



WESTMINSTER  
COLORADO

April 22, 2002  
7:00 P.M.

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 (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. Presentation by School District 50 Students
  - B. Proclamation for "Just Say No Week"- April 21-27, 2002
  - C. Proclamation for Child Abuse Prevention Month – April, 2002
  - D. Proclamation for National Drinking Water Week – May 5-11, 2002
  - E. Proclamation for Municipal Clerk's Week – April 28-May 4, 2002

5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. Big Dry Creek Wastewater Treatment Facility Expansion Preliminary Design
  - B. 2002 Asphalt Pavement Rehabilitation Project Bid
  - C. Special Legal Services Contract re Centric-Jones and Travelers Appeal
  - D. Financial Report for March 2002
  - E. 2002 Chipseal Project Change Order
  - F. CB No. 8 re Annexation of Village at Harmony Park Enclave (Dixion-Atchison)
  - G. CB No. 9 re CLUP Amendment re Village at Harmony Park Enclave (Dixion-Atchison)
  - H. CB No. 10 re Zoning of Village at Harmony Park Enclave (Dixion-Atchison)
  - I. CB No. 12 re Vacation of Easements within W 81<sup>st</sup> Pl and Sheridan PUD (Atchison-McNally)
  - J. CB No. 13 re 74<sup>th</sup> Avenue Library Project (Hicks-McNally)

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Councillor's Bill No. 14 appropriating \$50,000 re Big Dry Creek Watershed Expansion
- B. Contract for Biological Monitoring Services with Aquatics Associates for \$42,000
- C. Contract for Consulting Services with Wright Water Engineers, Inc. for \$8,000
- D. Councillor's Bill No. 15 re 2002 CDBG Fund Appropriation
- E. Change Date for Last Council Meeting in May to May 20th
- F. Councillor's Bill No. 16 re Appropriation of Funds from SW Adams County Water and Sanitation District
- G. Intergovernmental Agreement with Hyland Hills
- H. Resolution No. 25 in Support of Hyland Hills Ballot Measure
- I. Councillor's Bill No. 17 re Cruising
- J. Open Space Acquisition re 2.46 acre located at the NWC 104<sup>th</sup> Avenue and Grove Street

11. Old Business and Passage of Ordinances on Second Reading

- A. Amended CB No. 11 re Park Development Credits for Village at Harmony Park Enclave (Dixion-Atchison)

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

- A. City Council
- B. Executive Session
  1. Boards & Commissions Vacancies

13. Adjournment

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, APRIL 22, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Hicks moved, seconded by Atchison to accept the minutes of the meeting of April 8, 2002 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS

Mark Ramsey, Close-Up Coordinator and Marcus Groseg of Ranum High School addressed Council on their visit to Washington D.C. for the Close Up Government Program.

Councillor Hicks presented the "Just Say No" proclamation to CAAT members.

Councillor McNally proclaimed the month of April as Child Abuse Prevention month.

Councillor Dixon presented a proclamation to Steve Raimer, Program Coordinator, naming May 5-May 11 as "National Drinking Water Week."

Councillor Dittman presented Michele Kelley, City Clerk, with a proclamation naming April 28-May 4 as "Municipal Clerks Week." Patti Athenour, Executive Director, Colorado Municipal Clerks Association, was also present.

CITY MANAGER'S REPORT

Brent McFall, City Manager, advised Council of the Executive session item re ongoing legal strategy re Hidden Lake.

CITY COUNCIL COMMENTS

Mayor Moss commented on Grange Week, Arbor Day, and the 9News Health Fair.

Mayor Pro-Tem Atchison commented on the Spring Clean-Up going on now.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: Big Dry Creek Wastewater Treatment Facility Expansion Preliminary Design with Burns and McDonnell Engineering for \$169,717; 2002 Asphalt Pavement Rehabilitation Project Bid with Asphalt Specialties Co. for \$2,162,392; Special Legal Services Contract Addendum to Centric-Jones and Travelers Appeal with Hall & Evans for an amount not to exceed additional \$30,000; Financial Report for March 2002; 2002 Chipseal Project Change Order with A-1 Chipseal Company for \$295,310; CB No. 8 re Annexation of .83-acre of Village at Harmony Creek; CB No. 9 re CLUP Amendment re Village at Harmony Creek; CB Bo. 10 re Zoning of Village at Harmony Creek; CB No. 12 re Vacation Easements West 81<sup>st</sup> Place and Sheridan P.U.D.; CB No. 13 re 74<sup>th</sup> Avenue Library Project.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

Councillor Dixon moved, seconded by Dittman to adopt the Consent Agenda items as presented. The motion carried unanimously.

#### COUNCILLORS BILL NO. 14 RE EXTENSION OF BIG DRY CREEK WATERSHED GRANT

Councillor Dittman moved, seconded by Atchison to pass Councillors Bill No. 14 on first reading appropriating \$50,000 into the Special Studies Project account as a result of the United States Department of Energy Grant extension for BDC Watershed Association biological monitoring. Upon roll call vote, the motion carried unanimously.

#### BIOLOGICAL MONITORING SERVICES CONTRACT RE BIG DRY CREEK WATERSHED

Councillor Dittman moved, seconded by McNally to authorize the City Manager to sign a contract for biological monitoring services on Big Dry Creek with Aquatics Associates in the amount of \$42,000 and charge the expense to the appropriate budget account in the Utility Fund. The motion carried unanimously.

#### CONSULTING SERVICES CONTRACT RE BIG DRY CREEK WATERSHED

Councillor Dittman moved, seconded by Atchison to authorize the City Manager to sign a contract for consulting services with Wright Water Engineers, Inc., for Big Dry Creek, in the amount of \$8,000 and charge the expense to the appropriate budget account in the Utility Fund. The motion carried unanimously.

#### COUNCILLOR'S BILL NO. 15 RE CDBG FUND APPROPRIATION

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 15 on first reading appropriating 2002 CDBG funds in the amount of \$682,000. Upon roll call vote, the motion carried unanimously.

#### CHANGE DATE FOR LAST COUNCIL MEETING IN MAY

Mayor Pro-Tem Atchison moved, seconded by McNally to change the date of the last regular meeting of City Council in May from May 27<sup>th</sup> to May 20<sup>th</sup>. The motion carried unanimously.

#### COUNCILLOR'S BILL NO. 16 APPROPRIATION OF FUNDS SO. ADCO WATER AND SANITATION

Councillor Dittman moved, seconded by Atchison to pass Councillor's Bill No. 16 on first reading appropriating \$1,451,422 received from South Adams Co. Water & Sanitation District into the Gravel Lake Storage account in the Water Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

#### INTERGOVERNMENTAL AGREEMENT WITH HYLAND HILLS

Mayor Pro-Tem Atchison moved, seconded by McNally to authorize the City Manager to sign the inter-governmental agreement with Hyland Hills Park and Recreation District for construction funding for selected city parks. The motion carried unanimously.

#### RESOLUTION NO. 25 IN SUPPORT OF HYLAND HILLS BALLOT MEASURE

Mayor Pro-Tem Atchison moved, seconded by McNally to adopt Resolution No. 25 in support of the Hyland Hills Park and Recreation District General Obligation bonds and special election millage increase on May 7, 2002. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 17 RE ANTI-CRUIISING ORDINANCE

Councillor McNally moved, seconded by Atchison to pass Councillor's Bill No. 17 as an emergency ordinance, making it illegal to engage in the act of cruising in Westminster. Laura Bergstreser, 9201 Lamar Street, Chuck Anderson, 9153 Yarrow Street, and Karen Larson, 8230 West 93<sup>rd</sup> Way, were present and addressed Council. Upon roll call vote, the motion carried unanimously.

OPEN SPACE ACQUISITION OF 2.4 ACRES AT 104<sup>TH</sup> AVENUE AND GROVE STREET

Mayor Pro-Tem Atchison moved, seconded by Hicks to authorize the city manager to execute the necessary Purchase Agreement for the 2.46 acres of open space property located at the NWC of 104<sup>th</sup> Avenue and Grove Street for \$675,000 and execute the necessary closing documents required for the acquisition of this parcel and that funds from the City's Open Space Land Purchases Account be used for the purchase. The motion carried unanimously.

AMENDED COUNCILLOR'S BILL NO. 11 VILLAGE AT HARMONY CREEK PARK DEVEL. FEES

Councillor Dixon moved, seconded by Atchison to pass Councillor's Bill No. 11 on second reading as amended, authorizing Park Development Fee Credits as required under Section 13-4-3 of the Westminster Municipal Code for Village at Harmony Park ODP. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss an Economic Development item, and legal Strategies re Hidden Lake.

Councillor Dixon requested discussion of highway maintenance, repair, and transportation required to keep 50% of surplus for maintenance.

ADJOURNMENT:

The meeting was adjourned at 7:58 P.M.

ATTEST:

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Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Presentation by Adams County School District 50 Students

**Prepared by:** Michele Kelley, City Clerk

**Summary Statement:**

City Council is requested to hear from several Adams County School District 50 High School students about their experience involving the Washington DC Close Up Government Program. This opportunity was a week long trip to Washington, D.C.

- In appreciation of the City of Westminster's financial contribution, several of the students from School District 50 High Schools wish to make a brief presentation to City Council.
- Mark Ramsey, Social Studies Teacher at Westminster High School and Sponsor of the trip to Washington DC and several of the students that participated in this program will be present at Monday night's City Council meeting to make a short presentation of their impressions of their visit to Washington, D.C. and the workings of the federal government.

**Expenditure Required:** \$0

**Source of Funds:** n/a

**Recommended City Council Action:**

Mayor and City Council listen to presentation by students.

**SUBJECT:** Presentation by Adams County School District 50 Students

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**Policy Issue(s):**

There are no policy issues associated with this presentation

**Alternative(s):**

There are no alternatives

**Background Information:**

The City of Westminster provides matching funds to the School District No. 50 Education Foundation to send high school students to Washington, D.C. as part of the Washington Close Up Government Program.

This week long program experience was the week of March 4<sup>th</sup> through 11th. This program gives students the opportunity to interact with their legislators at the national level.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** "Just Say No" Week Proclamation and Flag Raising Ceremony

**Prepared By:** Mary Joy Barajas, Executive Secretary

**Recommended City Council Action**

Mayor proclaim the week of April 21, 2002as "Just Say No" Week in the City of Westminster and all of Council participate in the flag raising ceremony at 6:30 P.M. at the City Hall flag poles.

**Summary Statement**

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

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified.

**Alternatives**

None identified.

**Background Information**

The City of Westminster has participated by proclaiming a week as “Just Say No” Week since 1986. The Westminster 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 once again requested that City Council proclaim April 21 through 27 as “Just Say No” Week and participate in a flag raising ceremony.

Cindy Jeffries and other members of the School District 50 Westminster Area CAAT will be present to accept this proclamation.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**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, The Drug Free Conference and “Just Say No” Carnival 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 and Community Programs and Drug Free Clubs by providing opportunities to form strong relationships with positive peers and adults within community institutions, develop new life skills, and assume useful, meaningful roles in their communities.**

**NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 21 through 27, 2002**

### **JUST SAY NO 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 which requires everyone’s attention.**

**Signed this 22nd April, 2002**

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**Ed Moss, Mayor**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

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

**Prepared By:** Mary Joy Barajas, Executive Secretary

**Summary Statement**

- Since 1983, April has been designated, by a presidential proclamation, as National Child Abuse Prevention Month. In 1989, the Blue Ribbon Campaign began with a single blue ribbon that represented one child's personal tragedy and his grandmother's subsequent commitment to prevent child abuse. Ever since, the blue ribbon has served as the symbol for Child Abuse Prevention Month.
- Unfortunately, over 7,000 children in Colorado are abused and neglected each year. This year, Governor Bill Owens issued a Proclamation declaring April as Child Abuse Prevention Month in Colorado. The Colorado Legislature also passed a Resolution declaring April Child Abuse Prevention Month. And various cities and counties have passed their own resolutions across the state.
- The Kempe Children's Foundation has requested that Westminster participate in this statewide effort.

**Expenditure Required**                      none

**Source of Funds:**                              N/A

**Recommended City Council Action**

Proclaim April Child Abuse Prevention month and present the proclamation to Councillor Nancy McNally.

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

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**Policy Issue**

None at this time.

**Alternative**

Council could decide not to present the proclamation.

**Background Information**

The Colorado based Kempe Children's Foundation has been developing and testing child abuse prevention and treatment programs for over 30 years. The foundation will also be distributing educational pamphlets through King Soopers and US Bank locations through out the state.

Information pamphlets and blue ribbon pins were distributed to City Council at the April 15 Study Session.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS, 5,434 cases of child abuse and neglect were investigated in Colorado in 2000; and**

**WHEREAS, Child Abuse and neglect are complex and ongoing problems in our society affecting great numbers of children; and**

**WHEREAS, Every child is entitled to be loved, cared for, nurtured and secure; and**

**WHEREAS, Preventing child abuse is the responsibility of all citizens; and**

**WHEREAS, Community action is needed to help families break the cycle of abuse.**

**NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and the residents of the City of Westminster, Colorado do hereby proclaim the month of April, 2002 as**

**CHILD ABUSE PREVENTION MONTH**

**in the City of Westminster and urge all citizens to work together to help reduce child abuse and neglect significantly in years to come.**

**Signed this 8<sup>th</sup> day of April, 2002.**

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**Ed Moss, Mayor**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Proclamation re National Drinking Water Week

**Prepared by:** Steve Ramer, Laboratory Analyst/Program Coordinator

**Summary Statement**

- City Council is requested to proclaim the week of May 5 - May 11, as “National Drinking Water Week” in the City of Westminster. Steve Ramer, Water Plant Laboratory Analyst and Program Coordinator for the Westminster Water Week Program, will be at the City Council meeting to accept the proclamation.
- National Drinking Water Week focuses on the importance of a safe domestic water supply and the limited nature of our Nation’s drinking water supply resources. The objective of this week is to educate and inform the public of the importance of a safe, reliable public water source, the need for wise use of water and water conservation and protection, and to encourage each local water utility to involve its citizens in water promotion activities.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Recommended City Council Action**

Proclaim the week of May 5 - May 11, 2002 as “National Drinking Water Week” in the City of Westminster.

