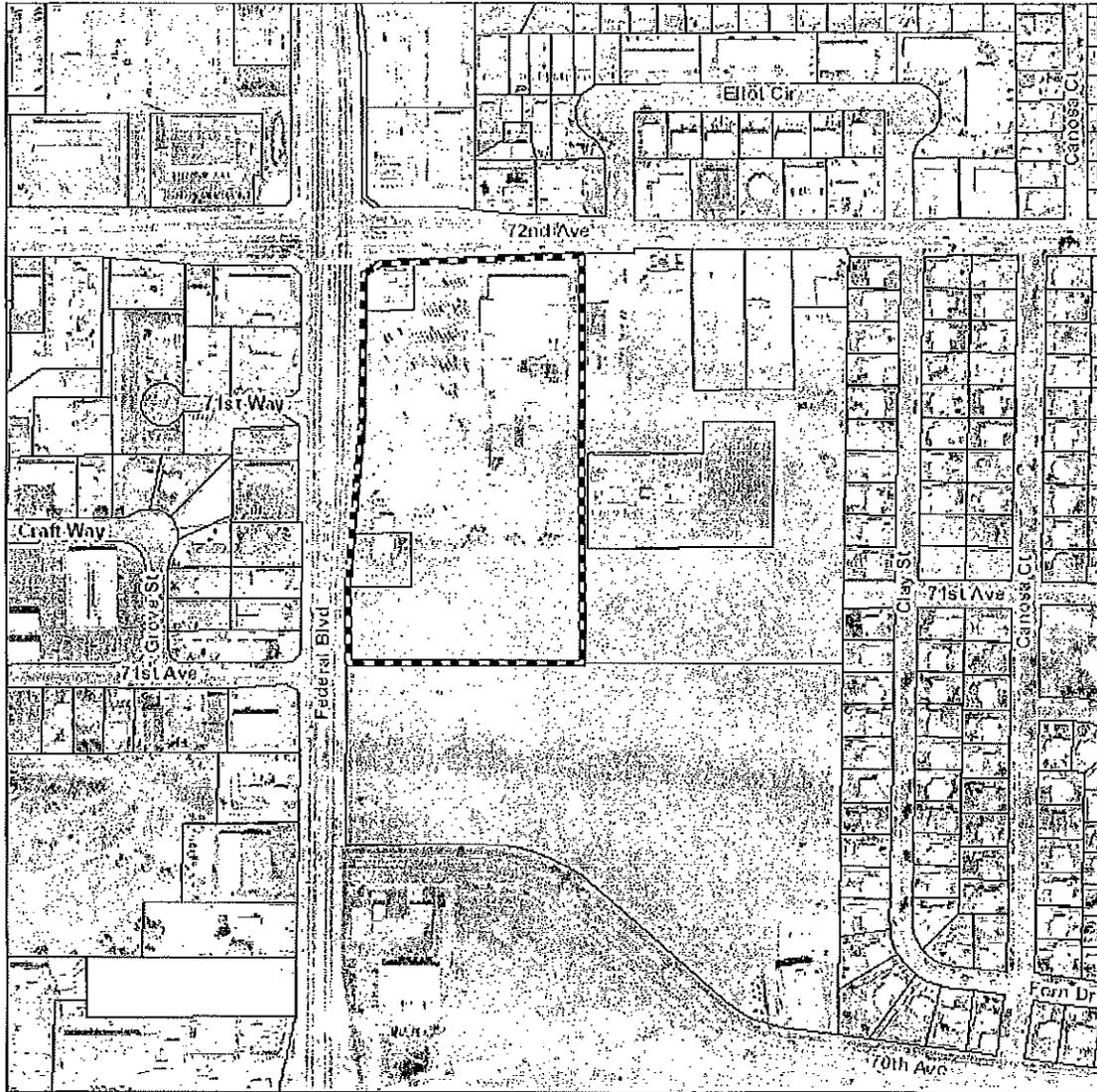
ATTEST:

Secretary

Exhibit A

Carlson Business Assistance Agreement

Sales Tax Rebate Area



Development Area Boundary





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Public Hearing and Resolution No. 10 re Designate the Church’s Stage Stop Well as a Local Historic Landmark

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action

1. Hold a public hearing on the application to designate the Church’s Stage Stop Well, 10395 Wadsworth Boulevard, as a local historic landmark.
2. Adopt Resolution No. 10 designating the Church’s Stage Stop Well at 10395 Wadsworth Boulevard as a local historic landmark, pursuant to Section 11-13-7 of the Westminster Municipal Code.

Summary Statement

- An application has been submitted by the City to designate the Church’s Stage Stop Well as a local historic landmark. The well is located on a City owned open space parcel of 1.64 acres at 10395 Wadsworth Boulevard.
- The Church’s Stage Stop Well is a rock lined well. It was dug by hand in the 1860’s by an early settler on the site, either the Child family or the Church family. In 1978, Louis Bott owned the well site and constructed a protective brick wall around the well. The brick wall is approximately 3 ft. high and is rimmed with a pebbled concrete. The diameter of the well is approximately 5 ft. A plywood covering is across the top of the well.
- The nomination for local landmark designation does not include the garage/storage building, added to the site in the 1980’s. It is to the west of the well or the log cabin structure north of the well that was constructed in the 1950’s.
- The well exemplifies the economic and social heritage of the community, and represents an association with notable persons in the history of Westminster.
- On March 10, 2010, the Westminster Historic Landmark Board unanimously recommended that the Church’s Stage Stop Well be designated as a local historic landmark.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the Church's Stage Stop Well located at 10395 Wadsworth Boulevard and owned by the City's Open Space program be designated a local historic landmark?

Alternatives

1. Do not designate the site as a local historic landmark.
2. Retain the site as is and take no further action.

Staff does not recommend deferring the designation of the Church's Stage Stop Well as a local historic landmark. The well is the only remaining element of the Church's Crossing Stage Stop, a stage stop that operated from roughly 1861 through 1869.