**Policy Issue**

Should City Council continue to support National Drinking Water Week activities for residents in the City of Westminster?

**Alternative**

City Council could decide not to support National Drinking Water Week activities. Instead, Council could choose to use alternative ways to inform and answer questions that the residents of Westminster may have about their drinking water.

**Background Information**

The City program, scheduled for the week of May 5 - May 11, will be coordinated by the Public Works and Utilities Department's Water Resources and Treatment Division. A booth and display will be set up at the Westminster Mall from May 9 - May 11. The display will include a tabletop display on water treatment, a TV/VCR unit for viewing water related films, handouts and brochures on water conservation, water treatment, and water quality. A drawing will also be held for a gift certificate from Home Depot.

In conjunction with this activity, classroom presentations will be offered to elementary and junior high school students. There will be a poster contest for elementary school students and an essay contest for junior high school students, all of which will be displayed at the City Park Recreation Center. The winning posters and essays will be on display at the Semper Water Treatment Facility for the remainder of the year.

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachment

**WHEREAS, our health, comfort and standard of living depend on an abundant supply of safe, high quality water, and**

**WHEREAS, the problems and challenges of meeting future water supply needs are many and growing in complexity, and**

**WHEREAS, the ever increasing need for domestic water makes expansion of storage, supply and distribution facilities, the water quality monitoring and continued training of skilled personnel essential.**

**NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff of the City of Westminster, Colorado, do hereby proclaim the week of May 5-11, 2002 as**

**National Drinking Water Week**

**in the City of Westminster and ask all citizens to join in extending our appreciation to the dedicated men and women of our Westminster Municipal water system, and urge that Westminster citizens participate in National Drinking Water Week activities and become more informed about Westminster's water supply and system.**

**Signed this 22nd day of April 2002.**

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**Mayor Ed Moss**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**Subject:** Proclamation re Municipal Clerks Week April 28 through May 4

**Prepared By:** Michele Kelley, City Clerk

**Summary Statement:**

- City Council is requested to proclaim the week of April 28<sup>th</sup> through May 4, 2002 as Municipal Clerks Week in the City of Westminster.
- The International Municipal Clerks Association and the Colorado Municipal Clerks Association dedicates one week each year to inform and educate citizens of the importance of the Municipal Clerks office.
- The office of the Municipal Clerk is the oldest among public servants.
- The City Clerk's office provides the professional link between the citizens, the local governing bodies, and agencies of government.
- This office is the caretaker of the community history, all the historical records of the city, and is the information center for the City.
- Representatives of the Colorado Municipal Clerks Association have been invited to attend this Council meeting.

**Expenditure Required:** None

**Source of Funds:** N/A

**Recommended City Council Action:**

Proclaim the week of April 28 – May 4, 2002 as Municipal Clerks Week in the City of Westminster.



**Policy Issue(s):**

There are no policy issues associated with this proclamation.

**Alternative(s):**

Council could decide not to present the proclamation.

**Background Information:**

The Westminster City Clerk's Office strives to provide exceptional customer service to the City of Westminster City Council, Staff and the citizens by providing the following services:

- Coordinating and conducting elections
- Secretary to the City Council
- Handles citizen inquiries on information about the City and the community
- Publishes legal notices and legal documents
- Maintains official City records and Boards and Commissions information
- Issues and maintains all business license, home occupation licenses, liquor licenses, amusement machines, sales tax, trash hauling, door to door solicitors, peddlers, massage therapists, pawn shops and special use permits
- Oversees City Print Shop operations, Messenger services, and City switchboard services

Each year the International Institute of Municipal Clerk's and the Colorado Municipal Clerk's Association celebrate the vital duties and dedicated service of municipal clerks around the world by celebrating "Municipal Clerks Week."

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS, The office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and**

**WHEREAS, The office of the Municipal Clerk is the oldest among public servants, with Westminster appointing their first Town Clerk in 1911; and**

**WHEREAS, The office of the Municipal Clerk provides a professional link between the citizens, the local governing bodies and agencies of government at other levels; and**

**WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and**

**WHEREAS, The Municipal Clerk serves as an information center on the functions of local government and community; and**

**WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and**

**WHEREAS, Duties of the Municipal Clerk's office are constantly changing and participation in education programs, seminars, workshops and the annual meetings of the Colorado Municipal Clerk's Association and the International Institute of Municipal Clerks professional organization are vital tools to keep the Municipal Clerk's office aware of new technology, legislation and regulations.**

**NOW, THEREFORE, I, ED MOSS, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim the week of April 28 through May 4, 2002, as**

#### **MUNICIPAL CLERKS WEEK**

**in the City of Westminster and recognize the vital services performed by the City Clerk's office and their dedication to the City of Westminster.**

**Signed this 22nd day of April, 2002.**

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**Mayor**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Big Dry Creek Wastewater Treatment Facility Expansion Preliminary Design

**Prepared By** Diane M. Phillips, Capital Improvement Projects Coordinator

**Summary Statement**

- The flow at the Big Dry Creek Wastewater Treatment Facility is reaching the maximum amount allowed under the state permit.
- The facility needs to be expanded to accommodate growth in the north area and resulting increased wastewater flow, and some of the treatment processes need to be updated.
- A prequalification of engineering design firms was conducted and four firms were invited to propose for preliminary design of the facility update and expansion.
- Burns and McDonnell Engineering had the lowest cost proposal and meet all the requirements of the Request for Proposal and it is recommended that the City contract with them to provide preliminary design service for the facility update and expansion.

**Expenditure Required:** \$169,717

**Source of Funds:** Utility Fund Capital Improvement Funds

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Burns and McDonnell Engineering in the amount of \$149,717 and provide \$20,000 in contingency for the preliminary design of Big Dry Creek Wastewater Treatment Facility expansion.

**Policy Issue**

Should the City award a contract to Burns and McDonnell Engineering to provide preliminary design services for the Big Dry Creek Wastewater Treatment Facility expansion in the amount of \$149,717 and approve a \$20,000 contingency.

**Alternative**

The City could delay the design and expansion of the facility but then would risk violation of the state wastewater discharge permit and result in uncertain margin of treatment capacity to accommodate City growth in the north area.

**Background Information**

The state permit for discharge from the Big Dry Creek Wastewater Treatment Facility allows for the flow to reach 80% of the facility's maximum flow capacity, which is currently 9 MGD, and then the design process must have been started for the facility to be expanded to accommodate additional flow. The facility has nearly reached that discharge flow rate now and it is anticipated that it may be reached this year.

The Wastewater master plan shows that the build-out capacity for the facility will be 12 MGD. This expansion and update of the facility is planned to accommodate the build-out flow.

The preliminary design phase, which will be complete in the later part of this year, will include a thorough evaluation of: the build-out capacity facility flow requirement, all existing structures and processes at the facility, odor control options, a security assessment, improved automation methods, biosolids processing and handling options, all related permit coordination and a recommendation of the most effective waste treatment method that should be followed in the final design phase. The preliminary phase will also include a site plan that will show the final facility layout with storage area for vehicles, materials, equipment and street salt that is needed by other City Divisions.

The final design phase of the facility expansion will be conducted next year and it is anticipated that construction will begin in late 2003. The state permit for discharge allows that the facility may reach 95% of its current maximum flow capacity, 9 MGD, when the construction of the facility expansion must be started.

Four engineering firms submitted proposals for the preliminary design phase of the facility expansion. All four firms have successfully completed numerous projects for the City and they are listed with the proposed fee below.

Burns and McDonnell Engineering	149,717
Richard P. Arber Associates	194,600
CDM Engineers	198,840
Black and Veatch, LLP	246,212

Burns and McDonnell Engineering had the lowest fee and is experienced in wastewater treatment facility operations and construction and has done a very good job on the design of the new Northwest Water Treatment Facility.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** 2002 Asphalt Pavement Rehabilitation Project Bid

**Prepared By:** Ron Elrod, Street Inspector  
Ray Porter, Infrastructure Improvements Division Manager

**Summary Statement**

City Council action is requested to award the bid for the 2002 Asphalt Pavement Rehabilitation Project; authorize the City Manager to sign Intergovernmental Agreements with Adams County School Districts # 12 and # 50 and authorize expending the contingency amount for additional residential street reconstruction if total contingency dollars are not needed to complete the original project.

- City Council approved funds in the 2002 Infrastructure Improvements Division budget and in the General Fund Capital Improvement Project Budget for resurfacing and reconstruction of 20 lane miles of paved roadways on 33 streets throughout the City and the south parking lot at the City Park Recreation Center.
- A prioritized list of reconstruction streets that could be utilized with any unused portion of the authorized contingency amount is provided in the background of this agenda memo.
- Formal bids were solicited from seven contractors with six responding.

**Expenditure Required:** \$2,162,392

**Source of Funds:** General Fund-Infrastructure Improvements Division Budget \$1,500,000  
General Capital Improvement Fund \$93,000  
Utilities Field Operations Division Budget \$310,288  
Adams County School Districts # 12 & # 50 \$259,104

**Recommended City Council Action**

Authorize the City Manager to sign a contract with the low bidder, Asphalt Specialties Company, in the amount of \$2,062,392; authorize a \$100,000 contingency amount; and charge the expenses to the appropriate 2002 Department of Public Works and Utilities- Infrastructure Improvements Division, Utilities Field Operations Division, and General Fund Capital Improvement Budget Accounts, and authorize the City Manager to sign Intergovernmental Agreements with Adams County School District's # 12 & # 50 for their participation in the City's bid.

**Policy Issue**

Should the City initiate a contract with Asphalt Specialties Company for the 2002 Asphalt Pavement Rehabilitation Project and execute Intergovernmental Agreements with Adams County School Districts # 12 and # 50 for their participation in the project?

**Alternative**

One alternative to this project is to combine the bids for the Concrete Replacement Project and the Asphalt Rehabilitation Project.

- City Administrative costs would decrease because there would be only one bid instead of two.
- Bid prices for concrete work would increase because the general contractor’s profit margin would be added to the subcontractor’s cost.
- The contract time would have to be increased.
- The risk of not completing the contract in 2002 would be higher.

A second alternative could be to deny the contract with Asphalt Specialties Company and re-bid the project without School Districts’ participation.

- Increased cost may be realized due to the rising cost of oil at this time.
- Eliminating School District work would not affect the City’s costs due to the methods utilized for structuring the bid.
- Taxpayers would not benefit from the savings being realized by the School Districts’ through their participation with the City’s bid process.

**Background Information**

The low bidder, Asphalt Specialties Company, meets all of the City bid requirements and has successfully completed numerous roadway projects in Westminster since 1992.

The 2002 Asphalt Pavement Rehabilitation Project represents 20 lane miles of City Street Reconstruction and Resurfacing at 33 locations throughout the City (see location list and map).

Included in the project is the repaving of the City Park Recreation Center Main Driveway and South Parking Lot (\$93,000); coordination with Community Development for improvements to 73<sup>rd</sup> Avenue, Bradburn Boulevard to Lowell Boulevard (\$85,000); patch back behind water main replacements on 18 streets (\$310,288); and pavement patching and resurfacing at 12 school sites for Adams County School Districts # 12 and # 50 (\$259,104).

The following sealed bids were received:

1. Asphalt Specialties Company	\$1,846,515
2. Premier Paving Company	1,910,394
3. LaFarge West Inc.	1,911,163
4. Brannan Sand & Gravel Company	1,914,163
5. Aggregate Industries	2,084,278
6. Asphalt Paving Company	2,375,346
 Staff’s Estimate	 \$1,976,315

City Staff estimated a cost increase of 15% due to oil increases in the metro area. Asphalt Specialties Company's bid actually increased by 9.5% in costs when compared to 2001 prices. This difference when combined with additional funding available in the Infrastructure Improvements Division budget, resulting from simultaneously bid projects, can be utilized for additional residential street reconstruction at the following 9 locations:

1. West 111<sup>th</sup> Place, Eaton Street to Gray Street
2. Gray Street, 110<sup>th</sup> Avenue to 111<sup>th</sup> Place
3. West 110<sup>th</sup> Avenue, Eaton Street to Gray Street
4. West 110<sup>th</sup> Place, Gray Street to Eaton Street
5. West 93<sup>rd</sup> Avenue, Hooker Street to Irving Street
6. Hazel Place, Hazel Court to Grove Street
7. Hazel Court, 92<sup>nd</sup> Avenue to Hazel Place
8. Hooker Street, 92<sup>nd</sup> Avenue to Hazel Place
9. Grove Street, 92<sup>nd</sup> Avenue to 93<sup>rd</sup> Avenue

Staff is requesting that City Council also authorize, at this time, spending of any unused portions of the \$100,000 requested contingency amount to reconstruct the following streets in order of priority:

1. West 92<sup>nd</sup> Place, Grove Street to Irving Street
2. Raritan Street, 112<sup>th</sup> Avenue to 113<sup>th</sup> Avenue
3. Otis Circle, 108<sup>th</sup> Avenue to Newland Street
4. West 115<sup>th</sup> Place, Kendall Street to Lamar Street

These streets were all identified through the City's Pavement Management Process as the highest priority to receive improvements optimally in 2002.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**City of Westminster  
 Department of Public Works and Utilities  
 Infrastructure Improvements Division**

**Resurfacing**

*1	73 <sup>rd</sup> Avenue – Lowell Boulevard to Bradburn Boulevard (in conjunction with Community Development)
2.	75 <sup>th</sup> Drive – Harlan Way to Depew Street
3.	88 <sup>th</sup> Place – Sheridan to Yates Street
4.	Hoyt Way – 104 <sup>th</sup> Court to South end
5.	Holland Way – 104 <sup>th</sup> Way to 104 <sup>th</sup> Avenue
6.	104 <sup>th</sup> Way – 104 <sup>th</sup> Court to Holland Way
7.	104 <sup>th</sup> Court – Holland Way to West end
*8.	Independence Drive - Wadsworth Parkway to 94 <sup>th</sup> Avenue
9.	109 <sup>th</sup> Avenue - Harlan Street to Eaton Street
10.	109 <sup>th</sup> Avenue - Cotton Creek Drive to Utica Court
11.	Utica Court - 109 <sup>th</sup> Avenue to North & South end
12.	132 <sup>nd</sup> Avenue - Huron Street to Pecos Street

**Reconstruction**

1.	Ames Street – 76 <sup>th</sup> Avenue to 74 <sup>th</sup> Avenue
2.	Benton Street – 76 <sup>th</sup> Avenue to 74 <sup>th</sup> Avenue
3.	Harlan Street – 76 <sup>th</sup> Avenue to 78 <sup>th</sup> Place
*4.	Raleigh Street – 80 <sup>th</sup> Avenue to 78 <sup>th</sup> Avenue
*5.	King Street – 80 <sup>th</sup> Avenue to North end
*6.	Stuart Street – 92 <sup>nd</sup> Place to South end
7.	Quitman Street – 92 <sup>nd</sup> Avenue to 94 <sup>th</sup> Avenue
8.	Green Court – 93 <sup>rd</sup> Avenue to 94 <sup>th</sup> Avenue
9.	93 <sup>rd</sup> Avenue – Hooker Street to Green Court
10.	115 <sup>th</sup> Avenue – Otis Street to East end
11.	115 <sup>th</sup> Avenue – Pecos Street to Navajo Street
12.	Navajo Street – 115 <sup>th</sup> Avenue to 116 <sup>th</sup> Avenue
13.	West 111 <sup>th</sup> Place, Eaton Street to Gray Street
14.	Gray Street, 110 <sup>th</sup> Avenue to 111 <sup>th</sup> Place
15.	West 110 <sup>th</sup> Avenue, Eaton Street to Gray Street
16.	West 110 <sup>th</sup> Place, Gray Street to Eaton Street
17.	West 93 <sup>rd</sup> Avenue, Hooker Street to Irving Street
18.	Hazel Place, Hazel Court to Grove Street
19.	Hazel Court, 92 <sup>nd</sup> Avenue to Hazel Place
20.	Hooker Street, 92 <sup>nd</sup> Avenue to Hazel Place
21.	Grove Street, 92 <sup>nd</sup> Avenue to 93 <sup>rd</sup> Avenue

\*Denotes Watermain Replacement





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Special Legal Services Contract Addendum to Centric-Jones and Travelers Appeal

**Prepared By:** Jeffrey M. Betz, Assistant City Attorney

**Summary Statement**

On March 26, 2001, City Council authorized a special legal services contract with Hall & Evans L.L.C. in the amount of \$30,000.00 to provide legal services in connection with the appeal of the Judge's decision in the *City of Westminster v. Centric-Jones and Travelers* case arising out of the Semper Water Treatment Expansion Project.

The first phase of the appeal has been completed by the law firm of Hall & Evans L.L.C. An additional \$30,000 is needed in order to move forward with briefing and arguing of the appeal.

**Expenditure Required:** Not to exceed an additional \$30,000

**Source of Funds:** Public Works & Utilities Clearwell Capital Improvement Project Account

**Recommended City Council Action**

Authorize the City Manager to execute an addendum to the contract with the law firm of Hall & Evans L.L.C. up to a limit of an additional \$30,000 to provide legal services to the City of Westminster in connection with the appeal of the Judge's decision in the *City of Westminster v. Centric-Jones and Travelers* case.

**SUBJECT:** Special Legal Services Contract Addendum to Centric-Jones and Travelers Appeal -  
Page 2

**Policy Issue(s)**

Should the City authorize an addendum to the special legal services contract with Hall & Evans L.L.C. to provide continuing legal services in connection with the appeal of the Judge's decision in the Semper litigation.

**Alternative(s)**

Not authorize the addendum and dismiss the appeal.

**Background Information**

At the conclusion of the City's case in Jefferson County District Court, the Judge dismissed the City's claims and entered a judgment in favor of Centric-Jones and Travelers without letting the jury decide the issues. The City initiated an appeal of the Judge's decision to the Court of Appeals. The first phase of the appeal has been completed. Mr. Alan Epstein and Mr. Jeffery Stalder are lawyers with the law firm of Hall & Evans L.L.C. have primarily been responsible for the prosecution of this appeal. Mr. Epstein has a significant amount of experience in appellate practice and has litigated approximately 300 cases on appeal in his career. Mr. Stalder's practice of law has concentrated on providing legal services to virtually all sectors of the construction industry and has prosecuted and defended numerous construction claims.

Their proposed rate is \$190.00 an hour, which is well below the rates charged by similar specialists in the Denver Metro area. The addendum to the contract with Hall & Evans L.L.C. will increase the original contract amount by \$30,000.00. The additional amount will increase the contract to \$60,000.00.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**ADDENDUM TO CONTRACT FOR LEGAL SERVICES**

**ADDENDUM NO. 1 TO THE  
AGREEMENT TO FURNISH LEGAL SERVICES BETWEEN THE  
CITY OF WESTMINSTER AND HALL & EVANS L.L.C. DATED MARCH 26, 2001**

1. The City of Westminster (hereinafter referred to as "Westminster") and Hall & Evans L.L.C. (hereinafter referred to as "The Firm") agree to amend paragraph 7 of the Agreement described above as follows:

7. Payments pursuant to this Contract shall not exceed Sixty Thousand and no/100 Dollars (\$60,000.00) without further written authorization by the City.

2. All other terms and conditions of the Agreement shall remain in effect.

This Addendum is dated \_\_\_\_\_.

**CITY OF WESTMINSTER**

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

ATTEST:

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

**HALL & EVANS L.L.C.**

By \_\_\_\_\_



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Financial Report for March 2002

**Prepared By:** Mary Ann Parrot, Finance Director

**Summary Statement**

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

- Across all shopping centers, receipts are down 7% over the three-month period from last year (Sales and Use Taxes). Sales Tax receipts only are down 6% year to date from the same period last year.
- The Westminster Mall is down 19% for March and 16.7% year-to date, compared to last year.
- It is clear these are symptomatic of the recession in the state.
- Staff reported in detail on the City’s financial position at the April 15 Study Session.

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

- At the end of March, three of 12 months or 25% of the year has passed. In many cases, actual revenues do not flow evenly at 8.3% per month. Pro-rated revenues will reflect expected revenue flows based on history. Expenditures are pro-rated at 8.3%, reflecting even flows.
- The Sales and Use Tax Fund is currently \$757,727 under the pro-rated budget for the year. The March figures reflect the sales in February, tax receipts received in March. Returns are down for March 2002 compared to March 2001 by 9.6%, and by 7.6% YTD (for three months January-March) due to the pressures of the recession in the metropolitan area. If the current trend continues for the year, the Sales and Use Tax Fund will be under budget by approximately \$3 million. This will affect the General Fund, as the sales tax transfers comprise a large portion of the General Fund revenues. Staff expected the Sales and Use Tax Fund to struggle this year as the City navigates through a year of recession for the Denver area in general. Staff is watching this closely and will continue to update City Council in more detail.
- The General Fund currently is at 103% of revenues pro-rated for two months. This will help to offset the shortfall in the Sales Tax Fund to some extent, as Taxes and Charges for Recreation and Other Charges are over budget. In addition, Staff has set aside funds in the General Fund to head off any potential year-end shortfall. Lastly, Staff has considered freezing expenditures in several areas and will apprise City Council accordingly when data is available to make clearer determinations and when plans are complete.
- The Water/Wastewater Enterprise revenues are currently over pro-rated budget by \$2.2 million due to tap fees exceeding budget at the beginning of the year.
- With regard to the Golf Course Enterprise, revenues for Legacy are 26% of pro-rated budget; revenues for Heritage are 22% of pro-rated budget. Seasonal fluctuations are the primary reason for the revenues being reported at these levels.
- All funds except Open Space (note below) currently stand at less than 100% of their respective expenditures when using pro-rated expenditures for this time of year.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Recommended City Council Action:** Accept the Financial Report for April as presented.

## **Policy Issue**

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

## **Alternative**

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

## **Background Information**

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

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

### General Fund

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

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

- Over pro-rated budget in revenues by \$428,052 (103% of pro-rated budget). However, this does not reflect the reduced tax collections noted in the sales tax section below.
- Under pro-rated budget in expenditures by \$2.5 million (86% of pro-rated budget). Central Charges is over in pro-rated expenditures due to transfers made to the General Capital Improvement Fund. This was due to the carryover of Year 2000 funds, approved by City Council December 2001, to be carried over into the General Capital Improvement Fund for a variety of projects: South Westminster Library, Capital Replacement Reserve, South Westminster Redevelopment, etc. This will not affect the overall strategy for the General Fund to reduce expenditures, if needed later in the year, as these were excess Year 2000 funds carried over into 2002.

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

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

- Over pro-rated budgeted revenues by a combined \$2.176 million:
  - Water revenues over pro-rated budget by \$1.882 million (145% of pro-rated budget), mostly due to a developer paying \$2.3 million for residential tap fees in February. The build up of reserves in this fund will finance capital replacement and necessary expansion over the long term, as planned.
  - Wastewater revenues over pro-rated budget by \$294,136 (112% of pro-rated budget), mostly due to increases in revenues from rates and tap fees. Again, these reserves will finance capital replacement and expansion over the long term.
  - Storm Drainage will be included in the 2<sup>nd</sup> quarter, as it is a new fund and lacks the long-term viability for a meaningful report, especially this early in the year.

- Under pro-rated budget in expenditures by a combined \$3.1 million. The major reason for this is that debt service payments due in June and December have not yet been made or accrued:
  - Water under pro-rated expenditures budget by \$2.202 million (61% of pro-rated budget).
  - Wastewater under pro-rated budget by \$897,510 (56% of pro-rated budget).

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

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

- Sales Tax Fund - Under pro-rated budget in revenues by \$757,727 million (94% of pro-rated budget).
- Sales Tax Fund – Even with expenditures because of the transfers to various other funds.
- Staff has been reviewing the Sales Tax Fund to evaluate the impact of the recession on receipts (returns) and distinguish the difference between monthly revenues and one-time use tax receipts received in annual audit revenues. Staff will report to City Council separately on this item after the year-end figures are finalized.
- Open Space Tax Fund – Over pro-rated budget in revenues by \$517,326 (143% of pro-rated budget), for the following reason: interfund transfers from the General Capital Improvement Fund were made as scheduled, according to the December 2001 appropriation of Year 2000 funds from excess Jeffco and Adco Attributable Shares for Open Space and also to recognize interest earnings on bond proceeds.
- Open Space Tax Fund – Over pro-rated budget in expenditures by \$223,493 (120% of pro-rated budget). This is caused by an early land purchase. These “lumpy” purchases will skew the appearance of the flow of expenditures in this fund, as expenditures often do not flow at 8.3% per month.

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

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

- Legacy - Under pro-rated budget in revenues by \$317,166 (26% of pro-rated budget). If even revenue flows were expected, the revenues should be at 25% of budget.
- Legacy - Under average budget in expenses by \$40,928 (88% of pro-rated budget). This variance is operations only and excludes the impact of the debt service payments that will be due in June and in December.
- Heritage - Under pro-rated budget in revenues by \$347,809 (22% of pro-rated budget).
- Heritage – Under average budget in expenditures by \$100,677 (72% of pro-rated budget). Again, this excludes the impact of the debt service payments due in June and December.

Staff will attend at the April 22nd City Council Meeting to address any questions.

Respectfully submitted,

J Brent McFall  
City Manager

Attachments



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** 2002 Chipseal Project Change Order

**Prepared By:** Ray Porter, Infrastructure Improvements Division Manager  
Ron Elrod, Street Inspector

**Summary Statement**

- City Council action is requested to authorize the City Manager to execute a change order to the existing contract between the City of Westminster and A-1 Chipseal Company and authorize the City Manager to sign an Intergovernmental Agreement with the City of Arvada for improvements to their portion of West 88<sup>th</sup> Avenue in the amount of \$48,860.
- The requested change order, in the amount of \$295,310 would be utilized for the construction of a new 7/8" thick double bonded hot applied chipseal resurfacing on three main roadways, (14 lane miles).
- The total contract amount with A-1 Chipseal Company, including the \$295,310 change order, would be \$881,913.
- Funds for this \$295,310 change order are available in the Infrastructure Improvements Division 2002 operating budget.
- The unit price negotiated with A-1 Chipseal Company is 57% less than the cost of a 2" thick hot mix asphalt overlay and 38% less than the originally planned ultra-thin bonded wearing course.
- Staff became aware of this process towards the end of March and inspected the location where work was completed four years earlier in Longmont.
- The City and County of Denver has contracted with A-1 Chipseal Company to resurface over 500,000 square yards of Denver city streets with this process.

**Expenditure Required:** \$295,310

**Source of Funds:** General Fund-Infrastructure Improvements Division Budget

**Recommended City Council Action**

Authorize the City Manager to execute a change order with A-1 Chipseal Company in the amount of \$295,310 for the resurfacing of three streets. Charge the expense to the appropriate Department of Public Works and Utilities Infrastructure Improvements Division Budget account and authorize the City Manager to sign an Intergovernmental Agreement with the City of Arvada for reimbursement of Arvada's portion of the West 88<sup>th</sup> Avenue resurfacing.

**Policy Issue**

Should City Council authorize the City Manager to sign a change order in the amount of \$295,310 with A-1 Chipseal Company for the 2002 Chipseal Project, and sign the Intergovernmental Agreement with the City of Arvada for their portion of the 88<sup>th</sup> Avenue resurfacing.

**Alternatives**

1. Carry the \$295,310 over into 2003 and complete the three street improvements in conjunction with the 2003 project.
  - a. City Council would be asked to earmark and approve this amount with other 2002 carryover items in mid-2003; however, the 2003 bid prices are expected to be higher, and the delay of renovation on the three streets would increase the maintenance time and cost on the existing pavements.
2. Utilize the \$295,310 in some other manner and not resurface the three streets.
  - a. City Council could re-direct the funds to whatever is deemed a higher priority.
  - b. These three main roadways would continue to deteriorate at an increased rate and future rehabilitation costs would rise.