Background Information

The Church's Crossing Stage Stop operated from roughly 1861 through 1869. The stop was on the Overland Stage Route and was a one day ride from Denver, then another day on to Boulder. The stop provided meals, lodging for travelers and a livery for the exchange of horses. The stage stop buildings became the headquarters of the agricultural and business operations of George and Sarah Church until the 1890's when their son Frank and his wife Katherine built a home south of the stop closer to Big Dry Creek and eventually relocated the ranch operations to that site. Most of the stage stop buildings were destroyed by fire or moved offsite by the 1920's, but the well continued to be used for the Church agricultural operations.

The well represents an association with notable persons in the history of Westminster, homesteaders George and Sarah Church, their son Frank Church and his wife Katherine Church, and one of their sons, Marcus Church. The Churches were pioneers in securing water rights, constructing irrigation ditches and reservoirs, and experimenting with dryland crops to promote agriculture and ranching in Colorado's dry climate.

Architectural Description

The Church's Stage Stop Well is a rock-lined well. It was dug by hand in the 1860's by an early settler on the site. A plaque on the well states the well was dug in 1864, but there is no documentation of who actually dug the well. A photo of the Church's Crossing Stage Stop, dated 1866, shows the well as a typical well design with a small gable roof supported by wooden posts at each corner of the roof. At some point the wooden structure was removed. In 1978, Louis Bott owned the well site and constructed a protective brick wall around the well. The brick wall is approximately 3 feet high and is rimmed with a pebbled concrete. The diameter of the well structure is approximately 5 feet. A plywood covering is across the top of the well. The interior of the well now contains an electric pump and the necessary supports and wiring to function effectively. The rock lining of the well is visible for a few feet below the ground level. The water table is very high in this area near Walnut Creek, and the water in the well obscures the rock lining below the water line, about 2 ft. below grade.

The nomination for local landmark designation does not include the garage/storage building, added to the site in the 1980's, west of the well, or the log cabin structure north of the well that was constructed in the 1950's. These structures will be removed by the City.

Historical Significance

The first land survey in this area of Jefferson County occurred in 1861. The 1861 survey identified a wagon freight route between Denver and Boulder that included a stop in the vicinity of Wadsworth Boulevard and 103rd Avenue. This location was also noted as a stop on the Cherokee Trail between Denver and Fort Collins. On the survey, the site was shown as Childs Station.

The 160 acre site, plus 100 cord of wood, were purchased from Mr. Childs by Frank and Sarah Church in 1864 for \$1,000. Soon, several small wooden structures were purchased from a neighboring farm and moved to the Church property. The Churches built a two-story frame house and the stop became known as Church's Stage Stop. The two-story house became the bunkhouse for the station when the Churches built a new and nicer two-story house in front of the bunkhouse.

The Churches operated the stage stop until 1869 when Wells Fargo discontinued the stage route. The Churches continued to run the stop for bull whackers (oxen teams), who hauled hay from the St. Vrain and the South Platte River Valley areas to the mining districts.

George and Sarah Church established several precedents for successful agricultural operations in Colorado. The significance of their actions is recounted in "Westminster Selective Intensive Survey, Jefferson County, Westminster, Colorado Cultural Resource Survey 2008-2009," prepared for the City of Westminster Department of Community Development and the Westminster Historic Landmark Board, and prepared by Dawn Bunyak of Bunyak Research Associates. Sections of that report are quoted below.

"Once the territory was surveyed, Church began the filing process to claim his land with the federal land office. As time passed, George and Sarah's ranch stretched from present-day Sheridan Boulevard west to the foothills, encompassing thousands of acres for grazing livestock. ...Church introduced some of the first pure-bred Hereford cattle to the area in 1869. ...In Colorado's dry arid climate wheat crops often failed. So George began purchasing water rights and land to build a system of ditches and two reservoirs to carry water to his ranch to irrigate his wheat. Church's Upper Lake is fed through a diversion ditch from the Clear Creek, near Golden; he dredged this irrigation channel with a team and scraper between 1870 and 1871. Later Church negotiated with the Golden and Ralston Creek Ditch Company to acquire rights of way to extend Church Ditch from Clear Creek to Church's Lower Lake, near West 108th Avenue and Wadsworth Boulevard. Such irrigation proved useful and Church is attributed with growing the first successful crop of winter wheat in the State."

"...Church realized very early the significance of water and water rights and the role it would play in the future of the State of Colorado. He initiated irrigation networks on the plains, and in the mountains, with a second ditch carrying water from First and Second Creeks on the western slope under Berthoud Pass to Clear Creek. ...under the tutelage of George and Sarah Church, land water, cattle, and wheat together created a substantial and successful enterprise that stretched from northern Jefferson County to Grand County."

"George and Sarah's son Frank assisted, then later managed, his parents ranch operations in northern Jefferson County. He also became quite active in the community, serving on the board of directors of the Commercial State Bank of Denver and as a director of the First National Bank of Arvada. He was the Superintendent of Schools for Arapahoe County in its early years and was instrumental in the creation of School District No. 17, which included "all there was of the North Denver division at that time, and the independent village Highlands."

"...George married Katherine Jones in 1892 and they had three children. ...Because Frank was busy with his work and civic duties in Denver and Arvada, Katherine became ranch manager, investing in land and cattle. Her business acumen served the family operation well until poor investments and national economic events affected even the most successful businesses."

“...Katherine Church and her daughter Ruth organized the Mandalay Gardens Company in the 1920's... ..As general manager of Church Ranch, Katherine appointed herself president of Mandalay Gardens Company and her daughter Ruth, secretary. (The plat of the Mandalay Gardens was filed in 1929.) ...There were more than 100 lots. The well at the Church's Stage Stop is shown on Tract 58 of the plat. ...At the same time as Katherine and Ruth formed their development company, they established the Mandalay Irrigation Company.”