**Background Information**

A-1 Chipseal Company has successfully completed chipsealing projects on time and under budget the past ten years for the City of Westminster.

The sole contractor, A-1 Chipseal Company, has successfully completed the 7/8" thick double bonded hot applied chipseal surface in Longmont, Colorado, and is now under contract with the City and County of Denver to apply this same process to over 71 lanes miles of pavement. In Staff's opinion, this new economical resurfacing process is a quality tool for future utilization. Staff became aware of this resurfacing method in March of 2002 after the Chipseal Project was bid. Staff decided researching and inspecting the application might be beneficial. Originally, the strategy planned for these streets was the more expensive ultra thin bonded wearing course, which would have been bid with the asphalt rehabilitation project. The benefits of the ultra thin bonded wearing course are similar to the double bonded hot applied chipseal resurfacing. The extended pavement life is 7-10 years for both applications and the double bonded hot applied chipseal resurfacing results in an \$185,000 savings for these 3 streets without sacrificing quality.

The three streets earmarked to receive improvements pending change order approval, would be as follows:

1. 92<sup>nd</sup> Avenue, Harlan Street to Wadsworth Parkway
2. Harlan Street, 88<sup>th</sup> Avenue to 92<sup>nd</sup> Avenue
3. 88<sup>th</sup> Avenue, Wadsworth Parkway to Harlan Street

Staff is also requesting City Council to authorize the City Manager to sign an Intergovernmental Agreement with the City of Arvada for the double bonded hot applied chipseal resurfacing to be constructed on the south side of West 88<sup>th</sup> Avenue, between Wadsworth Parkway and Lamar Street. In accordance with the Intergovernmental Agreement, Arvada would reimburse Westminster \$48,860 upon successful completion of the work.



**SUBJECT:** 2002 Chipseal Project Change Order

Page 3

The City's Computerized Pavement Management Program identifies 2002 as the optimum year for resurfacing these three hot mix asphalt roadways.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Second Reading on Councillor's Bill No. 8, 9 and 10 re: Village at Harmony Park Enclave

**Prepared By:** Patrick Caldwell, Planner II

**Summary Statement**

- When Harmony Park was originally approved there was an .83-acre parcel under separate ownership that was not included in the project. (See attached map)
- Neumann Homes of Colorado recently acquired this .83-acre parcel and is requesting it be incorporated into their adjacent 110-acre Village at Harmony Park development. Inclusion of the .83-acres with its 4 residential lots was part of the initial development proposal in 1999 and this completes the concept.
- City Council is requested to pass the attached Councillor's Bills on second reading to take action on the application by Neumann Homes of Colorado, LLC to:
  - Annex the enclave parcel.
  - Amend the Comprehensive Land Use Plan (CLUP).
  - Zone the enclave parcel.
- The Councillor's Bills were passed on first reading on April 8, 2002.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Recommended City Council Action**

1. Pass Councillor's Bill No. 8 on second reading annexing the .83-acre Village at Harmony Park enclave parcel to the City of Westminster.
2. Pass Councillor's Bill No. 9 on second reading amending the Westminster Comprehensive Land Use Plan to add the Village at Harmony Park Enclave as "Single-Family Detached - Medium Density." This action is based upon findings set forth in Section 11-4-16-D of the Westminster Municipal Code.
3. Pass Councillor's Bill No. 10 on second reading zoning the Village at Harmony Park Enclave as Planned Unit Development. This action is based upon findings set forth in Section 11-4-7 of the Westminster Municipal Code.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **8**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 21 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, to wit:

A parcel of land located in the southwest ¼ of Section 28, Township 1 South, Range 69 west of the Sixth Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest Quarter of said Section 28, whence the west quarter corner thereof bears N00°37'26"W, a distance of 2649.10 feet; thence N00°37'26"W, along the west line of the southwest quarter of said section 28, a distance of 858.28 feet to the point of beginning; thence N00°37'26"W, along said west line, a distance of 180.77 feet; thence N89°22'34"E, a distance of 200.00 feet; thence S00°37'26"E, a distance of 180.77 feet; thence S89°22'34"W, a distance of 200.00 feet to the point of beginning. Containing 36,153 feet or 0.830 acres more or less.

Section 2. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

Village at Harmony Park Enclave Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 9

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Village at Harmony Park Enclave annexation property. The Village at Harmony Park Enclave annexation property shall be changed from Unincorporated Adams County, to Single-Family Detached Residential-Medium Density. The Village at Harmony Park Enclave annexation property is described as a parcel of land located in the southwest ¼ of Section 28, Township 1 South, Range 69 west of the Sixth Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest Quarter of said Section 28, whence the west quarter corner thereof bears N00°37'26"W, a distance of 2649.10 feet; thence N00°37'26"W, along the west line of the southwest quarter of said section 28, a distance of 858.28 feet to the point of beginning; thence N00°37'26"W, along said west line, a distance of 180.77 feet; thence N89°22'34"E, a distance of 200.00 feet; thence S00°37'26"E, a distance of 180.77 feet; thence S89°22'34"W, a distance of 200.00 feet to the point of beginning. Containing 36,153 feet or 0.830 acres more or less.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **10**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminster Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-1 to City of Westminster PUD. A parcel of land located in the southwest ¼ of Section 28, Township 1 South, Range 69 west of the Sixth Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest Quarter of said Section 28, whence the west quarter corner thereof bears N00°37'26"W, a distance of 2649.10 feet; thence N00°37'26"W, along the west line of the southwest quarter of said section 28, a distance of 858.28 feet to the point of beginning; thence N00°37'26"W, along said west line, a distance of 180.77 feet; thence N89°22'34"E, a distance of 200.00 feet; thence S00°37'26"E, a distance of 180.77 feet; thence S89°22'34"W, a distance of 200.00 feet to the point of beginning. Containing 36,153 feet or 0.830 acres more or less

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk  
Village at Harmony Park Enclave Annexation Zoning





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. 12 re Vacation Easements within the West 81<sup>st</sup> Place and Sheridan P.U.D. Subdivision

**Prepared By:** Mikele Wright, Senior Civil Engineer

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading which authorizes the vacation of portions of certain easements within the First Replat of the West 81<sup>st</sup> Place and Sheridan Subdivision.
- This Councillor's Bill was passed on first reading on April 8<sup>th</sup>, 2002.

**Expenditure Required:** 0

**Source of Funds:** Not Applicable

**Recommended City Council Action**

Pass Councillor's Bill No. 12 on second reading and full text ordered published this 22<sup>nd</sup> day of April 2002.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. 13 re 74<sup>th</sup> Avenue Library Project

**Prepared By:** Tammy Hitchens, Accounting Manager

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading which authorizes the revision of previous sales tax transfers and authorizes the transfer of funds from the General Fund to the General Capital Improvement Fund.
- The transfer will fund a portion of the 74<sup>th</sup> Avenue Library.
- This Councillor's Bill was passed on first reading on April 8, 2002..

**Expenditure Required:** \$ 1,247,966

**Source of Funds:** General Capital Improvement Fund.

**Recommended City Council Action:**

Pass Councillor's Bill No. 13 on second reading, revising previous sales tax transfers and transferring an additional \$1,247,966 from the General Fund to the 74<sup>th</sup> Avenue Library Project account in the General Capital Improvement Fund.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **13**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Fund initially appropriated by Ordinance No. 2839 in the amount of \$67,845,371 is hereby increased by \$3,957,518 which, when added to the fund balance as of the City Council action on April 8, 2002 will equal \$75,316,155. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to an increase in the transfer from the Sales Tax Fund and an appropriation of additional building permit, license and franchise fee revenue.

Section 2. The \$3,957,518 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Building Permit Residential-Adco 1000.40190.0010	\$450,000	\$694,679	\$1,144,679
Building Permit Residential-Jeffco 1000.40190.0020	100,000	92,636	192,636
Building Permit Com-Jeffco 1000.40185.0020	339,000	73,300	412,300
Building Permit Com-Adco 1000.40185.0010	339,000	54,620	393,620
Other Licenses 1000.40170.0000 License Contractors 1000.40160.0000	40,000	10,624	50,624
Franchise Fee Xcel Energy 1000.41880.0040	50,000	25,060	75,060
Transfer from Sales Tax Fund 1000.45000.0530	1,800,000	297,047	2,097,047
Total Change to Revenues	45,479,448	<u>2,709,552</u>	\$48,189,000
		<u>\$3,957,518</u>	
<b>EXPENSES</b>			
Transfer to GCIF 10010900.79800.0750	\$2,531,441	<u>3,957,518</u>	\$5,785,993
Total change to expenses		<u>\$3,957,518</u>	

Section 3. The 2001 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2839 in the amount of \$67,845,371 is hereby increased by \$3,957,518 which, when added to the fund balance as of the City Council action on April 8, 2002 will equal \$45,686,925. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary

from the amount set forth in this section due to intervening City Council actions. This increase is due to an increase in the transfer from the General Fund.

Section 4. The \$1,247,966 increase in the General Capital Improvement Fund shall be allocated to City Revenue accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Transfer from General Fund			
7500.40510.0000	\$2,531,441	\$3,957,518	\$5,785,993
Transfer from Sales Tax Fund			
7500.45000.0530	\$2,709,552	<u>\$(2,709,552)</u>	\$0
Total Change to Revenue		<u>\$1,247,966</u>	
<b>EXPENSES</b>			
New Library			
80175050171.80400.8888	\$1,200,000	<u>\$1,247,966</u>	\$2,447,966
Total change to expenses		<u>\$1,247,966</u>	

Section 5. The 2001 appropriation for the Sales and Use Tax Fund initially appropriated by Ordinance No. 2839 will equal \$53,799,000 as of the City Council action on April 8, 2002. The actual amount in the Sales and Use Tax Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This action does not change the appropriations in the Sales and Use Tax Fund; however, the budget changes are shown here for reference purposes.

Section 6. The budget changes in the Sales and Use Tax Fund shall be allocated to City Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>EXPENSES</b>			
Transfer to GCIF			
53010900.79800.0750	\$2,709,552	<u>\$(2,709,552)</u>	\$0
Transfer to General Fund			
53010900.79800.0100	45,479,448	<u>2,709,552</u>	48,189,000
Total Change to Expenses		<u>\$0</u>	

Section 7. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. 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 8<sup>th</sup> day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL  
 TEXT ORDERED PUBLISHED  
 this 22<sup>nd</sup> day of April, 2002.

ATTEST:

\_\_\_\_\_  
 Mayor

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



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
April 22, 2002

**SUBJECT:** Councillor’s Bill No. 14 re Extension of Big Dry Creek Watershed Grant, Biological Monitoring Services Contract and Consulting Services Contract

**Prepared By:** Kipp Scott, Water Quality Administrator  
David Carter, Laboratory Services Coordinator

**Summary Statement:**

- | ➤ City Council action is requested to pass the attached Councillor’s Bill, on first reading, to authorize appropriating an extension to a United States Department of Energy (DOE) Grant in the amount of \$50,000. Formatted: Bullets and Numbering
  
- | ➤ City Council action is also requested to authorize the execution of a contract with Aquatics Associates to provide biological monitoring services, in the amount of \$42,000, to be paid by the DOE grant, for the Big Dry Creek Watershed Association. Formatted: Bullets and Numbering
  
- | ➤ City Council action is also requested to authorize the execution of a contract with Wright Water Engineers, Inc. to provide consulting services, in the amount of \$8,000, to be paid by the DOE grant, for the Big Dry Creek Watershed Association. Formatted: Bullets and Numbering
  - The DOE grant’s focus is to aid in the continuing biological monitoring program on Big Dry Creek and to encourage the continued formation of a watershed group to study the Big Dry Creek watershed, and to identify and involve additional stakeholders in the further study and management of the watershed basin.
  - The extension would represent the third year of receiving grant money from the DOE for the Big Dry Creek Watershed Association biological monitoring program and consulting services. The grant would be administered by the City of Westminster under the Big Dry Creek Basin Water Quality Agreement.

**Expenditure Required:** \$50,000.00

**Source of Funds:** DOE grant funds provided to the City of Westminster as grant administrator for the Big Dry Creek Watershed Association.

**Recommended City Council Action**

Pass Councillor’s Bill No. 14 on first reading appropriating \$50,000 into the Special Studies Project account as a result of the United States Department of Energy Grant extension.

Authorize the City Manager to sign a contract for biological monitoring services with Aquatics Associates in the amount of \$42,000 and charge the expense to the appropriate budget account in the Utility Fund.

Authorize the City Manager to sign a contract for consulting services with Wright Water Engineers, Inc. in the amount of \$8,000 and charge the expense to the appropriate budget account in the Utility Fund.

### **Policy Issue**

Should the City of Westminster authorize the appropriation of an extension of a United States Department of Energy Grant in the amount of \$50,000 to study the aquatic environment in the Big Dry Creek Watershed?

### **Alternatives**

- City Council could decide not to authorize the appropriation of the grant extension from the DOE.
  - a. Because of the restrictions placed on the DOE, the only way they can give the watershed association any funds is through a grant process.
  - b. The DOE has given the watershed association approximately \$100,000 over the last two years under the grant program.
  - c. If the watershed association does not receive the grant money from the DOE, the duties of biological monitoring and watershed association coordination would either have to be delegated to staff from the various partnering agencies or not be completed at all.
  
- City Council could decide not to execute either one or both of the contracts called for under this grant extension.
  - a. If either one of the contracts are not executed, the DOE grant money would have to be returned because the conditions of the grant would not have been met.

### **Background Information**

Coordinated Big Dry Creek water quality sampling has been done by the Cities of Westminster, Broomfield, and Northglenn for the past ten years and has resulted in increased efficiency and greater overall coverage when compared to the individual sampling programs previously done by each City. In 1997, the United States Department of Energy/Rocky Flats joined with the Cities of Westminster, Broomfield, and Northglenn, and through an Intergovernmental Agreement (IGA) and an Environmental Protection Agency (EPA) Regional Geographic Initiative (RGI) grant formed the Big Dry Creek Watershed Association. Through the IGA, the group has attempted to cooperatively assess the water quality in Big Dry Creek. Equitability in the costs associated with the sampling program was a main focus of the IGA and is the reason that the DOE is giving the association a grant for further biological monitoring on Big Dry Creek and Walnut Creek. Because of the restrictions placed on the DOE, the only way they can give the association any funds is through a grant process.

A biological monitoring program was initiated in 1997 by the Cities of Westminster, Broomfield and Northglenn, the United States Department of Energy (DOE) and Rocky Flats to enhance the current water quality monitoring program begun by the three cities. The goal was to document the abundance and distribution of fish and benthic macro invertebrate populations and characterize the physical habitat at selected locations along Big Dry Creek. The water quality and biological monitoring programs are all covered under the Big Dry Creek Basin Water Quality Agreement between the various entities. Since 1997, the association has increased the frequency of biological monitoring of Big Dry Creek along with providing a forum for watershed coordination through the EPA RGI, the EPA 319, non-point source, and the DOE grant programs.

The benefit of this monitoring is an increased understanding of the creek and the impacts on it from the cities' wastewater discharges, and from other sources throughout the watershed. An increased understanding of the creek has, and will continue to benefit the parties during State reviews of existing and proposed stream standards. The Colorado Department of Public Health and Environment (CDPH&E) performs a triennial review of the water quality standards for Big Dry Creek. During these reviews, proposed stream standard changes are considered and ruled upon. Often, changes are made based on general data and observations made by the CDPH&E and do not incorporate data specific to the individual stream being considered. This can result in unnecessarily strict standards being set. Strict stream standards will result in a greater compliance burden being placed on each wastewater treatment facility's discharge. Objectives of the monitoring program are to establish a database that can ultimately be used to determine appropriate surface water quality standards for Segment 1 of Big Dry Creek and to document the effects of potential influences in water quality on the aquatic community in Big Dry Creek.

Aquatics Associates was chosen for this project because of the expertise they have gained over the last several years working with the association on the current biological monitoring program and because they meet the DOE requirement regarding the use of minority/women owned businesses in grant funded projects. The watershed association chose not to go out for competitive bids on this project because of Aquatics Associates past history of excellent work for the watershed association. The watershed association was in unanimous favor of retaining Aquatics Associates for this project.

Wright Water Engineers, Inc. was chosen for this project because of the extensive experience they have gained over the last several years working as the watershed coordinator for the Big Dry Creek Watershed Association. The association was in unanimous favor of retaining Wright Water Engineers, Inc. for this project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **14**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. \_\_\_\_ in the amount of \$\_\_\_ is hereby increased by \$50,000 which, when added to the fund balance as of the City Council action on \_\_\_\_, will equal \$\_\_\_\_. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a United States Department of Energy grant extension award.

Section 2. The \$50,000 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental - Federal	\$0	<u>\$50,000</u>	\$50,000
Total change to revenues		<u>\$50,000</u>	
<u>EXPENSES</u>			
Appropriation Holding – Environmental Grant	\$0	<u>\$50,000</u>	\$50,000
Total change to expenses		<u>\$50,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of April, 2002

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of May, 2002

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Councillor's Bill No. 15 re 2002 CDBG Fund Appropriation

**Prepared By:** Robin Byrnes, Community Development Programs Coordinator

**Summary Statement**

City Council action is requested to pass on first reading the attached Councillor's Bill appropriating 2002 Community Development Block Grant (CDBG) funds in the amount of \$682,000, awarded by the U.S. Department of Housing and Urban Development (HUD). The 2002 CDBG allocation of \$682,000 was awarded to the 2002 CDBG projects, per City Council approval on November 12, 2001.

In 2002, the City was allocated \$682,000 from HUD, a decrease from the 2001 CDBG final allocation of \$692,000. HUD approved the 2002 CDBG Action Plan on March 28, 2002. The 2002 Action Plan is a required submission by HUD that outlines the City's local goals and priorities in regards to the use of the 2002 CDBG allocation and also outlines the 2002 CDBG projects.

**Expenditure Required:** \$682,000

**Source of Funds:** Not Applicable

**Recommended City Council Action**

Pass Councillor's Bill No. 15 on first reading to appropriate 2002 CDBG funds in the amount of \$682,000.

**Policy Issue(s)**

- Council will need to decide if the 2002 CDBG funds in the amount of \$682,000 should be appropriated to the 2002 CDBG projects as previously approved by City Council on November 12, 2001.
- Council will need to fulfill commitment to selected projects. Failure to spend the money in a timely manner can result in HUD reducing the City’s allocation of CDBG funds in subsequent years.

**Alternative(s)**

- City Council can choose not to accept Community Development Block Grant funding from the U.S. Department of Housing and Urban Development.

**Background Information**

The proposed 2002 CDBG budget and projects were developed from input provided by Westminster residents, City Staff, and independent organizations operating in the City. Public notices and citizen comment periods were used to solicit community input on the development of the 2002 CDBG action plan.

The CDBG funds are intended to be used for community development projects, which primarily benefit the City’s low to moderate-income populations and address blight conditions in the City. The following is a list of 2002 CDBG projects that were approved by City Council on November 12, 2002 and approved by HUD on March 28, 2002, through the City’s submission of the 2002 CDBG Action Plan.

**2002 CDBG projects:**

2002 CDBG Program Administration	\$130,000
73 <sup>rd</sup> Avenue between Bradburn and Lowell Blvd. Street Reconstruction	\$150,000
73 <sup>rd</sup> Avenue and Lowell Blvd. Redevelopment Project	\$202,000
Senior Center Carpet Replacement	\$35,000
72 <sup>nd</sup> Avenue to 80 <sup>th</sup> Avenue Lowell Blvd. Streetscape Enhancement (Design)	\$110,000
Westminster Grange Architectural Analysis	\$25,000
<u>73<sup>rd</sup> to 80<sup>th</sup> on Bradburn Blvd. Streetscape (Design)</u>	<u>\$30,000</u>
<b>TOTAL 2002 CDBG ALLOCATION TO PROJECTS</b>	<b>\$682,000</b>

**2002 CDBG Program Administration** **\$130,000**

The program administration funds would cover the salaries of the Community Development Programs Coordinator, Robin Byrnes and one secretary. HUD allows grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. HUD has requested that the City increase the administration/planning budget to build program and compliance capacity. Administrative costs associated with the administration of the CDBG program would be funded to include: professional/consultant fees, meeting expenses, professional training, supplies/materials, studies, environmental reviews, etc.

**73<sup>rd</sup> Avenue between Bradburn and Lowell Boulevard Street Reconstruction** **\$150,000**

The project will provide final construction funding for Phase II of the street reconstruction and beautification of 73<sup>rd</sup> Avenue from Lowell Boulevard to Bradburn Boulevard. City Council awarded 2001 CDBG funding for Phase I and partially funded Phase II construction. The project will assist in the preservation and restoration of the historic area in south Westminster. Project activities will include street reconstruction, new sidewalks, landscaping and decorative street lighting.



**72<sup>nd</sup> Avenue to 80<sup>th</sup> Avenue Lowell Boulevard Streetscape Enhancement (Design) \$110,000**

The project will provide funding for the design and construction documents for infrastructure improvements from 72<sup>nd</sup> to 80<sup>th</sup> Avenue along Lowell Boulevard. This project will complement the 73<sup>rd</sup> Avenue and Lowell Boulevard redevelopment project and the Lowell Boulevard bicycle trail, which will be funded with Federal TEA-21 money beginning in 2003.

**73<sup>rd</sup> Avenue and Lowell Boulevard Redevelopment Project \$202,000**

The project will provide funding for the construction of sidewalks, streets, landscaping, plaza construction and general infrastructure improvements in the 73<sup>rd</sup> Avenue and Lowell Boulevard redevelopment area. The project funding will be used to leverage private developer funding for the redevelopment along Lowell Boulevard from 72<sup>nd</sup> Avenue to 75<sup>th</sup> Avenue, which was recently approved by City Council. The funds will also be used to assist the developer in offsetting the costs associated with developing the Aspen Care site.

**Senior Center Carpet Replacement \$35,000**

The project will provide funding to replace deteriorated carpet at the Westminster Community Senior Center, located at 3295 West 72<sup>nd</sup> Avenue.

**Westminster Grange Restoration Architectural Design of Improvements \$25,000**

The project will provide funding to undertake an architectural analysis of the Westminster Grange, a historic building, located on 73<sup>rd</sup> Avenue between Bradburn and Lowell Boulevard. The architectural analysis will provide the City with information related to the possible restoration and use of the Grange building by the community.

**73<sup>rd</sup> to 80<sup>th</sup> on Bradburn Boulevard Streetscape Enhancements (Design) \$30,000**

The project will provide funding for the design of streetscape enhancements along Bradburn Boulevard, between 73<sup>rd</sup> Avenue and 80<sup>th</sup> Avenue. The design will include street and sidewalk improvements and decorative lighting along Bradburn Boulevard. This project is a continuation of revitalization work being done in this area.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 2913 in the amount of \$0 is hereby increased by \$682,000 which, when added to the fund balance as of the City Council action on April 22, 2002 will equal \$682,000. This increase is due to the Community Development Block Grant award from the U.S. Department of Housing & Urban Development for the 2002 program year.

Section 2. The \$682,000 increase in the Community Development Block Grant Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
CDBG 2002 Block Grant			
7600.40610.0025	\$0	<u>\$682,000</u>	\$682,000
Total Change to Revenues		<u>\$682,000</u>	
EXPENSES			
CDBG 2002 Block Grant			
80276030526.80400.8888	\$0	<u>\$682,000</u>	\$682,000
Total Change to Expenditures		<u>\$682,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22<sup>nd</sup> day of April 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13<sup>th</sup> day of May 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Change Date for Last Council Meeting in May

**Prepared By** Michele Kelley, City Clerk

**Summary Statement:**

City Council action is requested to change the date of the last regular City Council meeting in May.

- The last regular City Council meeting of May would normally be held on Monday, May 27<sup>th</sup>, which is Memorial Day.
- It is requested that City Council formally change the date of the last regular Council meeting in May to Monday, May 20<sup>th</sup>.

**Expenditure Required:** None

**Source of Funds:** n/a

**Recommended City Council Action:**

Change the date of the last regular meeting of City Council in May from May 27<sup>th</sup> to May 20<sup>th</sup>.

**SUBJECT:** Change Date for Last Council Meeting in May

Page 2

**Policy Issue(s):**

None

**Alternative(s):**

City Council historically has changed the last Council meeting in May, which is always Memorial Day to the third Monday in May, but Council could decide to conduct the Council meeting on Tuesday, May 28<sup>th</sup>.

**Background Information:**

Members of the public are aware that Council meetings and Study Sessions are held on Mondays, and therefore, it is logical to reschedule the Council meeting to a different Monday during the month.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Councillors Bill No. 16 re Appropriation of Funds from South Adams County Water and Sanitation District

**Prepared By:** Michael Happe, Senior Water Resources Engineer

**Summary Statement**

City Council action is requested to adopt the attached Councilor's Bill appropriating payments from South Adams County Water and Sanitation District from two separate agreements. These funds will be used by the City for the financing of the Wattenberg Lake project.

- On February 12, 2001 City Council authorized the City Manager to enter into an agreement with the South Adams County Water and Sanitation District ("SACWSD"), for the sale of up to 1,000 acre feet of treated wastewater effluent credit in the South Platte River.
- SACWSD has exercised an option to purchase an additional 175 acre-feet of effluent from Westminster and has paid Westminster \$1,250,270. These funds have not previously been budgeted or appropriated by Council.
- In December of 2001, City Council authorized the City Manager to enter into a separate agreement with SACWSD to have them participate with Westminster in the Wattenberg Lake project.
- Pursuant to the Storage Participation Agreement, South Adams County is to pay its pro-rata portion of project costs including a portion of the costs associated with securing water carriage rights in the Brighton Ditch.
- Westminster will need to make payments to the Brighton Ditch Company for its carriage rights and SACWSD will reimburse Westminster \$201,152 for SACWSD's portion of the expense.
- These funds have not previously been budgeted or appropriated by City Council.
- Staff recommends appropriating these funds into the capital improvement account for the Wattenberg Lake project, which will be constructed over the next several years.

**Expenditure Required:** \$1,451,422

**Source of Funds:** Sale of Treated Effluent to South Adams County Water and Sanitation District in the amount of \$1,451,422

**Recommended City Council Action**

Pass Councillor's Bill No. 16 on first reading appropriating \$1,451,422 in to the Gravel Lake Storage account in the Water Capital Improvement Fund.

### **Policy Issue**

Should the funds collected from South Adams County Water and Sanitation District pursuant to the effluent sale and storage participation agreements be appropriated to fund the Wattenberg Storage Project?

### **Alternatives**

- Appropriate the funds to another expense in the Utilities Fund.
- Appropriate the funds to the General Reserve Account in the Utilities Fund.

### **Background Information**

Westminster entered into an agreement with SACWSD for the sale of up to 1,000 acre-feet of treated sewage effluent in the South Platte River in February 2001. SACWSD will use this effluent to offset well depletions to the South Platte River. The wastewater comes from Westminster's Big Dry Creek Wastewater Treatment Facility and the Metropolitan Denver Wastewater Treatment Facility. The agreement with SACWSD is structured so that SACWSD has the option to purchase additional amounts of wastewater credit up to a total of 1,000 acre feet. In March of this year, SACWSD exercised its option to purchase an additional 175 acre-feet of effluent from Westminster for \$1,250,270. This payment has been made and needs to be appropriated by City Council.

In a separate agreement, Westminster and SACWSD have agreed to participate in the Wattenberg Lake water storage project. Westminster is developing this project with Aggregate Industries who is mining the property and will construct lined water storage at the site when mining is completed. Westminster entered into an agreement with SACWSD in December 2001 that gives SACWSD the right to store 1,200 acre feet of water in the Wattenberg Lake project and requires SACWSD to pay its pro-rata portion of all costs associated with developing the storage.