Sources

“Westminster Selective Intensive Survey, Jefferson County, Westminster, Colorado Cultural Resource Survey 2008-2009,” prepared for the City of Westminster Department of Community Development and the Westminster Historic Landmark Board, and prepared by Dawn Bunyak of Bunyak Research Associates.

“Snapshots of History, Church Ranch and the Church Family” edited by Kandi McKay great granddaughter of Frank and Katherine Church. (Ruth Church McKay is the daughter of Frank and Katherine Church. Charles McKay is the son of Ruth McKay.) The journals, news articles, interviews and photos were compiled by Kandi McKay in the 1990's and designate the Church's Stage Stop Well as a Local Historic Landmark.

Compliance with Westminster Municipal Code

The Westminster Municipal Code requires an application to include the following content:

1. Description of the characteristics of the proposed historic landmark that justify its designation pursuant to this chapter;
2. A description of the particular features that should be preserved; and
3. A legal description of the location and boundaries of the historic property.

In compliance with Westminster Municipal Code, the application provides the name, location, legal description, and owner of the proposed landmark. It further provides a statement of significance with information to support the following criteria for designation:

- It exemplifies the economic and social heritage of the community, and
- Represents an association with notable persons in the history of Westminster.

Notice of the April 12, 2010, public hearing was published in the Westminster Window on April 8, 2010. The property was posted by City staff on April 8, 2010. The application was referred to the Westminster Historical Society on March 10, 2010, as required by the Westminster Municipal Code.

Section 11-13-7(A)(3) requires the Director of Community Development to review an application in the following respects: (a) its relationship to the comprehensive plan; (b) the effect of the designation on the surrounding neighborhood; (c) the criteria set forth in this chapter; and (d) such other planning considerations as may be relevant to the proposed designation.

The site is zoned O-1, an open space use. The landmark designation would be beneficial to the neighborhood because designation will help the neighborhood understand the history of the area and will protect the one remaining feature of the stage stop, thereby supporting the historic nature of this open space parcel. The application meets the criteria set forth in the ordinance.

City Council Findings

The City Council needs to consider the following issues:

1. Does the well meet the ordinance requirements for historical significance justifying its designation as a local historic landmark?
2. What features of the site should be preserved in order to maintain its historical integrity?
3. The Council's decision must also include the name, location and legal description of the designated landmark.

Recommendations by the Historic Landmark Board

The Historic Landmark Board recommends to the Westminster City Council that the Church's Stage Stop Well be designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code. The architectural features that they recommend be preserved are described in their attached resolution. These features have been included in the proposed City Council resolution, also attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Proposed Resolution
- Attachment A - Legal Description
- Attachment B - Historic Landmark Board Resolution 2010-001
- Attachment C - Historic Landmark Application
- Attachment D - Vicinity Map
- Attachment E - Well Location Map

RESOLUTION

RESOLUTION NO. **10**

INTRODUCED BY COUNCILLORS

SERIES OF 2010

**A RESOLUTION
TO DESIGNATE THE CHURCH'S STAGE STOP WELL, 10395 WADSWORTH BOULEVARD,
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, the Church's Stage Stop Well, 10395 Wadsworth Boulevard, is historically significant because:

1. It represents a necessary support for agricultural and human sustenance associated with the Westminster area and is at least 50 years old,
2. It exemplifies the economic and social heritage of the City, since it was used to support commerce, agricultural and residential uses from the 1860's through the present in Westminster,
3. It represents an association with notable persons in the history of Westminster, George and Sarah Church, their son Frank Church and his wife Katherine Church, and one of their sons, Marcus Church. The Churches were pioneers in securing water rights, constructing irrigation ditches and reservoirs, and experimenting with dryland crops to promote agriculture and ranching in Colorado's dry climate

WHEREAS, the owner of the Church's Stage Stop Well, The City of Westminster, has nominated the well as a local historic landmark, and

WHEREAS, the Historic Landmark Board adopted its Resolution 2010-001 in which the Board found that the Church's Stage Stop Well is historically significant and designated the features that the Board recommended should be preserved,

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The Church's Stage Stop Well is hereby designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.
2. Description of features that should be preserved:

The Church's Stage Stop Well above ground, is a brick wall approximately 3 ft. high. The top of the wall is rimmed with a pebbled concrete. The diameter of the well above ground is approximately 5 ft. A plywood covering is across the top of the well. The original hand dug well is rock lined. The interior of the well now contains an electric pump and the necessary supports and wiring to function effectively.

3. The legal description and location of the property are:

Address or location: 10395 Wadsworth Boulevard
Westminster, Colorado

Legal description: Attachment A to this Resolution

UTM coordinates: NAD 27: east 493,022 meters; north 4,414,762 meters

PASSED AND ADOPTED this 12th day of April 2010.

Nancy McNally, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

Legal Description:

A PARCEL OF LAND, BEING LOT 1, PLATTED EXEMPTION AGREEMENT CASE NO. E53-6-85, LOCATED IN THE NORTH HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD AS BEARING NORTH 40 DEGREES 50 MINUTES 34 SECONDS EAST BETWEEN FOUND MONUMENTS AS SHOWN AND DESCRIBED HEREON AND WITH THE NORTHERN MOST MONUMENT BEING SOUTH 74 DEGREES 19 MINUTES 55 SECONDS WEST AND A DISTANCE OF 158.54 FEET FROM THE NORTH CORNER OF SECTION 14 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 14;
THENCE SOUTH 74 DEGREES 19 MINUTES 55 SECONDS WEST, A DISTANCE OF 158.54 FEET TO THE POINT OF INTERSECTION BETWEEN THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD AND THE WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE, ALONG THE WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, A DISTANCE OF 156.94 FEET ALONG THE ARC OF A CURVE HAVING A RADIUS OF 289.30 FEET, AN INCLUDED ANGLE OF 31 DEGREES 04 MINUTES 53 SECONDS, AND SUBTENDED BY A CHORD BEARING SOUTH 51 DEGREES 43 MINUTES 08 SECONDS EAST, A DISTANCE OF 155.02 FEET;

THENCE NORTH 14 DEGREES 36 MINUTES 19 SECONDS EAST, A DISTANCE OF 7.52 FEET TO A POINT ON THE WESTERLY LINE OF THAT PARCEL RECORDED AT RECEPTION NO. 86009691;

THENCE 147.49 FEET ALONG THE ARC OF A CURVE HAVING A RADIUS OF 308.10 FEET, AN INCLUDED ANGLE OF 27 DEGREES 25 MINUTES 44 SECONDS, AND SUBTENDED BY A CHORD BEARING SOUTH 13 DEGREES 09 MINUTES 15 SECONDS EAST, A DISTANCE OF 146.09 FEET;

THENCE 15 SECONDS EAST, A DISTANCE OF 146.09 FEET;

THENCE SOUTH 00 DEGREES 33 MINUTES 37 SECONDS WEST, A DISTANCE OF 42.76 FEET;

THENCE DEPARTING SAID WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, SOUTH 89 DEGREES 49 MINUTES 03 SECONDS WEST, A DISTANCE OF 394.18 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD;

THENCE NORTH 40 DEGREES 50 MINUTES 34 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 363.56 FEET TO THE POINT OF BEGINNING,

TOTAL OF 1.64 ACRES

COUNTY OF JEFFERSON,
STATE OF COLORADO.

RESOLUTION

RESOLUTION NO. 2010-001

INTRODUCED BY BOARD MEMBER

SERIES OF 2010

WHEREAS, the Church's Stage Stop Well is historically significant because:

1. The Church's Stage Stop Well is historically significant because it exemplifies the economic and social heritage of the City, since it was an important part of the Overland Stage Stop and the agricultural homestead of George and Sarah Church and their heirs,

2. It represents an association with notable persons in the history of Westminster, George and Sarah Church, their son Frank Church and his wife Katherine (Jones) Church and their heirs who were pioneers in securing water rights, constructing irrigation ditches and reservoirs, and experimenting with dryland crops to promote agriculture and ranching in Colorado's dry climate.

WHEREAS, the City Staff has caused the historical significance of the property to be documented and the City of Westminster Open Space, as owner, has applied to this Board for a recommendation as to whether the property should be designated as a historic landmark,

NOW, THEREFORE, the Historic Landmark Board of the City of Westminster resolves that:

1. The Board recommends to the Westminster City Council that the Church's Stage Stop Well be designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.

2. Description of features that should be preserved:

The Church Ranch Well is a rock lined well. It was dug by hand in the 1860's by an early settler on the site. A plaque on the well states the well was dug in 1864, but there is no documentation of who actually dug the well. A photo of the Church's Crossing Stage Stop, dated 1866, shows the well as a typical well design with a small gable roof supported by wooden posts at each corner of the roof. At some point the wooden structure was removed. In 1978 Louis Bott owned the well site and constructed a protective brick wall around the well. The brick wall is approximately 3 ft. high and is rimmed with a pebbled concrete. The diameter of the well is approximately 5 ft. A plywood covering is across the top of the well. The interior of the well now contains an electric pump and the necessary supports and wiring to function effectively. The rock lining of the well is visible for a few feet below the ground level. The water table is very high in this area near Walnut Creek and the water in the well obscures the rock lining below the water line. The existing well structure should be preserved until such time that there are funds to research the original well covering and funds to complete a restoration of the original well design.

The nomination for local landmark designation does not include the garage/storage building, added to the site in the 1980's, that is to the west of the well, or the log cabin structure north of the well that was constructed in 1955.

3. The legal description and location of the property are:

Address or location: 10395 Wadsworth Boulevard
Westminster, Colorado

Legal description: A PARCEL OF LAND, BEING LOT 1, PLATTED EXEMPTION AGREEMENT CASE NO. E53-6-85, LOCATED IN THE NORTH HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD AS BEARING NORTH 40 DEGREES 50 MINUTES 34 SECONDS EAST BETWEEN FOUND MONUMENTS AS SHOWN AND DESCRIBED HEREON AND WITH THE NORTHERN MOST MONUMENT BEING SOUTH 74 DEGREES 19 MINUTES 55 SECONDS WEST AND A DISTANCE OF 158.54 FEET FROM THE NORTH CORNER OF SECTION 14 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 14;
THENCE SOUTH 74 DEGREES 19 MINUTES 55 SECONDS WEST, A DISTANCE OF 158.54 FEET TO THE POINT OF INTERSECTION BETWEEN THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD AND THE WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE, ALONG THE WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, A DISTANCE OF 156.94 FEET ALONG THE ARC OF A CURVE HAVING A RADIUS OF 289.30 FEET, AN INCLUDED ANGLE OF 31 DEGREES 04 MINUTES 53 SECONDS, AND SUBTENDED BY A CHORD BEARING SOUTH 51 DEGREES 43 MINUTES 08 SECONDS EAST, A DISTANCE OF 155.02 FEET;

THENCE NORTH 14 DEGREES 36 MINUTES 19 SECONDS EAST, A DISTANCE OF 7.52 FEET TO A POINT ON THE WESTERLY LINE OF THAT PARCEL RECORDED AT RECEPTION NO. 86009691;

THENCE 147.49 FEET ALONG THE ARC OF A CURVE HAVING A RADIUS OF 308.10 FEET, AN INCLUDED ANGLE OF 27 DEGREES 25 MINUTES 44 SECONDS, AND SUBTENDED BY A CHORD BEARING SOUTH 13 DEGREES 09 MINUTES 15 SECONDS EAST, A DISTANCE OF 146.09 FEET;

THENCE 15 SECONDS EAST, A DISTANCE OF 146.09 FEET;

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THENCE DEPARTING SAID WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, SOUTH 89 DEGREES 49 MINUTES 03 SECONDS WEST, A DISTANCE OF 394.18 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD;

THENCE NORTH 40 DEGREES 50 MINUTES 34 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 363.56 FEET TO THE POINT OF BEGINNING,

TOTAL 1.64 ACRES MORE OR LESS

COUNTY OF JEFFERSON,
STATE OF COLORADO.