Westminster completed an agreement with the Brighton Ditch Company in 2001 that gives Westminster the right to use the Brighton Ditch to carry water from the South Platte River to the Wattenberg Storage site. This is a necessary component of the Wattenberg Lake storage project. Payments to the Brighton Ditch, in the amount of \$1,173,583, will be due within the next two months. SACWSD's portion of these costs, pursuant to the agreement with Westminster, is \$201,152. This payment will need to be appropriated by City Council.

The City of Westminster is pursuing the Wattenberg Lake project in order to meet build-out water demands. The project will take several years to complete and will cost between \$10.0 million to \$15.0 million depending upon the final size of the reservoir constructed by Aggregate Industries. By appropriating these funds from SACWSD to the Wattenberg Lake Capital Improvement project, the City can use its traditional income sources for other City projects.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **16**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$25,286,775 is hereby increased by \$1,451,422 which, when added to the fund balance as of the City Council action on April 22, 2002 will equal \$35,934,974. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the sale of treated wastewater effluent to South Adams County Water and Sanitation District.

Section 2. The \$1,451,422 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
General – Miscellaneous 2000.43060.0000	\$150,000	<u>\$1,451,422</u>	\$1,601,422
Total Change to Revenues		<u>\$1,451,422</u>	
EXPENSES			
Gravel Lakes Storage 80120035078.80400.8888	\$6,507,500	<u>\$1,451,422</u>	\$7,958,922
Total Change to Expenditures		<u>\$1,451,422</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of May, 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 22, 2002

**SUBJECT:** Resolution No. 25 in Support of Hyland Hills Ballot Measure

**Prepared By:** Bill Walenczak, Director of Parks, Recreation and Libraries

#### Summary Statement

- City Council action is requested to authorize the City Manager to sign the attached intergovernmental agreement (IGA) with Hyland Hills Park and Recreation District. This agreement is contingent upon Hyland Hills gaining voter approval for the District's general obligation bond and millage election set for May 7, 2002.
- City Council action is also requested to pass the attached resolution declaring City of Westminster support for said election.
- If passed, the initiative would allow Hyland Hills to issue general obligation bonds for open space acquisition, trail construction, and park/facility development in the amount of approximately \$18 million.
- In addition, if the general obligation bond passes, Hyland Hills has agreed to contribute construction funding for the following City of Westminster Parks (see attached map): L.I.F.E. Fellowship Park (115<sup>th</sup> east of Sheridan) - \$900,000; 128<sup>th</sup> Avenue and Big Dry Creek Park - \$500,000; and Carroll Butts Park (95<sup>th</sup> & Raleigh) - \$750,000 with a City match of \$500,000 (The City currently has in excess of \$250,000 in the CIP for Carroll Butts improvements and has budgeted the majority of funds needed over two to three years in the five-year CIP.)

**Expenditure Required:** \$500,000 for the Carroll Butts Park match. The other park matches are optional. Future expenses related to the maintenance of the new park additions.

#### Source of Funds:

- Parks and Recreation designated capital improvement funds for construction
- General fund or other sources for maintenance

#### Recommended City Council Action

- Authorize the City Manager to sign the attached intergovernmental agreement between the City of Westminster and Hyland Hills Park and Recreation District.
- Adopt Resolution No. 25 in support of the Hyland Hills Park and Recreation District special election on May 7, 2002.



**Policy Issue(s)**

- Is the City Council willing to commit future capital improvement funds to develop these park sites described within this agenda memo?
- Is the City Council willing to budget funding in the General Fund Operating Budget for ongoing maintenance of these parks once developed?

**Alternatives**

- City Council could elect to not approve the attached IGA.
- City Council could propose to modify the proposed IGA by subtracting or adding projects to the list.
- City Council could elect to reduce the scope of one or all of the projects proposed in the IGA.

**Background Information**

On May 7, 2002, the Hyland Hills Park and Recreation District will hold a special election in order to issue general obligation bonds to acquire open space, develop trails, and improve/develop parks and facilities throughout the Hyland Hills District. If successful, the ballot language will allow for the issuance of approximately \$18 million in capital improvement and land acquisition bonds.

The ballot issue will also ask for a permanent 2.0 mill levy increase to pay for the bonds and a .5 millage increase to go towards maintenance of parks owned by the District.

City Manager Brent McFall, Director of Parks, Recreation and Libraries Bill Walenczak and Hyland Hills Executive Director Greg Mastriona have negotiated a proposed IGA related to the passing of the millage issue that will benefit some key Westminster parks.

The following Westminster parks are included in the millage proposal:

L.I.F.E. Fellowship Park – Hyland Hills Contribution - \$900,000 - This undeveloped community park site of approximately 25 acres is located at 115<sup>th</sup> Avenue, east of Sheridan Boulevard behind the L.I.F.E. Fellowship Church. Development would include soccer and little league fields, trails, play lot and picnic shelters. The City's five-year C.I.P. shows \$1.8 million to be budgeted for construction of this park through 2006.

128<sup>th</sup> Avenue and Big Dry Creek - \$500,000 – This undeveloped community park is located south of 128<sup>th</sup> Avenue, east of Big Dry Creek. Development would include soccer and little league fields, trails, play lot and picnic shelters and possible court games. The City's five-year C.I.P. shows \$700,000 to be budgeted for this park through 2006.

Carroll Butts Park - \$750,000 Hyland Hills Contribution - This park is located at 95<sup>th</sup> Avenue and Raleigh Street and is jointly owned by Hyland Hills and the City of Westminster. This provision requires that the City provide a reduced match of \$500,000 to the Hyland Hills contribution, which can be easily funded over two years in the five-year Capital Improvement Plan. Improvements will include upgrades to the irrigation system, soccer fields, ballfields, paved parking lots and other amenities. The City and the district share the cost of maintaining this park, which is approximately \$90,000 per year for contracted maintenance.

In addition, Hyland Hills has agreed to improve/develop the following district-owned parks/facilities located within the City:

- Valley View Park at 105<sup>th</sup> Avenue and Federal Boulevard: The IGA would also require the City to vacate the west 105<sup>th</sup> Dr. right of way that is platted through this park site. Staff concurs with this recommendation.
- Hyland Hills Gymnastic Center expansion at 72<sup>nd</sup> and Irving St.

As is standard practice for all City park developments, neighborhood meetings will be held to get input from residents on how these parks will be designed.

Additional provisions of the IGA include the following:

- City staff and Hyland Hills staff will jointly schedule the use of these parks.
- The City will maintain the L.I.F.E. Fellowship and 128<sup>th</sup> and Big Dry Creek parks. It is estimated that it will cost approximately \$6,000 per acre to maintain these parks once developed. This adds up to roughly \$270,000 per year for maintenance of these parks. However, Staff will explore other options, such as contract maintenance, to possibly reduce maintenance costs.

Staff is excited about the prospect of developing some key City-owned park sites if this general obligation bond issue passes. Westminster still has ten (10) community and neighborhood parks that need to be developed as well as five (5) parks that need to be renovated or redeveloped. The potential addition of Hyland Hills bond money will add a significant resource to the City's capital improvement funding and allow for full development of these key City parks.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **25**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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HYLAND HILLS PARK AND RECREATION DISTRICT MILLAGE AND CAPITAL  
IMPROVEMENT BOND PROPOSAL

WHEREAS, the City of Westminster and Hyland Hills Park and Recreation District have cooperated on numerous intergovernmental agreements in the past; and

WHEREAS, the two governmental entities strive to eliminate duplication of services and maximize fiduciary resources; and

WHEREAS, some excellent examples of the two entities cooperating to maximize service delivery and exercise prudent budget and resource management include The Sun Microsystems Ice Center, the Senior Center and maintenance and programming of Carroll Butts Park; and

WHEREAS, on May 7, 2002 the Hyland Hills Board of Directors have called for a special election to issue general obligation bonds and a 2.0 mill levy increase to fund these bonds as well as a .5 millage increase for park maintenance; and

WHEREAS, if successful, the election will allow the District to issue capital improvement bonds in the amount of \$18 million for open space acquisition, trail development, and park and facility improvements; and

WHEREAS, if passed, the District will contribute to the development of the following Westminster parks;

- L.I.F.E. Fellowship
- 128<sup>th</sup> and Big Dry Creek
- Carroll Butts Park (1/2 ownership with the District)

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster does hereby urge Westminster voters who live within the Hyland Hills District to vote yes on the Hyland Hills Park and Recreation District millage increase and general obligation bond proposal on May 7, 2002.

Passed and adopted this 22<sup>nd</sup> day of April, 2002.

ATTEST:

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Mayor

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City Clerk

## INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 2002, by and between the CITY OF WESTMINSTER, a Colorado home rule municipality (“Westminster”) and HIGHLAND HILLS PARK AND RECREATION DISTRICT, a Colorado special district (“Hyland Hills”).

WHEREAS, the Board of Directors of Hyland Hills has placed an \$18 million general obligation bond issue and a 2.0 mill levy increase to pay for these bonds, as well as a 0.5 mill levy increase per maintenance issue before the District electorate on May 7, 2002, for the purpose of making capital improvements, several of which are to be in cooperation with Westminster, and for additional park and recreation maintenance funds, and

WHEREAS, Hyland Hills and Westminster desire to continue and enhance the spirit of cooperation between them, prevent wasteful duplication and provide the maximum recreation and park benefits to their respective residents,

NOW THEREFORE, in consideration of the mutual terms and conditions set forth herein, Westminster and Hyland Hills agree, subject to voter approval of said general obligation bond issue and mill levy increase, as follows:

1. Hyland Hills, at its sole expense, shall cause to be developed that certain real property located at approximately Federal Boulevard and 104<sup>th</sup> Avenue in the City of Westminster, to be known as Valley View Park (see attached location map).

Hyland Hills shall be solely responsible for the construction of improvements, operations and maintenance and any and all associated costs, which shall not be less than \$1 million. Westminster shall vacate the West 105<sup>th</sup> Drive right-of-way over and across the park site in consideration for the grant by Hyland Hills of certain real property to Westminster for the Decatur Street relocation. The City of Westminster recognizes that the development of this park will benefit Westminster residents.

2. Westminster shall contribute a sum of up to \$500,000 and Hyland Hills shall contribute up to \$750,000 for further renovation and development of Carroll Butts Park located at 95<sup>th</sup> Avenue and Raleigh Street (see attached location map).

The terms of the existing intergovernmental agreement regarding joint operation of Carroll Butts park shall govern said renovation and development.

3. Hyland Hills shall expand the existing Gymnastics Center, located adjoining the Community Senior Center at 72<sup>nd</sup> Avenue and Irving Street. The City of Westminster recognizes that the expansion of the Gymnastics Center will benefit Westminster residents.

4. Hyland Hills shall contribute \$900,000 in financial assistance to Westminster for the development of the community park to be located on the real property now known as the LIFE Fellowship property located at 115<sup>th</sup> Avenue, east of LIFE Fellowship Church (see attached location map).

Hyland Hills and Westminster shall jointly select the architects, consultants and other design professionals and contractors for development of this park and shall jointly be responsible for park design and development or project specifications. Westminster shall award and administer all contracts. Westminster shall submit monthly accounting of all invoices to Hyland Hills for payment up to the limit of Hyland Hills’ contribution on the project.

The completed project shall be maintained by Westminster at its sole expense. Westminster and Hyland Hills will jointly schedule use of the park.

5. Hyland Hills shall contribute \$500,000 in financial assistance to Westminster for the development of the community park on the City-owned property known as Big Dry Creek at 128<sup>th</sup> Avenue (see attached location map).

Hyland Hills and Westminster shall jointly select the architects, consultants and other design professionals and contractors for development of this park and shall jointly be responsible for park design and development or project specifications. Westminster shall award and administer all contracts. Westminster shall submit monthly accounting of all invoices to Hyland Hills for payment up to the limit of Hyland Hills' contribution on the project. The completed project will be maintained by Westminster at its sole expense. Westminster and Hyland Hills will jointly schedule the use of the park.

6. It is the intent of both parties that these projects shall be substantially under construction no later than 30 months from the sale of the bonds on behalf of Hyland Hills. In the event that any project set forth herein cannot be under construction within said 30-month period, the terms and conditions of this Agreement will be subject to renegotiation upon election of either party.

7. Neither Westminster nor Hyland Hills shall have any obligation to expend more funds than specifically set forth in this Agreement. Any major changes to the projects set forth in this document will be agreed upon by the parties.

8. This Agreement is expressly contingent upon Hyland Hills voter approval of the bonds and the mill levy increase referenced above.

9. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of either party, and all amounts otherwise payable by either party under this Agreement over the course of more than one fiscal year are subject to annual appropriation by the governing body of such party. Both parties agree to exercise utmost good faith in appropriating the necessary funds to meet their respective obligations under this agreement.

CITY OF WESTMINSTER

HYLAND HILLS PARK AND RECREATION DISTRICT

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
President

Attest:

Attest:

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

\_\_\_\_\_  
Secretary

Approved as to form:

Approved as to form:

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

\_\_\_\_\_  
Administrative Counsel



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Councillor's Bill No. 17 re Anti-Cruising Ordinance

**Prepared by:** Dan Montgomery, Chief of Police

**Summary Statement**

Police Department Staff have developed an "anti-cruising ordinance" to use as a tool in efforts to curb cruising in the area known as the "loop." The "loop" as it is commonly known, is defined as West 88<sup>th</sup> Ave. from Wadsworth Blvd. East to Harlan Street, Harlan Street North to W. 92<sup>nd</sup> Ave., West 92<sup>nd</sup> Ave. West to Wadsworth Blvd, and Wadsworth Blvd. South to W. 88<sup>th</sup> Ave.

Over the past two years, cruising in the loop has become a major problem in this area, especially on Friday and Saturday nights, and practically every night during the summer. Staff has dealt with numerous complaints from citizens who reside in the area due to the noise, littering, racing, the loud stereos, etc., as well as complaints from residents who have difficulty getting into their neighborhoods due to the traffic. Staff has also experienced numerous incidents including: stabbings, fights, vandalism to vehicles, liquor violations, traffic violations and a variety of "order maintenance" types of violations dealing with the public peace and order.