UTM coordinates: NAD 27: east 493,022 meters; north 4,414,762 meters;

PASSED AND ADOPTED this 10th day of March, 2010;

Chair

ATTEST:

City of Westminster

Historic Landmark Application

Name of Building: Church's Stage Stop Well

Location: 10395 Wadsworth Boulevard
Westminster CO 80030

Legal description:

A PARCEL OF LAND, BEING LOT 1, PLATTED EXEMPTION AGREEMENT CASE NO. E53-6-85, LOCATED IN THE NORTH HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD AS BEARING NORTH 40 DEGREES 50 MINUTES 34 SECONDS EAST BETWEEN FOUND MONUMENTS AS SHOWN AND DESCRIBED HEREON AND WITH THE NORTHERN MOST MONUMENT BEING SOUTH 74 DEGREES 19 MINUTES 55 SECONDS WEST AND A DISTANCE OF 158.54 FEET FROM THE NORTH CORNER OF SECTION 14 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

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THENCE, ALONG THE WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, A DISTANCE OF 156.94 FEET ALONG THE ARC OF A CURVE HAVING A RADIUS OF 289.30 FEET, AN INCLUDED ANGLE OF 31 DEGREES 04 MINUTES 53 SECONDS, AND SUBTENDED BY A CHORD BEARING SOUTH 51 DEGREES 43 MINUTES 08 SECONDS EAST, A DISTANCE OF 155.02 FEET;

THENCE NORTH 14 DEGREES 36 MINUTES 19 SECONDS EAST, A DISTANCE OF 7.52 FEET TO A POINT ON THE WESTERLY LINE OF THAT PARCEL RECORDED AT RECEPTION NO. 86009691;

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THENCE 15 SECONDS EAST, A DISTANCE OF 146.09 FEET;

THENCE SOUTH 00 DEGREES 33 MINUTES 37 SECONDS WEST, A DISTANCE OF 42.76 FEET;

THENCE DEPARTING SAID WEST RIGHT OF WAY LINE OF WADSWORTH BOULEVARD, SOUTH 89 DEGREES 49 MINUTES 03 SECONDS WEST, A DISTANCE OF 394.18 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD;

THENCE NORTH 40 DEGREES 50 MINUTES 34 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 363.56 FEET TO THE POINT OF BEGINNING,

TOTAL OF 1.64 ACRES

COUNTY OF JEFFERSON,
STATE OF COLORADO.

State of Colorado Resource No.: 5JF4665

UTM coordinates:

NAD 27: east 493,022 meters; north 4,414,762 meters

Nominated by: City of Westminster

Property owner: City of Westminster Open Space

Criteria for designation pursuant to W.M.C. section 11-13-5:

10. Exemplifies cultural, political, economic or social heritage of the community.
11. Represents an association with a notable person or the work of a notable person.

Architectural Description:

The Church's Stage Stop Well is a rock lined well. It was dug by hand in the 1860's by an early settler on the site. A plaque on the well states the well was dug in 1864, but there is no documentation of who actually dug the well. A photo of the Church's Crossing Stage Stop, dated 1866, shows the well as a typical well design with a small gable roof supported by wooden posts at each corner of the roof. At some point the wooden structure was removed. In 1978 Louis Bott owned the well site and constructed a protective brick wall around the well. The brick wall is approximately 3 ft. high and is rimmed with a pebbled concrete. The diameter of the well is approximately 5 ft. A plywood covering is across the top of the well. The interior of the well now contains an electric pump and the necessary supports and wiring to function effectively. The rock lining of the well is visible for a few feet below the ground level. The water table is very high in this area near Walnut Creek and the water in the well obscures the rock lining below the water line.

The nomination for local landmark designation does not include the garage/storage building, added to the site in the 1980's, that is to the west of the well, or the log cabin structure north of the well that was constructed in 1955.

Summary

The Church's Stage Stop Well is historically significant because it exemplifies the economic and social heritage of the City. The well is the only remaining element of the Church's Crossing Stage Stop, a stage stop that operated from roughly 1861 through 1869. The stop was on the Overland Stage Route, and was a one day ride from Denver, then another day on to Boulder. The stop provided meals, lodging for travelers and a livery for the exchange of horses. The stage stop buildings became the headquarters of the agricultural and business operations of George and Sarah Church until the 1890's when their son Frank and his wife Katherine Church built a home south of the stop closer to Big Dry Creek and eventually relocated the ranch operations to that site. Most of the stage stop buildings were destroyed by fire or moved offsite by the 1920's, but the well continued to be used for the Church agricultural operations.

The well represents an association with notable persons in the history of Westminster, homesteaders George and Sarah Church, their son Frank Church and his wife Katherine Church, and one of their sons, Marcus Church. The Church's were pioneers in securing water rights, constructing irrigation ditches and reservoirs, and experimenting with dryland crops to promote agriculture and ranching in Colorado's dry climate.

Historical Significance

Congress opened a large area of the Territory of Colorado to settlement prior to survey of the land. The first land survey in this area of Jefferson County occurred in 1861. The 1861 survey identified a wagon freight route between Denver and Boulder that included a stop in the vicinity of Wadsworth Boulevard and 103rd Avenue. This location was also noted as a stop on the Cherokee Trail between Denver and Fort Collins. On the survey, the site was shown as Childs Station.

The 160 acre site, plus one hundred cord of wood was purchased from Mr. Childs by Frank and Sarah Church in 1864 for \$1,000. Soon, several small wooden structures were purchased from a neighboring farm and moved to the Church property. The Church's built a two-story frame house and the stop became known as Church's Stage Stop. The two-story house became the bunkhouse for the station when the Church's built a new and nicer two-story house in front of the bunkhouse.

The Church's operated the stage stop until 1869 when Wells Fargo discontinued the stage route. The Church's continued to run the stop for bull whackers (oxen teams), who hauled hay from the St. Vrain and the Platte to the mining districts.

George and Sarah Church actions established several precedents for successful agricultural operations in Colorado. The significance of their actions are recounted in "Westminster Selective Intensive Survey, Jefferson County, Westminster, Colorado Cultural Resource Survey 2008-2009," prepared for the City of Westminster Department of Community Development and the Westminster Historic Landmark Board, and

prepared by Dawn Bunyak of Bunyak Research Associates. Sections of that report are quoted below.

“Once the territory was surveyed, Church began the filing process to claim his land with the federal land office. As time passed, George and Sarah’s ranch stretched from present-day Sheridan Boulevard west to the foothills, encompassing thousands of acres for grazing livestock. ...Church introduced some of the first pure-bred Hereford cattle to the area in 1869. ...In Colorado’s dry arid climate wheat crops often failed. So George began purchasing water rights and land to build a system of ditches and two reservoirs to carry water to his ranch to irrigate his wheat. Church’s Upper Lake is fed through a diversion ditch from the Clear Creek, near Golden; he dredged this irrigation channel with a team and scraper between 1870 and 1871. Later Church negotiated with the Golden and Ralston Creek Ditch Company to acquire rights of way to extend Church Ditch from Clear Creek to Church’s Lower Lake, near West 108th Avenue and Wadsworth Boulevard. Such irrigation proved useful and Church is attributed with growing the first successful crop of winter wheat in the State.

...Church realized very early the significance of water and water rights and the role it would play in the future of the State of Colorado. He initiated irrigation networks on the plains, and in the mountains, with a second ditch carrying water from First and Second Creeks on the western slope under Berthoud Pass to Clear Creek. ...under the tutelage of George and Sarah Church, land water, cattle, and wheat together created a substantial and successful enterprise that stretched from northern Jefferson County to Grand County.

George and Sarah’s son Frank assisted, then later managed, his parents ranch operations in northern Jefferson County. He also became quite active in the community, serving on the board of directors of the Commercial State Bank of Denver and as a director of the First National Bank of Arvada. He was the Superintendent of Schools for Arapahoe County in its early years and was instrumental in the creation of School District No. 17, which included “all there was of the North Denver division at that time, and the independent village Highlands.”

...George married Katherine Jones in 1892 and they had three children. ...Because Frank was busy with his work and civic duties in Denver and Arvada, Katherine became ranch manager, investing in land and cattle. Her business acumen served the family operation well until poor investments and national economic events affected even the most successful businesses.

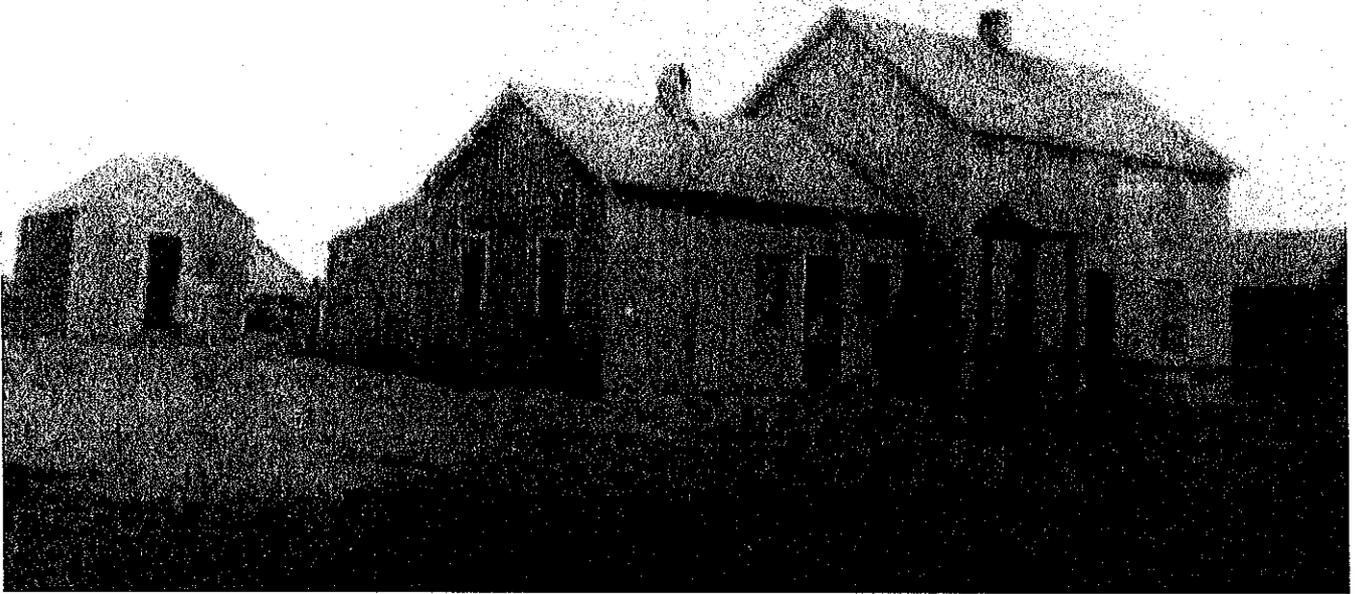
...Katherine Church and her daughter Ruth organized the Mandalay Gardens Company in the 1920’s... ...As general manager of Church Ranch, Katherine appointed herself president of Mandalay Gardens Company and her daughter Ruth, secretary. (The plat of the Mandalay Gardens was filed in 1929.) ...There were more than 100 lots. The well at the Church’s Stage Stop is shown on Tract 58 of the plat. ...At the same time as Katherine and Ruth formed their development company, they established the Mandalay Irrigation Company.”