This anti-cruising ordinance would make it illegal to pass a "cruising checkpoint" three times or more during a pre-determined time period and is modeled after similar ordinances in Virginia Beach, Virginia and Naperville, Illinois, as well as several other cities that have had to deal with the many problems associated with cruising. This item has been scheduled for formal Council action on April 22, 2002, in the form of an emergency ordinance.

**Expenditure Required:** The total first year expenditure is estimated to be \$35,000. This would include \$20,000 in overtime costs, \$12,000 in signage rental costs, and \$3,000 in laptop PC costs to record license plate numbers, dates, times, etc.

**Source of Funds:** Police Department General Fund

**Recommended City Council Action**

Pass Councillor's Bill No. 17 as an emergency ordinance, making it illegal to engage in the act of cruising in Westminster.

### **Policy Issues**

There are, in staff's opinion four key policy issues involved in the decision to implement an anti-cruising ordinance.

1. Is it appropriate to regulate the use of public streets to the extent that passing a certain "cruising checkpoint" three times or more during a specific time frame would give a police officer probable cause to issue a traffic summons?
2. Is the balancing test between the good to be derived from the adoption of an anti-cruising ordinance vs. the need for increased public safety, peace and order, effectively met?
3. Are the fines spelled out in this proposed ordinance, which mandate a first offense fine of \$125, a second offense fine of \$250 and a third offense fine of \$350 appropriate and justifiable, and would the addition of a four-point traffic violation be appropriate?
4. If this ordinance is implemented, should the fines send a clear message and be mandatory, or should the fines be left to judicial discretion depending on the circumstances of each case?

### **Alternatives**

As is the case with any City Council action, there are always alternative courses of action to pursue, and this case is no exception. Staff has identified the following alternatives for Council to consider, as well as the perceived pros and cons with regard to each:

1. The first alternative is to not pass the proposed anti-cruising ordinance, allow citizens and cruisers to drive the streets freely with no cruising restrictions, while maintaining a police presence for deterrence purposes. Staff would submit that the cruising problem has basically gotten out of hand, and this alternative, while being the least restrictive of all alternatives, has no effect and only promotes more cruising. Staff would suggest to Council that this alternative is not desirable.
2. The second alternative is to not pass the proposed anti-cruising ordinance, and instead, maintain a proactive police presence where strong traffic enforcement is encouraged. Staff has been using this tactic for many months, and during the summer of 2001, police personnel were deployed on an overtime basis to function as the "cruising enforcement team." Many traffic and trespassing summonses were issued, the fine revenues from which surpassed the average weekend overtime costs of \$3,000. While the objectives of a heavy police presence and a zero tolerance enforcement attitude were achieved, these actions did little to curb the volume and magnitude of the cruising problem. Staff is of the opinion that the police presence certainly needs to be continued, but not without the availability of another tool to use, that being the anti-cruising ordinance.
3. The third alternative would be to not adopt the proposed anti-cruising ordinance, but instead, set up road closures interrupting the cruising, and send those who are cruising, elsewhere. Staff would submit that this tactic was used as well and while it did have an impact on the cruisers and actually shut the problem down, staff received numerous complaints from residents who encountered difficulties getting through the closures, and getting home. Complaints were also received from Pink-E's Lounge and the nearby "Liquor Stop" liquor store that their businesses were suffering because of the closures. While the tactic had a positive impact, it was costly, requiring the overtime expenditure of \$3,000 per weekend to staff and set up the barricades with little if any fine revenue coming in to offset the expenses, and it was costly in terms of relationships with the residents who were having trouble getting through the closures, and with the owners of Pink'E's and the Liquor Stop. Staff would recommend that this alternative, while perhaps viable in certain select situations, not be adopted exclusive from the anti-cruising ordinance.

4. A fourth alternative would involve adopting this ordinance, with an evaluation of the fine structure proposed, and perhaps make the fines heavier, or lighter. Staff's information from other jurisdictions outside of Colorado is such that the heavier fines had more of an impact in resolving the cruising problem, while lighter fines were simply not taken seriously by those who routinely cruise.
5. A fifth alternative would involve adopting this ordinance, but perhaps modify the number of "passes" a cruiser makes at a certain cruising checkpoint before a summons could be issued. For example, the proposed ordinance makes three or more passes illegal, and it certainly would not be inappropriate to evaluate this number and reduce it to two or more passes, or increase it to four or more passes. From the research staff has done, three appears to be an adequate number, but Council may want to consider reducing or increasing the number. Council may also want to evaluate the hours that the cruising ordinance would be in effect. For example, in the proposed ordinance, the "enforcement period" is defined as between 9:00 pm and 4:00 am. Council may want to change the hours somewhat, for example between 8:00 pm and 4:00 am.
6. Lastly, and perhaps most significantly, there is another alternative for Council to consider, and that alternative would be to make a cruising violation a 4-point traffic ticket for failing to obey an official traffic control device (the signage). This strategy would very likely have a stronger impact due to the accumulation of "driver's license points," but at the same time, might result in more not guilty pleas and trials, driving the court dockets even higher in volume. As proposed, the cruising ordinance calls for fines only, but again, an alternative Council might want to consider is the levying of a 4-point or other point level violation.

### **Background Information**

Council is certainly aware of the many problems created over the past two years by the cruising problem, and it is no secret that there have been many, many residential complaints concerning noise, racing, screeching tires, littering, loud stereos, etc. Council may also be aware of the many public safety issues that have erupted over the past two years, e.g. gunshots, felony menacing with weapons, fights, felony criminal mischief cases, two stabbings, and so forth. As has been addressed in this report, several strategies have been implemented to deal with the cruising problem, and while some of them have enjoyed some success, they have proven to be costly and relatively ineffective in eliminating the cruising problem. Council was briefed on this issue in January and August of last year.

In August of 2001, an "Anti-Cruising Task Force" was formed to evaluate several anti-cruising ordinances that have been developed in different cities throughout the United States. The initial members of this task force included:

- Dan Montgomery, Chief of Police
- Charlie Johnson, Police Captain
- Mike Cressman, Police Lieutenant
- Katie Harberg, Public Information Officer
- Scott Thompson, Patrol Officer
- Dan Spinder, Patrol Officer
- Ed West, Information Technology
- Troy Cooper, Police Public Information Officer.

The task force evaluated several different ordinances, and found the ordinances developed by Virginia Beach, Virginia and Naperville, Illinois to be particularly attractive. Staff follow-up with representatives from those agencies confirmed that the anti-cruising ordinances implemented, while relatively simple in structure, had significant impact in reducing cruising, particularly when the fine structures were set high.



Very basically, the ordinances were set up to make cruising illegal, and cruising was defined as passing a designated cruising checkpoint several times within a specified period of time. The posting of signs was required, and exemptions were granted to emergency vehicles, common carriers and vehicles used in business. License plate numbers were tracked via laptop PC's, and when a vehicle passed the same checkpoint three or four times, depending on the break point in the ordinance, probable cause then existed for a traffic stop and the issuance of a warning or a summons.

The ordinance proposed by staff for Council review and consideration, has several basic elements:

1. Signs posted along the cruising loop (as defined) would be required.
2. Emergency vehicles, common carriers and vehicles engaged in a business would be exempted from the provisions of the ordinance.
3. The "enforcement period" is defined as being between the hours of 9:00 pm and 4:00 am.
4. Passing a cruising checkpoint three times or more within a three-hour period of time, between 9:00 pm and 4:00 am would create probable cause for a summons.
5. The fine structure would be \$125 for first offense; \$250 for second offense and \$350 for third offense.
6. The violation of cruising would be a non-criminal traffic infraction.

If this ordinance is adopted by City Council, it is staff's intention to mount a public education campaign including articles in the newspapers, an article in City Edition, notification to the impacted neighborhoods, and the publication of pamphlets to hand out to cruisers, prior to any enforcement actions being taken. This is the fair thing to do, and in conversations with other agencies that have had successes with an anti-cruising ordinance, the public education campaign was critical to the successes they enjoyed.

The proposed anti-cruising ordinance developed by the task force, and the assistance of Donna Schneider of the City Attorney's Office, is attached for City Council review and adoption on Monday, April 22, 2002. Several of the members of the task force will be present on April 22 should Council have any questions.

Respectfully submitted

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **2941**

COUNCILLOR'S BILL NO. **17**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

Atchison-Hicks

A BILL  
FOR AN ORDINANCE CREATING THE MUNICIPAL OFFENSE OF CRUISING

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Westminster Municipal Code is hereby amended by the addition of a new section to read as follows:

**10-1-18: CRUISING:**

- (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE A MOTOR VEHICLE, OR AS OWNER OF A MOTOR VEHICLE TO PERMIT ITS OPERATION, PAST A TRAFFIC CONTROL POINT THREE (3) TIMES IN THE SAME DIRECTION WITHIN ANY THREE-HOUR PERIOD BETWEEN THE HOURS OF 9:00 P.M. AND 4:00 A.M.
- (B) A VIOLATION OF SUBSECTION (A) SHALL CONSTITUTE A NON-CRIMINAL TRAFFIC INFRACTION, PUNISHABLE BY A FINE AS SPECIFIED IN SECTION 10-1-4 OF THIS CODE, SUBJECT TO ANY MANDATORY MINIMUM FINES, WHICH THE MUNICIPAL JUDGE SHALL NOT HAVE DISCRETION TO SUSPEND OR REDUCE. EACH SUCCESSIVE TRIP PAST A TRAFFIC-CONTROL POINT AFTER A VIOLATION HAS OCCURRED SHALL CONSTITUTE A SEPARATE VIOLATION.
- (C) SIGNS INDICATING THAT CRUISING IS PROHIBITED SHALL BE POSTED IMMEDIATELY PRECEDING THE TRAFFIC CONTROL POINT.
- (D) THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO THE OPERATOR OF A POLICE, FIRE, OR RESCUE VEHICLE IN THE CONDUCT OF OFFICIAL DUTIES, THE OPERATOR OF A COMMON CARRIER, OR THE OPERATOR OF ANY MOTOR VEHICLE WHEN SUCH MOTOR VEHICLE IS BEING OPERATED FOR LEGITIMATE BUSINESS PURPOSES.
- (E) DEFINITIONS: THE FOLLOWING TERMS SHALL HAVE THE MEANINGS HEREINAFTER SET FORTH.
1. "OWNER" MEANS ANY PERSON WHO IS THE OWNER OF A MOTOR VEHICLE, OR HAS CUSTODY THEREOF, AND WHO IS RIDING THEREIN AT THE TIME OF ITS OPERATION.
  2. "TRAFFIC-CONTROL POINT" MEANS THE LOCATION OF ANY SIGN INDICATING THAT CRUISING IS PROHIBITED, OR ANY POINT DESIGNATED BY THE CITY, WHICH IS LOCATED BETWEEN ANY SUCH SIGNS.
- (F) MINIMUM FINES: MINIMUM FINES UPON CONVICTION SHALL BE IMPOSED AS LISTED BELOW, AND THE MUNICIPAL COURT JUDGE SHALL NOT HAVE DISCRETION TO SUSPEND OR REDUCE THESE FINES:

1. FIRST OFFENSE- FINE OF NOT LESS THAN ONE HUNDRED TWENTY-FIVE DOLLARS (\$125).
2. SECOND OFFENSE- FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250).
3. THIRD AND SUBSEQUENT OFFENSES- FINE OF NOT LESS THAN THREE HUNDRED FIFTY DOLLARS (\$350).

Section 2. Council hereby finds that the increase in problems associated with cruising is a serious matter that requires immediate action. In light of the fact that traffic congestion, unsafe driving and criminal activity in the impacted areas has increased dramatically and may increase further if action is delayed, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on April 22, 2002, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 3. The Full text of this ordinance shall be published within ten (10) days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 22<sup>nd</sup> day of April, 2002.

\_\_\_\_\_  
Mayor

ATTEST:

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Open Space Acquisition of 2.4 Acres at 104<sup>th</sup> Avenue and Grove Street

**Prepared By:** Lynn Wodell, Open Space Coordinator

**Summary Statement:**

- City Staff has negotiated for the purchase of approximately 2.46 acres from 104<sup>th</sup> Avenue and Grove Street, L.L.C and their partners.
- The property is located at the northwest corner of 104<sup>th</sup> Avenue and Grove Street a few blocks west of Federal Boulevard.
- Acquisition of this site is recommended to preserve this site as an overlook point for scenic preservation of the spectacular views of the city, the foothills and the mountains and to prevent future development that would eliminate the public's enjoyment of those views.

**Expenditure Required:** \$675,000 Over Three Years at 5% Interest (approximately \$27,500)

**Source of Funds:** City Open Space Sales Tax/Land Purchases Account

**Recommended City Council Action:**

Authorize the City Manager to execute the necessary Purchase and Sale Agreement for the property and execute the necessary closing documents required for the acquisition of this parcel and that funds from the City's Open Space Land Purchases Account be used for the purchase.

**Policy Issue(s):**

Should Open Space funds be used for the preservation of this property?

**Alternative(s):**

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

**Background Information**

Although the City had hoped to preserve this site under the open space program as a scenic overlook for many years, the property was sold to a group of doctors on December 7, 2000 for a purchase price of \$652,000. The property was purchased for the site of a medical office building. Recently, the owners decided not to go forward with their plans for the building and were about to place the property with a realtor for sale. Staff contacted the owners to see if they would consider working with the City to preserve the site. They were willing to 1) work with the City before putting the property on the market; 2) sell the property as a bargain sale, which includes a cash gift back to the City; and 3) consider a multi-year payout.

The results of our negotiations are as follows:

1. Purchase price of \$850,000 that will be reduced to \$675,000 by a \$175,000 gift to the City at closing.
2. The \$675,000 paid out in 3 annual payments with \$300,000 paid at closing (2002), \$200,000 one year from closing (2003) and \$175,000 paid two years from closing (2004).
3. Interest of 5% will be paid on the unpaid balance and is estimated at a total of \$27,500.

Staff has received a copy of the Parking Lot Usage Agreement with the Westminster Church of the Nazarene that impacts the property and will insure prior to closing as required by the language of the Purchase and Sale Agreement that the City Attorney's Office is satisfied that the impacts have been eliminated or minimized.

The acquisition of this property is a high priority of the Open Space Advisory Board. It is one of the highest vantage points in the City. The views of the city, foothills and mountain backdrop from this site are spectacular and can be preserved through this acquisition.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 22, 2002

**SUBJECT:** Amended Councillor's Bill No. 11 Village at Harmony Park Official Development Plan  
Park Development Fee Credit

**Prepared By:** Patrick Caldwell, Planner II

**Summary Statement**

- A park development fee credit was granted to the Village at Harmony Park developers when the Official Development Plan was approved by City Council on July 9, 2001 for the development of park facilities on 7± acres of public land dedication. A park development fee credit of \$451,758.00 was approved for 309 single-family detached dwelling units at the 2001 rate of \$1,462 per unit. With the credit the developer will improve the park including grading the site, irrigation, several ball fields, parking, landscaping and other related park items.
- The annexation of the .83 acre Harmony Park enclave and the addition of four lots increases the park development fee credit by \$6,072 based on the 2002 rate of \$1,518 per unit. The new total credit for 313 (309 + 4) lots is \$457,830.00 to be used for the development of the park.
- If the cost to develop the park is less than \$457,830.00 then the developer of the Village at Harmony Park Official Development Plan shall owe the City the difference between the actual park cost of construction and the required park development fee.
- The attached ordinance amends Councillor's Bill No. 47 (Series of 2001) and incorporates the four lots that are being annexed into the credit for park development fees.

**Expenditure Required:** \$0

**Source of Funds:** NA

**Recommended City Council Action**

Pass Councillor's Bill No. 11 on second reading as amended, authorizing Park Development Fee Credits as required under Section 13-4-3 of the Westminster Municipal Code for Village at Harmony Park ODP.

**SUBJECT:** Amended Councillor's Bill No. 11 Village at Harmony Park Official Development  
Plan Park Development Fee Credit Page 2

**Policy Issue(s)**

Whether or not to approve Councillor's Bill 11 as amended on second reading.

**Alternative(s)**

Deny the additional credit of \$6,072 for park development fees. If the credit for park development fees is not approved then the developer will be required to pay the park development fee of \$1,518 per lot (2002 rate) at the time of building permit. However, this would result in \$6,072 less in improvements for the park.

**Background Information**

This item was presented for first reading to City Council at their April 8, 2002 meeting. Concern was raised with the need to adopt a new ordinance for park development fee credits for the four additional lots within the Harmony Park enclave. The attached ordinance revises the previously approved Ordinance 2893 (July 9, 2001) for credit for park development fees and incorporates the four new lots into that ordinance. The City Attorney's Office, Parks Division and the Department of Community Development have reviewed the amended ordinance and are in agreement on its content.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 11

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING **ORDINANCE NO. 2893 CONCERNING PARK DEVELOPMENT FEE CREDIT FOR VILLAGE AT HARMONY PARK ALLOWING EXEMPTIONS FOR CREDIT FOR PARK DEVELOPMENT FEES IN TITLE XIII, CHAPTER 4, SECTIONS 3(A), 3(B), 3(C) AND 3(D).**

THE CITY OF WESTMINSTER ORDAINS:

~~WHEREAS, the City of Westminster desires to provide public recreation facilities for its residents, and;~~

~~WHEREAS, the City of Westminster desires to have additional developed park area adjacent to the existing Amherst Park, and;~~

~~WHEREAS, the developer of the Village at Harmony Park Official Development Plan (ODP) desires to obtain additional credit for constructing a 7.48 acre park adjacent to the existing Amherst Park, and;~~

~~WHEREAS, with the Village at Harmony Park Enclave annexation four (4) additional single family detached residential units will be added to the Village at Harmony Park ODP, and;~~

~~WHEREAS, the City requires a fee for park development to be paid prior to the occupancy of the first unit in any building or structure and as a condition precedent to the issuance of any occupancy certificate.~~

WHEREAS, WMC SECTION 13-4-3 PROVIDES FOR A PARK DEVELOPMENT FEE TO BE PAID TO THE CITY BY DEVELOPERS OF CERTAIN RESIDENTIAL PROJECTS TO FUND THE DEVELOPMENT OF ADDITIONAL PARK IMPROVEMENTS AND RELATED RECREATIONAL FACILITIES TO SERVE THE PROJECTED POPULATION OF THE DEVELOPMENT; AND

WHEREAS,, WMC SECTION 13-4-3 ALSO PROVIDES THAT CITY COUNCIL MAY APPROVE A CREDIT AGAINST SUCH FEES WHEN THE DEVELOPER AGREES TO CONSTRUCT AT ITS EXPENSE CERTAIN PARK IMPROVEMENTS PURSUANT TO PLANS APPROVED BY THE DEPARTMENT OF PARKS, RECREATION AND LIBRARIES AND INCORPORATED INTO THE OFFICIAL DEVELOPMENT PLAN FOR THE DEVELOPMENT; AND

WHEREAS, CITY COUNCIL FINDS IT WILL BE IN THE BEST INTEREST OF THE CITY AND ITS CITIZENS TO AGREE TO HAVE THE DEVELOPER OF THE VILLAGE AT HARMONY PARK PLANNED UNIT DEVELOPMENT CONSTRUCT SUCH PARK IMPROVEMENTS AS PART OF THE CONSTRUCTION OF PHASE I OF THIS PLANNED UNIT DEVELOPMENT THAT WILL RESULT IN AN EXPANSION OF THE EXISTING PUBLIC PARK COMMONLY KNOWN AS AMHERST PARK; AND

WHEREAS, THE CITY COUNCIL BY ORDINANCE NO 2893, HAS PREVIOUSLY APPROVED A CREDIT IN THE AMOUNT OF \$451,758 FOR THIS DEVELOPMENT BASED ON 309 DWELLING UNITS AT THE 2001 RATE OF \$1,462 PER UNIT; AND

WHEREAS, THE DEVELOPER HAS PETITIONED FOR THE ANNEXATION OF AN ADDITIONAL .83 ACRE PARCEL TO THE VILLAGE AT HARMONY PARK PLANNED UNIT DEVELOPMENT AND THE APPROVAL OF A CORRESPONDING AMENDMENT TO THE OFFICIAL DEVELOPMENT PLAN TO ALLOW THE CONSTRUCTION OF AN ADDITIONAL FOUR (4) SINGLE FAMILY DETACHED RESIDENTIAL UNITS; AND

WHEREAS, SUBJECT TO THE OTHER TERMS OF THIS ORDINANCE AND THE PARKS IMPROVEMENTS AGREEMENT TO BE EXECUTED BY THE DEVELOPER FOR THESE IMPROVEMENTS, THE CITY COUNCIL IS WILLING TO GRANT AN ADDITIONAL PARK DEVELOPMENT FEE CREDIT IN THE AMOUNT OF \$6,072 BASED ON 4 UNITS AT THE 2002 RATE OF \$1,518 PER UNIT.



NOW THEREFORE:

Section 1. PURSUANT TO WMC SECTION 13-4-3, the developer of the Village at Harmony Park is required to pay a park development fee and may receive a credit against the fee for park improvement work, done by the developer at the developer's expense simultaneously with the construction of the dwelling units;

Section 2. THE PARK DEVELOPMENT FEE THAT WOULD OTHERWISE BE DUE FOR THIS PROJECT WOULD BE \$457,830 BASED ON 309 UNITS ASSESSED AT THE 2001 RATE OF \$1,462 PER UNIT AND 4 UNITS ASSESSED AT THE 2002 RATE OF \$1,518. The credit for the park development fee shall be ~~locked in at the 2002 rate of \$1,518 per unit. For four (4) dwellings the total fee is \$6,072.00~~ \$457,830, PROVIDED, HOWEVER, THAT UPON FINAL COMPLETION OF THE PARK IMPROVEMENTS, PURSUANT TO THE PARK IMPROVEMENTS AGREEMENT FOR SAID IMPROVEMENTS, A FINAL STATEMENT OF COSTS SHALL BE SUBMITTED TO THE DIRECTOR OF PARKS, RECREATION AND LIBRARIES FOR HIS REVIEW. IN THE EVENT SAID COSTS ARE DETERMINED TO BE EQUAL TO OR IN EXCESS OF THE PARK DEVELOPMENT FEE THAT WOULD OTHERWISE BE DUE FOR THIS PROJECT BASED ON THE ABOVE FORMULA, NO FURTHER PARK DEVELOPMENT FEES SHALL BE DUE FROM THE DEVELOPER. HOWEVER, IN THE EVENT THE FINAL COST OF THE IMPROVEMENTS, AS DETERMINED BY THE DIRECTOR EXERCISING HIS REASONABLE DISCRETION BASED ON THE CRITERIA SET FORTH IN WMC 13-4-3 FOR DETERMINING ELIGIBLE CONSTRUCTION COSTS FOR PURPOSES OF COMPUTING THE CITY'S PARK DEVELOPMENT FEE CREDIT, AND THE COSTS SET FORTH IN SECTION 3 OF THIS ORDINANCE BELOW, IS LESS THAN THE PARK DEVELOPMENT FEE THAT WOULD OTHERWISE BE DUE FOR THIS PROJECT ACCORDING TO THE ABOVE FORMULA, I.E. \$457,830, THE DEVELOPER SHALL BE REQUIRED TO PAY THE CITY THE DIFFERENCE BETWEEN THESE TWO AMOUNTS PRIOR TO THE ISSUANCE OF ANY FURTHER BUILDING PERMITS FOR THE PROJECT.

Section 3. The park development fee credit shall be allowed for land leveling or earthwork incorporated into the park improvements, installation of automatic irrigation systems, finished grading, soil preparation and seeding, plant materials, park equipment, DESIGN FEES AND EXPENSES, and other work as allowed by the Department of Parks, Recreation and Libraries INCLUDING A REASONABLE EXPENSE FOR ADMINISTRATION.

Section 4. NOTWITHSTANDING THE PROVISIONS OF WMC 13-4-3, the credit shall not be categorized by percentages of total costs.

Section 5. NOTWITHSTANDING THE PROVISIONS OF WMC 13-4-3, the credit shall apply to 100% of the costs.

Section 6. To qualify for the park development fee credit, PRIOR TO COMMENCING THE CONSTRUCTION OF THE PARK IMPROVEMENTS CONTEMPLATED HEREIN ~~the final, 100% Parks, Recreation and Libraries approved~~ Construction Documents shall be APPROVED BY THE DIRECTOR OF PARKS, RECREATION AND LIBRARIES AND SHALL BE INCORPORATED INTO ~~substituted for inclusion of the park development plans in~~ the Official Development Plan (ODP) FOR THE PROJECT BY WAY OF AN AMENDMENT WHICH MAY BE APPROVED ADMINISTRATIVELY. NO BUILDING PERMITS SHALL BE ISSUED FOR PHASE 2 OF THE PROJECT UNTIL SUCH PARK IMPROVEMENTS HAVE BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS, THE ODP AND THE PARK IMPROVEMENTS AGREEMENT FOR SAID IMPROVEMENTS.

Section 7. ~~To formalize the credit for park development fees City Council is authorizing signature in substantially the same form as Attachment A.~~ THE CITY MANAGER IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE A PARK IMPROVEMENTS AGREEMENT RELATIVE TO THE CONSTRUCTION OF SAID IMPROVEMENTS, WHICH SHALL INCLUDE SURETY THEREFORE, IN A FORM SATISFACTORY TO THE CITY ATTORNEY'S OFFICE.

Section 8. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 9. This ordinance shall take effect upon its passage after second reading.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April 2002 AS AMENDED..

ATTEST:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, April 22 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, and McNally. Absent Kauffman.

The minutes of the April 8, 2002 meeting were approved.

Mark Ramsey, Close-Up Coordinator and Marcus Groseg of Ranum HS addressed Council on the visit to Washington D.C. for students and thanked Council for their financial support.

The following proclamations were read: week of April 21, 2002 as "Just Say No" week; the month of April as Child Abuse Prevention month; the week of May 5-May 11 as "National Drinking Water Week"; and the week of April 28-May 4 as "Municipal Clerks Week."

Council approved the following: Big Dry Creek Wastewater Treatment Facility Expansion Preliminary Design with Burns and McDonnell Engineering for \$169,717; 2002 Asphalt Pavement Rehabilitation Project Bid with Asphalt Specialties Co. for \$2,162,392; Special Legal Services Contract Addendum to Centric-Jones and Travelers Appeal with Hall & Evans for an amount not to exceed additional \$30,000; Financial Report for March 2002; 2002 Chipseal Project Change Order with A-1 Chipseal Company for \$295,310

Contract for biological monitoring services with Aquatics Associates in the amount of \$42,000; Contract for consulting services with Wright Water Engineers, Inc., in the amount of \$8,000; changed the date of the last regular meeting of City Council in May from May 27<sup>th</sup> to May 20<sup>th</sup>; Intergovernmental Agreement between the City of Westminster and Hyland Hills Park and Recreation District; Open Space Acquisition of 2.4 acres at 104<sup>th</sup> Avenue and Grove Street.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND purpose: appropriating \$50,000 into the Special Studies Project account for Big Dry Creek Watershed

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND purpose: appropriating 2002 CDBG funds

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND purpose: appropriating \$1,451,422 in to the Gravel Lake Storage account

The following Councillor's Bills was adopted as an emergency ordinance:

A BILL FOR AN ORDINANCE CREATING THE MUNICIPAL OFFENSE OF CRUISING purpose: making it illegal to engage in the act of cruising in Westminster

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE VACATING PORTIONS OF UTILITY EASEMENTS WITHIN WEST 81<sup>ST</sup> PLACE & SHERIDAN P.U.D. SUBDIVISION

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUNDS

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2893 CONCERNING PARK DEVELOPMENT FEE CREDIT FOR VILLAGE AT HARMONY PARK as amended

The following Resolution was adopted:  
Resolution No. 25 re Support of Hyland Hills Ballot Measure

At 7:58 P.M. the meeting was adjourned.

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

Published in the Westminster Window on May 2, 2002.