Sources:

“Westminster Selective Intensive Survey, Jefferson County, Westminster, Colorado Cultural Resource Survey 2008-2009,” prepared for the City of Westminster Department of Community Development and the Westminster Historic Landmark Board, and prepared by Dawn Bunyak of Bunyak Research Associates.

“Snapshots of History, Church Ranch and the Church Family” edited by Kandi McKay great granddaughter of Frank and Katherine Church. (Ruth Church McKay is the daughter of Frank and Katherine Church. Charles McKay is the son of Ruth McKay.) The journals, news articles, interviews and photos were compiled by Kandi McKay in the 1990’s.

Appendices



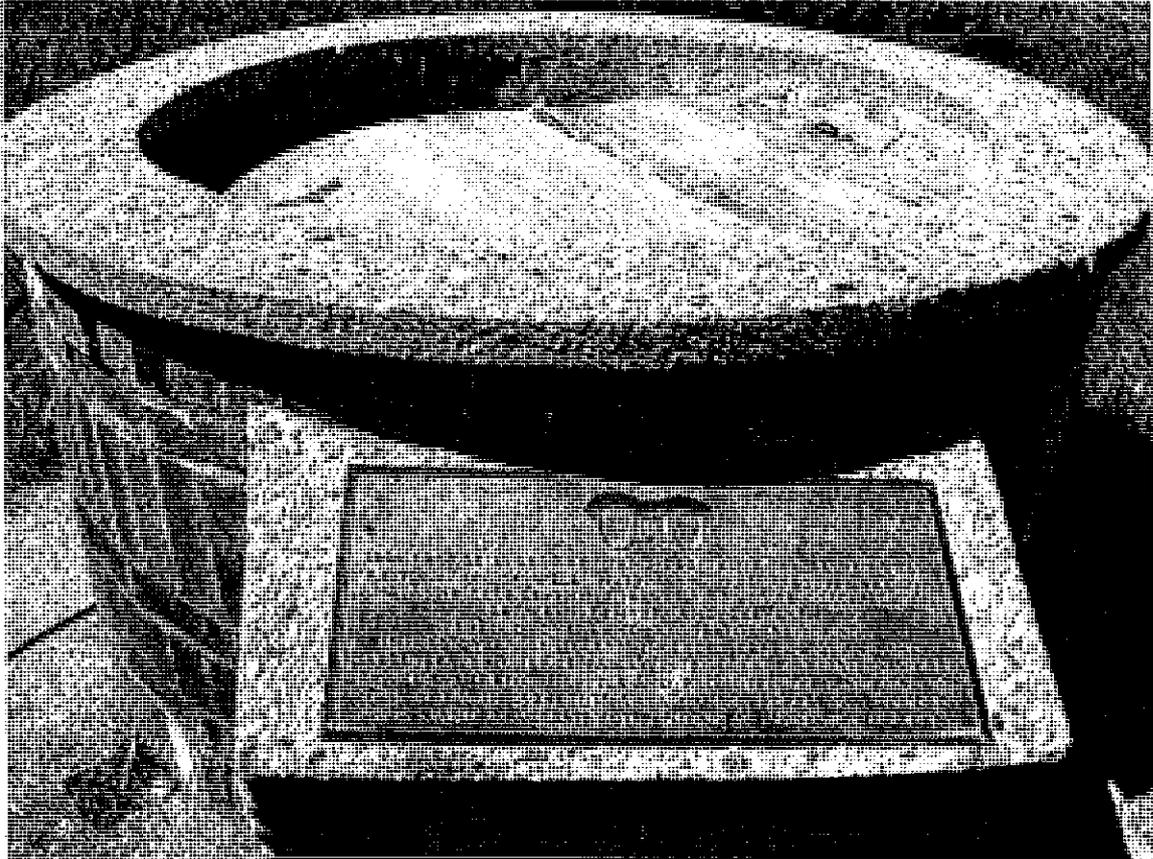
**Photo of Church's Stage Stop Taken in 1866.
Well is in front of dwelling.
Broomfield Star is source of photo.**



Photo from the Library of Congress collection approximately 1894. The stage stop is in trees to the right. Approximate alignment of Wadsworth Boulevard remains today. Railroad is visible at middle right of photo.



Photo shows well on the site near the existing buildings.



Close up photo showing the brick housing, the plaque, the concrete and pebble rim cap, and the plywood cover atop the well



Photo of the interior of the well showing rock lining. White spot is the water line approximately 2 ft. below the ground plane. Plywood with leaves in the lower right of the photo holds the electric pump for the well.

Church's Stage Stop Well Vicinity Map

Attachment D





10460

10415

Zephyr St

Well Location

10345

10345

10325

Wadsworth Blvd

N



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 12, 2010



SUBJECT: Resolution No. 11 re Colorado Automobile Theft Prevention Authority Grant

Prepared By: Lee Birk, Chief of Police
Jeri Elliott, Senior Management Analyst

Recommended City Council Action

Adopt Resolution No. 11 authorizing the Police Department to pursue a 2010 Colorado Automobile Theft Prevention Authority Supplemental Grant with the Colorado Department of Public Safety to purchase an additional Automated License Plate Reader, mounting system and Service Plan.

Summary Statement

- The Police Department is requesting authorization to apply for a Colorado Automobile Theft Prevention Authority (CATPA) Supplemental Grant. CATPA has the statutory authority to combat vehicle theft in the State of Colorado and is committed to awarding grants that will reduce automobile theft in Colorado.
- The Police Department is currently participating in a multi-agency project with both the City of Arvada and City and County of Broomfield Police Departments and has received previous grant funding from CATPA in the amount of \$47,604. The City of Westminster Police Department will remain as the designated Grant Managing Agency. A Letter of Participation is currently in place and will be amended to include the additional funding and to be signed by the participating agencies' Chiefs of Police.
- Staff recommends requesting the full grant amount of \$78,525 from the Colorado Department of Public Safety. The funding will be used to purchase a total of three Automated License Plate Readers (ALPR), three additional mounting systems and three separate Service Plans which covers years two through four. During the first year the system is covered by the manufacturer's warranty. The participating agencies will each acquire one ALPR, one additional mounting system and the Service Plan.
- There is no City match required for this grant request.
- The City's Grant Administrative Policy and Procedures require City Council approval to apply for the grant.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City attempt to seek additional grant funding from the Colorado Department of Public Safety, which is the grant management agency, through the CATPA Supplemental Grant for the three Automated License Plate Readers (ALPR), three additional mounting systems and three Service Plans for years two through four to reduce motor vehicle theft in the Adams, Jefferson and Broomfield County areas?

Alternative

Council could choose not to pursue additional funding from the CATPA grant. However, Staff recommends pursuing this funding for the purpose of reducing automobile theft. These grant funds have no requirement for a City match. The Supplemental Grant provides existing grantees additional technology and resources to combat vehicle theft in accordance with Colorado Revised Statutes and CATPA rules.

Background Information

On May 18, 2009, City Council adopted Resolution No. 24 authorizing the Police Department to pursue a 2009 Colorado Automobile Theft Prevention Authority Grant with the Colorado Department of Public Safety to purchase an Automated License Plate Reader and authorized the Chief of Police to sign a Letter of Participation with the City of Arvada and City and County of Broomfield.

On June 11, 2009, the Police Department was successfully awarded partial funding of \$47,604 from CATPA. In order for each participating agency to have a standalone ALPR, each participating agency provided matching funds of \$4,607; for a three agency grand total of \$13,821. The funding level being requested in the supplemental grant will preclude the necessity of each participating agency to provide matching funds.

If this supplemental grant application is successful, the Westminster Police Department will remain as the Grant Managing Agency and will be responsible for the purchase of the equipment, providing the necessary quarterly reports, and reimbursement of grant funding. The Police Department will receive funding for a total of three ALPRs, three mounting systems and three separate Service Plans for years two through four. Each participating agency will receive one ALPR, which is the "processor," cameras and mounting system/cables that will allow each agency to have their own standalone system, one additional mounting system and a separate Service Plan. An additional mounting system will allow for flexibility and alternative approaches (i.e.: equipping unmarked and marked police vehicles and ensures that when vehicles are down for routine maintenance, the unit can be deployed to an available vehicle). Each agency will be responsible for the maintenance and upkeep of the existing and additional equipment, providing pertinent data for grant purposes, and an Addendum to the Letter of Participation will be signed by the respective Chiefs of Police as members of the multi-agency project to include the CATPA Supplemental Grant request.

The ALPR scans images of the license plates by an infrared light housed in each camera head and then simultaneously translates those images into computerized text in a span of milliseconds. The unit can capture up to 3600 plates per minute (day or night), which in turn will notify the Police Officer of any viable "hits" such as a stolen vehicle, stolen license plate, Amber Alert, suspension or revocation associated with the registered owner. Since the purchase of the original ALPR through CATPA grant funding; there has been a total of 14 recovered stolen vehicles (12 within the City of Westminster alone), 285,826 license plate reads, 2,886 hours documented and \$52,791 in recovered stolen vehicles. Ultimately the recovery of stolen vehicles can lead to suspect information and identify or recognize patterns and trends.

The grant request supports the City’s Strategic Plan Goals of “Safe and Secure Community” and “Financially Sustainable City Government Providing Exceptional Services” by providing adequate police resources to maintain efficient and quality police services to the community. The grant request continues the multi-agency project, which will allow for expansion of the project and the continued sharing of information obtained by the automated license plate readers by all three agencies. Representatives from the three agencies will meet to share data, results, patterns and trends, which will lead to coordinated regional enforcement strategies. The grant request will further multi-agency collaboration and will also provide enhanced communication and cooperation with neighboring jurisdictions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **11**

INTRODUCED BY COUNCILLORS

SERIES OF 2010

**GRANT REQUEST FOR THE
COLORADO AUTO THEFT PREVENTION AUTHORITY GRANT**

WHEREAS, in 2003, Colorado ranked above the national average for auto theft rates and was among the top ten states in the country for auto theft; and

WHEREAS, statistics supported legislation to form the Colorado Auto Theft Prevention Authority to award grants to assist in improving and supporting automobile theft programs or programs for the enforcement or prosecution of automobile theft crimes through statewide planning and coordination; and

WHEREAS, such grants are provided by the Colorado Department of Public Safety; and

WHEREAS, the City of Westminster is requesting approval to apply for funding through the Colorado Auto Theft Prevention Authority for a multi-jurisdictional grant project with the City of Arvada and the City and County of Broomfield; and

WHEREAS, the Police Department will remain as the Grant Managing Agency; and

WHEREAS, the funds received from the Colorado Auto Theft Prevention Authority Grant will be allocated for Automated License Plate Readers, additional mounts, and the Service Plan for each of the participating agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the City of Westminster shall submit a grant application to the Colorado Auto Theft Prevention Authority for the funding of three Automated License Plate Readers, three mounts and three separate Service Plans in the amount up to \$78,525.

PASSED AND ADOPTED this 12th day of April 2010.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney