



WESTMINSTER
COLORADO

April 28, 2003
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. Proclamation re Mental Health Month
 - B. Proclamation re National Drinking Water Week
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. England Waterline Construction Bid
 - B. Standley Lake Dam Renovation Construction Management Amendment with CH2M Hill
 - C. Replacement Backhoe
 - D. March Financial Report
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re CLUP, Rezoning, PDP for North Pecos Village PUD & Highlands at Westbury ODP
 - B. Councillor's Bill No. 16 CLUP
 - C. Councillor's Bill No. 17 Rezoning Highlands at Westbury
 - D. 1st Amended Preliminary Development Plan for North Pecos Village PUD
 - E. Highlands at Westbury Subdivision Official Development Plan
 - F. Public Hearing re Second Amended Preliminary Development Plan for Northridge at Park Centre
 - G. Second Amended Preliminary Development Plan for Northridge at Park Centre
 - H. Councillor's Bill No. 18 re Ryan Park Supplemental Appropriation
 - I. Ryan Park Concrete Work Contract with Millan Brothers, Inc.
 - J. Resolution No. 16 re Xcel Energy Non-Exclusive Easement at Standley Lake Dam
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

F. City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;

I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

J. Final comments/rebuttal received from property owner;

K. Final comments from City Staff and Staff recommendation.

L. Public hearing is closed.

M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 28, 2003 AT 7:00 P.M.

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Hicks moved, seconded by McNally to approve the minutes of the meeting of April 14, 2003 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS

Councillor Chris Dittman presented a proclamation to Vicki Rodgers of Jefferson Center for Mental Health and Rick Doucet of Adams Community Mental Health recognizing May as Mental Health Month.

Councillor Dixon presented a proclamation to Steve Ramer, Laboratory Analyst/Program Coordinator re National Drinking Water Week on May 4-10, 2003.

CITIZEN COMMUNICATION:

Rick and Mary Ann Golon, 6110 West 111th Avenue addressed Council regarding the problem of Mr. Smereczynski raising pigeons.

CITY ATTORNEY COMMENTS

City Attorney, Marty McCullough commented on the Municipal Court severe sentence given to the developer of Holly Park, located at 96th & Federal Boulevard.

CITY COUNCIL COMMENTS

Councillor McNally commented on the Arbor Day celebration held at City Park on Saturday; the digital tour of Westminster's history and her task of finding a joke book, which was presented to the Mayor.

Councillor Dittman commented on the Easter Egg Hunt held at City Park and thanked Staff for all their work on this project.

Councillor Kauffman commented on the tour of US 36 held by Congressman Mark Udall and attended by Rep. James Oberstar, Ranking Democratic Member of the House Transportation and Infrastructure Committee, and local officials to promote funding for transportation improvements in the corridor.

Councillor Dixon commented on the bowling fund raiser to be held this Wednesday; the Colorado Visions Art Show reception to be held Thursday from 5-7 PM; the pottery sale to be held this weekend at City Park, and Fire Station No. 5 open house.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: England Waterline Construction Bid with BT Construction in the amount of \$1,476,065 for the construction of the England Waterline and a 15% contingency of \$220,000; Standley Lake Dam Renovation Construction Management Amendment with CH2M Hill for an amount not to exceed \$2,461,343, with Westminster's share not to exceed \$820,448 for an amended total contract amount not to exceed \$6,857,381 to provide construction management and additional services for the Standley Lake Dam Renovation Project; Replacement Backhoe contract with Honnen Equipment for a 2003 John Deere 710G backhoe at the negotiated price of \$128,293.25; and March Financial Report.

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 McNally to adopt the consent agenda items as presented. The motion carried unanimously.

PUBLIC HEARING RE HIGHLANDS AT WESTBURY:

At 7:26 P.M. the public hearing was opened to amend the land use designation for a 27.55-acre site located at the Southeast corner of 112th Avenue and Pecos Street from Office/Residential to Single-family Attached, Public Park/Golf Courses and Public Open Space; rezone the property from R-4 (Multi-family residential) and (PUD) Office/Residential to PUD for 201 Single-family Attached condominiums and townhomes; amend the North Pecos Village PDP to permit Single-family Attached development; and consider the Highlands at Westbury Subdivision ODP for 201 Single-family Attached units. John Quinn, City Planner, and Joe Wilson, Director of Operations for Century Communities, gave a power point presentation and spoke in favor of this application. No one spoke in opposition. The public hearing was declared closed at 8:00 P.M.

COUNCILLOR'S BILL NO. 16 RE CLUP AMENDMENT RE HIGHLANDS AT WESTBURY:

Mayor Pro Tem Atchison moved, seconded by Hicks to pass Councillor's Bill No. 16 on first reading amending the Westminster Comprehensive Land Use Plan to change the land use designation from Office/Residential to Single-family Attached (21.78 acres), Public Park/Golf Courses (3.63 acres) and Public Open Space (2.14 acres). This action is based on the findings set forth in the Westminster Comprehensive Land Use Plan (CLUP) as follows: 1) The proposed amendment is justified and the plan is in need of revision as proposed; 2) The amendment is in conformance with the overall purpose, intent, goals and policies of the Plan; 3) The proposed amendment is compatible with the existing and planned surrounding land uses; and 4) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure system. City Staff will work with the Developer to adjust any discrepancies on the legal description and City Staff and the Developer will determine a wall design to be instituted later based upon recommendations by City Staff, and with concurrence of City Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 17 REZONING RE HIGHLANDS AT WESTBURY:

Mayor Pro Tem Atchison moved, seconded by Hicks to pass Councillor's Bill No.17 on first reading approving the rezoning for the Highlands at Westbury from 7.15 acres R-4 (Multi-Family) and 20.40 acres Planned Unit Development (PUD) Office/Residential to 27.55 acres PUD for 201 Single-Family Attached condominiums and townhomes. This is based upon findings set forth in Section 11-5-3 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

NORTH PECOS VILLAGE PUD PDP AMENDMENT:

Mayor Pro Tem Atchison moved, seconded by Hicks to approve an amendment to the First Amended Preliminary Development Plan for the North Pecos Village Planned Unit Development. This action is based upon findings set forth in Section 11-5-14 of the Westminster Municipal Code. The motion carried unanimously.

HIGHLANDS AT WESTBURY SUBDIVISION ODP:

Mayor Pro Tem Atchison moved, seconded by Hicks to approve the Highlands at Westbury Subdivision Official Development Plan (ODP) within the North Pecos Village Planned Unit Development. This action is based on the findings set forth in Section 11-5-15 of the Westminster Municipal Code and City Staff will work with the Developer to adjust any discrepancies on the legal description and City Staff and the Developer will determine a wall design to be instituted later based upon recommendations by City Staff, and with concurrence of City Council. The motion carried unanimously.

PUBLIC HEARING RE HIGHLANDS AT WESTBURY:

At 8:10 P.M. the public hearing was opened to consider the Second Amended Preliminary Development Plan for Northridge at Park Centre Planned Unit Development, located at the northwest corner of West 121st Avenue and North Pecos Street and encompasses approximately 106 acres.

Michele McLoughlin, City Planner, Marcus Gualter of Northridge Investors and Primus Corporation and David Perez, Pastor of Northpoint Covenant Church, gave a power point presentation and spoke in favor of this application. No one spoke in opposition. The public hearing was declared closed at 8:34 P.M.

SECOND AMENDED PDP WITHIN NORTHRIDGE AT PARK CENTRE PUD:

Councillor Dittman moved, seconded by Atchison to approve the Second Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development. This action is based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met. The motion carried unanimously.

COUNCILLOR'S BILL NO 18 RE RYAN PARK SUPPLEMENTAL APPROPRIATION:

Councillor Kauffman moved, seconded by McNally to pass Councilor's Bill No. 18 on the first reading re a supplemental appropriation in the amount of \$75,000 reflecting the City's receipt of a Jefferson County Joint Venture Grant for ball field rehabilitation at Ryan Park. Upon roll call vote, the motion carried unanimously.

RYAN PARK CONCRETE WORK CONTRACT WITH MILLAN BROTHERS, INC.

Councillor Kauffman moved, seconded by McNally to authorize the City Manager to execute a contract with Millan Brothers, Inc. in the amount of \$107,015 for concrete work at Ryan Park. The motion carried unanimously.

RESOLUTION NO. 16 RE XCEL ENERGY EASEMENT AT STANDLEY LAKE DAM

Councillor Dixon moved, seconded by Atchison to adopt Resolution No. 16 authorizing the City Manager to sign documents granting a non-exclusive easement to Xcel Energy for the construction and maintenance of a 3-phase electric distribution line to serve the Standley Lake dam shaft and valve house. Upon roll call vote the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:37 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 28, 2003

SUBJECT: Proclamation re Mental Health Month

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action

Council proclaim the month of May as Mental Health Month and present a proclamation to Jefferson Center for Mental Health representative Vicki Rodgers, Practice Manager and Adams Community Mental Health Executive Director Rick Doucet.

Summary Statement

- Jefferson Center for Mental Health, and Adams Community Mental Health have requested that the City proclaim the month of May as Mental Health Month in Westminster.
- The City has been very supportive of these mental health organizations through Human Services funding.
- The City has provided the Walker Building at 76th and Irving to Adams Community Mental Health for use as their Westminster Clinic since 1974. Moreover, once the Irving Street Library is completed, Adams Community Mental Health will move its offices to the current 76th Avenue Library building.
- Vicki Rodgers representing Jefferson Center for Mental Health and Rick Doucet, Executive Director representing Adams Community Mental Health will be in attendance Monday evening to accept the proclamation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

There are no policy issues associated with this proclamation.

Alternative

None identified.

Background Information

Adams Community Mental Health Center, Jefferson Center for Mental Health and Foothills Mental Health Foundation have requested that the month of May be recognized as Mental Health month in Westminster in order to increase community awareness that persons with mental illness can be treated and can be productive citizens.

During 2003, the City is providing \$13,500 to Jefferson Center for Mental health and \$28,000 to Adams Community Mental Health as part of the Human Services Agency Funding. The City has also supported Adams Community Mental Health through the use of the City's Walker Building for a nominal cost. In February, 2001, Council directed City Staff to reduce the scope of a remodel project at the Walker Building and to use the balance of the project funds for the remodel of the 76th Avenue Library for the Center's Westminster offices. It is anticipated that the Library building will be available for the Mental Health Center Staff in Spring-early summer, 2004.

Representatives of Adams Community Mental Health and Jefferson Center for Mental Health will be in attendance to accept the Proclamation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Mental health is essential to everyone's overall health and well-being; and one in five American adults and children are affected by a mental illness, and

WHEREAS, Mental health problems do not discriminate. They know no race, creed, age limit or economic status; and

WHEREAS, People with mental illness can recover and lead full, productive lives; and

WHEREAS, An estimated two-thirds of adults and young people with mental health problems are not getting the help they need; and

WHEREAS, The City of Westminster has made a commitment to community based systems of mental health care in which all residents can receive high-quality and consumer-responsive services; and

WHEREAS, The National Mental Health Association, the National Council for Community Behavioral healthcare and their national partners observe Mental Health Month every May to raise awareness and understanding of mental health and illness.

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 month of May, 2003 as

MENTAL HEALTH MONTH

In the City of Westminster and call upon all Westminster citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses.

Signed this 28th day of April, 2003

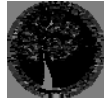
Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: Proclamation re National Drinking Water Week

Prepared by: Steve Ramer, Laboratory Analyst/Program Coordinator

Recommended City Council Action

Proclaim the week of May 4 - May 10, 2003 as “National Drinking Water Week” in the City of Westminster.

Summary Statement

- City Council is requested to proclaim the week of May 4 - May 10, 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

Policy Issue

None identified.

Alternative

None identified.

Background Information

The City program, scheduled for the week of May 4 - May 10, 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 8 - May 10. 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 4 -10, 2003 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 28th day of April 2003.

Mayor Ed Moss



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: Award for Construction of the England Waterline

Prepared By: Diane M. Phillips, Capital Improvement Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with BT Construction in the amount of \$1,476,065 for the construction of the England Waterline and authorize a 15% contingency of \$220,000.

Summary Statement

- The raw waterline, located in the Burlington Northern Railroad right-of-way, that served the England Water Plant is no longer used since that plant is no longer in service.
- Replacing two miles of the old England raw waterline with a new transmission line will provide needed transmission of treated water to the south part of the City.
- Integra Engineering has completed the design of this line and adequate funds have been budgeted for this project.
- Formal bids were opened on April 2, 2003 from four pre-qualified contractors who have experience working in railroad right-of-way.
- The lowest bid was received from BT Construction and staff recommends that the City contract with them for the construction of this waterline.

Expenditure Required: \$1,696,065

Source of Funds: Utility Fund Capital Improvements Budget

Policy Issue

Should the City award a contract to BT Construction to build the England Waterline?

Alternative

The City could delay the construction of the line, but high water demand and fire flow supply could be compromised. Delaying construction will most likely result in higher costs.

Background Information

The old England raw waterline is no longer needed now that raw water is not delivered any longer to the retired England Water Treatment Plant. The alignment of this raw line is the most prudent alignment for a treated transmission line to the south part of the City. The raw line will be replaced with a new 30-inch and 24-inch treated water line of approximately two miles in length that will provide transmission supply to the south part of the City where high demand and fire flow water supply are needed.

The budget for this project is \$2 million. The engineer's estimate for the construction of the line is \$2,276,570.

Five construction firms, who have experience working in railroad right-of-way, were pre-qualified to bid on this job with one firm declining. The bids are listed below:

BT Construction	\$1,476,065.00
Garney	\$1,490,920.50
Tierdael	\$1,612,852.50
KR Swerdfeger	\$1,727,490.00

BT Construction provided the lowest bid and has completed several successful projects for the City. Staff is confident in their ability to complete this project in a successful manner.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: CH2M Hill Construction Management Contract Amendment for Standley Lake Dam Renovation

Prepared By: Dan Strietelmeier, Senior Water Resources Engineer

Recommended City Council Action

Authorize the City Manager to execute a contract amendment with CH2M Hill for an additional amount not to exceed \$2,461,343, with Westminster's share not to exceed \$820,448 for an amended total contract amount not to exceed \$6,857,381 to provide construction management and additional services for the Standley Lake Dam Renovation Project.

Summary Statement

- Westminster City Council approved a contract with CH2M Hill for design and construction management services for the Standley Lake Dam Renovation project on May 24, 1999. The contract, also executed by Northglenn, Thornton and the Farmers Reservoir and Irrigation Company, was for an amount not to exceed \$4,396,038 with each City's share at \$1,465,346.
- During the design period (1999-2002), additional phases were added to the project, which increased CH2M Hill's task and costs, and delayed the start of construction. These additional phases were included in the original construction contract awarded by the three cities.
- Also contributing to the delay was the time needed for the three cities to negotiate the Construction Management Intergovernmental Agreement (IGA) approved by Westminster City Council on February 11, 2002. The IGA commits the cities to funding and completing the project and also establishes the project management policy.
- Many of the scope changes resulted in a reduction of overall construction costs. All of these scope changes were made prior to the award of the construction contract on this project.
- CH2M Hill's revised construction management scope covers a 30-month construction phase. The proposed schedule has been independently reviewed and approved by the Owner's Representative.
- Funding for the contract amendment is available from previously appropriated engineering funds placed in the Standley Lake Renovation Project account.
- The additional expenditure amount will be the amended contract price not to exceed \$6,857,381 less the previous contract of \$4,396,038 for a total of \$2,461,343, with each City's share not to exceed \$820,448.
- If the construction time frame takes less than the projected 30 month period, CH2M Hill's construction management costs will be reduced proportionally.

Expenditure Required: Not to exceed \$820,448

Source of Funds: Utility Fund Capital Improvement Fund Standley Lake Renovation Project Account

Policy Issue

Should the City approve a contract amendment with CH2M Hill to continue construction management and provide additional services for the Standley Lake Dam Renovation project?

Alternative

The City could choose to continue negotiations with CH2M Hill on the contract amendment, or open up the remaining construction management services to other firms. This would likely delay the project and compromise the dam renovation and it would require concurrence from the other two cities.

Background Information

The 1999 proposal from the team of consultants led by CH2M Hill contemplated construction management services for a 14-month construction period. The construction period was estimated prior to the design phase of the project, not knowing specifically what was going to be constructed. The CH2M Hill proposal was the only one received by the three cities through the request for proposal process.

The Standley Lake Renovation project goal was to improve the safety of the Dam, and if improvements to the functionality and operations could be done economically, then they would be pursued. The additional project phases or changes to the scope of work that were included in the construction project bid were:

Underwater contour survey in the area of the proposed lake taps to provide better information to the designers and bidders.

Reconfiguration of the outlet works layout from its preliminary design layout to reduce the number of outlets from three to two, and to use a single large outlet conduit rather than two parallel, smaller conduits resulting in reduced construction costs.

Installing additional test wells in the outlet shaft area suggested by the independent Board of Review.

Design of a mechanically stabilized earth wall in the stabilization berm toe to avoid the need to relocate the existing Westminster raw water pump station.

Revising the spillway design to use roller-compacted concrete drops rather than a uniform slope earth channel to reduce spillway costs.

Revising the spillway alignment at the request of the Board of Review.

Designing the wetlands that will be constructed to mitigate wetland impacts on site.

In addition, a substantial level of effort was needed during the construction bidding period due to the number of plan holders (102) and for responding to letters of protest from second and third-low bidders. A more detailed bidder evaluation was performed as a result of the protests.

The outlet works/valve house replacement using tunnels, as recommended by the Board of Review, added a great deal of complexity to the project, extending the estimated construction period to approximately 30 months. The contractor, ASI/R.E. Monks, however, is attempting to compress this time period into a 22-month project which, to date, has escalated CH2M Hill's construction management time on the project, due to the multiple tasks being performed simultaneously. The on-going tunneling work requires intensive construction observation by the CH2M Hill team's tunneling experts. The schedule is about 20 months behind the schedule contemplated in the original design contract due to the design changes but now has a workable completion date anticipated for the summer of 2004.

CH2M Hill has estimated the additional time and cost needed to provide construction management for the remainder of the project. The project management committee determined that since the contract amendment amount for CH2M Hill's continued construction management services would be based on the contractor's construction schedule it would be beneficial to postpone negotiations until the project was well underway so an accurate level of effort for future construction management requirements could be provided. CH2M Hill's total cost for construction management services is \$3,478,456 or approximately 11% of the construction cost. Construction of the Standley Lake Renovation project began in August 2002. Most of the amount in the contract amendment is to cover continued construction management services.

Currently, the project is approximately 25% complete with a majority of the spillway excavation and berm placement completed. Tunnel work and work on the shaft continues, with the micro-tunneling under the Lake scheduled to begin this month. Since the beginning of construction, the project has been progressing very well, staying on schedule with minimal change orders impacting the budget. To date, construction change orders have resulted in additions of \$100,286, deductions of \$75,180 for a net total of \$25,106. The construction contract without contingencies is for \$30.7 Million, with each city paying one-third. The total value of the work completed to date is \$7.6 Million.

The complexity and size of the project requires critical construction observation and management of the numerous activities and workers involved. The CH2M Hill team, which includes Tetra Tech/Rocky Mountain Consultants and GEI, has done an excellent job in managing the construction to date.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 28, 2003

SUBJECT: Replacement Backhoe

Prepared By: Richard Clark, Utilities Operations Manager
Carl F. Pickett, Purchasing Specialist

Recommended City Council Action

Authorize the City Manager to execute a contract with Honnen Equipment for the purchase of a 2003 John Deere 710G backhoe at the negotiated price of \$128,293.25

Summary Statement

- City Council action is requested to award the purchase of a John Deere 710G backhoe based on the Moffat County bid for backhoes.
- The City will save money using this bid over the price agreement Multiple Assembly of Purchasing Officials (MAPO) has in place with John Deere Equipment.
- The piece of equipment being recommended for purchase has been previously approved for purchase by City Council in the 2003-2004 budget.

Expenditure Required: \$ 128,293.25

Source of Funds: Water Fund, Utilities Department budget.

Policy Issue

Should the City Council accept and approve this purchase of the bid by Moffat County for backhoes.

Alternatives

- Reject Moffat County bid and use the MAPO price agreement instead. Staff does not recommend this since the price would be higher.
- Instruct staff to go out for bids for the backhoe instead of using Moffat County's.
- Do not purchase this piece of equipment for the 2003 budget year

Background Information

As part of the 2002 budget, City Council approved the purchase of a replacement backhoe for Utilities. The backhoe to be replaced is Unit #9766. It has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding the maintenance of the unit is as follows:

UNIT #	YEAR	MAKE	MODEL	HOURS	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
9766	1993	John Deere	710 D	5,951	\$74,433.76

This equipment is used in water line repair and general excavation. The John Deere 710 G is the current version of the same machine the City currently operates. It is larger than all other backhoes in the market (8,000 pounds heavier) and has greater "break out" force for digging and a greater lifting capability. It also has a 6-cylinder diesel engine while the competing machines are all 4-cylinder. The Cities of Thornton, Northglenn and Westminster all conducted demonstrations of the available competing machines in the spring of 2003. The Deere 710 G was clearly a larger and more powerful machine than any other demonstrated.

MAPO has a price agreement in place with John Deere for 19% off list on this type of equipment. That would have given the City a purchase price of \$156,599. However, Moffat County has an awarded bid for the John Deere 710G that Honnen Equipment will let the City buy from. That competitive, formal bid gives the City a purchase price of \$128,293.25, which includes a 60 month, 4,000 hour extended warranty. This bid meets all requirements set by the City. The cost of the backhoe is within the amount appropriated in the budget by City Council for this expense (\$130,000)..

The present condition and maintenance history of this piece of equipment would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: Financial Report for March 2003

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for March as presented.

Summary Statement

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

- Across the top 25 shopping centers, total sales & use tax receipts are down 7% over the three-month period from last year (Sales and Use Taxes). Sales Tax receipts (only) are down 7% compared to the three-month period last year. This includes part of the additional revenue from Vendor Fees for three months.
- The Westminster Mall is down 14% for the month of March compared to last year and down 11% year-to-date compared to three months last year. The Mall is continuing to show performance below that of last year's (see below).
- Prior month figures (for February) were as follows:
 - Shopping center receipts were down 7% for two months year-to-date and Sales Tax receipts (only) were down 7%.
 - The Westminster Mall was down 9% for the month of February compared to February 2002 and down 10% for two months year-to-date.

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

- At the end of March, three months of 12 months of the year have passed. This is 25% of the year.
- The Sales and Use Tax Fund revenues are currently \$511,047 under pro-rated budget for the year. The March figures reflect the sales in February, tax receipts received in March. Sales tax returns are down for March 2003 compared to March 2002 by 5% for the month and 2.7% year-to-date, or \$285,423 below March year-to-date 2002. This includes Vendor Fee income of \$181,215.
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns and Audits) the fund is 2.3% below last year on a year-to-date basis. If this trend continues, the fund will be under budget by approximately \$1.5 to \$2.0 million. Staff will be discussing a series of actions with City Council at the April 28th post meeting that are recommended to address this shortfall.
- The General Fund revenue is currently 102% of pro-rated budget for three months, the same as in last month's report.

Policy Issues

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.

Alternatives

Conduct a quarterly review. This is not recommended, as the City's pro-rated 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%.

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, and General Services.

At the end of March, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues over pro-rated budget (102% of budget) by \$303,439. This reflects the full budgeted transfer of funds from the Sales and Use Tax fund to the General Fund, which staff is currently projecting will need to be reduced by \$1.5 - \$2.0 million before year end, as a result of the continued economic downturn.
- Expenditures under pro-rated budget (77% of pro-rated budget) by \$3.96 million. This is due to several factors: expenditures do not flow evenly during the year, 38 positions are still frozen and the salary savings are included in these numbers and lastly, the unspent contingency funds and reserves are reflected in Central Charges.

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

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, 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 & Use Tax Fund revenues are under pro-rated budget (96.1% of pro-rated budget) by \$511,047.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are under pro-rated budget (95% of pro-rated budget) by \$56,417, due primarily to a shortfall in sales and use tax collections tied to a recessionary economy.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget (80% of pro-rated budget) by \$233,140, due primarily to uneven expenditures for land acquisitions, which do not flow evenly each month.

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

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

- Combined Water & Wastewater revenues are over pro-rated budget (107% of budget) by \$479,822:
 - Water revenues over pro-rated budget (110% of pro-rated budget) by \$405,391, due primarily to a tap fee income of \$1.7 million. This offsets a negative variance in interest income due to GASB31 reporting. The interest income is negative due to year-end adjustments from 2002 that carry over into 2003.
 - Wastewater revenues over pro-rated budget (103% of pro-rated budget) by \$74,431, due mostly to rates and fees, which show a positive variance for the three months of the year.
 - Storm Water Drainage revenues over pro-rated budget (101% of pro-rated budget) by \$1,684.
- Combined Water & Wastewater expenses are under pro-rated budget (68% of budget) by \$2.0 million due primarily to under-spending in capital at this time of year:
 - Water expenses under pro-rated budget (70% of pro-rated budget) by \$1.3 million.
 - Wastewater expenses under pro-rated budget (61% of pro-rated budget) by \$760,065.
 - Storm Water Drainage expenses under pro-rated budget (68% of pro-rated budget) by \$18,815.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses. Starting last month, the report for the Golf Courses showed an adjustment for the impact of the 1997 Sales Tax Bonds. The 1997 Sales Tax Bonds are not a legal obligation of the Legacy Golf Course. The statement shows Legacy Golf Course without the debt service (shown in Operating Income) and with debt service (showing Net Income). By showing the debt service separately, this will indicate the operating performance of the golf courses as a whole. This is highlighted in the footnotes:

- Combined Enterprise operating income without the impact of debt service for Legacy is a deficit of \$246,493.
- Combined Enterprise net income with the impact of debt service for Legacy is a deficit of \$328,763.
- Legacy – Revenues are over pro-rated budget (144% of pro-rated budget) by \$40,366.
- Legacy – Expenses are under pro-rated budget (62% of pro-rated expenses) by \$133,028.
- Heritage – Revenues are under pro-rated budget (84% of pro-rated budget) by \$18,136.
- Heritage – Expenses are over pro-rated budget (104% of pro-rated budget) by \$10,864.

Staff will attend the April 28th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: Public Hearing and Action on a Comprehensive Land Use Plan Amendment, Rezoning, 1st Amended PDP for North Pecos Village PUD and ODP for Highlands at Westbury

Prepared By: John Quinn, Planner II

Recommended City Council Action

1. Hold a public hearing.
2. Pass Councillor’s Bill No. 16 on first reading amending the Westminster Comprehensive Land Use Plan to change the land use designation from Office/Residential to Single-family Attached (21.78 acres), Public Park/Golf Courses (3.63 acres) and Public Open Space (2.14 acres). This action is based on the findings set forth in the Westminster Comprehensive land Use Plan (CLUP) as follows:
 - a) The proposed amendment is justified and the plan is in need of revision as proposed; and
 - b) The amendment is in conformance with the overall purpose, intent, goals and policies of the Plan; and
 - c) The proposed amendment is compatible with the existing and planned surrounding land uses; and
 - d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure system.
3. Pass Councillor’s Bill No.17 on first reading approving the rezoning for the Highlands at Westbury from 7.15 acres R-4 (Multi-Family) and 20.40 acres Planned Unit Development (PUD) Office/Residential to 27.55 acres PUD for 201 Single-Family Attached condominiums and townhomes. This is based upon findings set forth in Section 11-5-3 of the Westminster Municipal Code.
4. Approve an amendment to the First Amended Preliminary Development Plan for the North Pecos Village Planned Unit Development. This action is based upon findings set forth in Section 11-5-14 of the Westminster Municipal Code.
5. Approve the Highlands at Westbury Subdivision Official Development Plan (ODP) within the North Pecos Village Planned Unit Development. This action is based on the findings set forth in Section 11-5-15 of the Westminster Municipal Code.

Summary Statement

City Council is requested to hold a public hearing regarding the application of Century Communities LLC to:

- Amend the land use designation for a 27.55-acre site located at the Southeast corner of 112th Avenue and Pecos Street from Office/Residential to Single-family Attached, Public Park/Golf Courses and Public Open Space.
- Rezone the property from R-4 (Multi-family residential) and (PUD) Office/Residential to PUD for 201 Single-family Attached condominiums and townhomes.
- Amend the North Pecos Village PDP to permit Single-family Attached development.
- Approve the Highlands at Westbury Subdivision ODP for 201 Single-family Attached units.

Expenditure Required: \$ 0
Source of Funds: N/A

Planning Commission Recommendation

At their regularly scheduled meeting on April 8, 2003, Planning Commission held a public hearing and voted unanimously (6-0) to recommend the following:

- Approve the Comprehensive Land Use Plan amendment changing the property from Office/Residential to Single-Family Attached, Public Park/Golf Courses and Public Open Space.
- Rezone the property from R-4 (Multi-Family Residential) and (PUD) Office/Residential to PUD for 201 Single-Family Attached condominiums and townhomes.
- Amend the North Pecos Village PDP to permit a Single-Family Attached development.
- Approve the Highlands at Westbury Subdivision ODP for 201 Single-Family Attached units.

Policy Issues

1. Should the City approve the Comprehensive Land Use Plan amendment for the Highlands at Westbury Subdivision changing the designation from Office/Residential to Single-Family Attached, Public Park/Golf Courses and Public Open Space? (See Exhibit 2)
2. Should the City approve the rezoning of the Highlands at Westbury Subdivision from R-4 (Multi-family residential) and PUD-Office/Residential to PUD-Single-Family attached for 201 condominiums and townhouses? (See Exhibit 3)
3. Should the City approve the First Amended PDP for the North Pecos Village Planned Unit Development?
4. Should the City approve the variances described in the Background Section of this memorandum?

Alternatives

1. Deny the amendment to the Comprehensive Land Use Plan based on the following:
 - a) The proposed amendment is not justified; and
 - b) The proposed amendment is not consistent with the overall purpose, intent, goals and policies of the Comprehensive Land Use Plan; and
 - c) The proposed amendment is incompatible with the existing and proposed surrounding land uses.
2. Deny the rezoning based upon a determination that the findings set forth in Section 11-5-3 of the Westminster Municipal Code have not been met.
3. Deny the First Amended PDP for the North Pecos Village Planned Unit Development based upon a determination that the findings set forth in Section 11-5-14 have not been met.
4. Deny the ODP for the Highlands at Westbury within the North Pecos Village PUD based upon a determination that the findings set forth in Section 11-5-15 have not been met.
5. Deny the proposed 11-foot encroachment of the building corners on two structures into the 50-foot building setback. This would require the applicant to revise the site plan and possibly lose units.
6. Deny a 9-foot right-of-way landscaped area in back of the sidewalk along Pecos Street rather than the standard street cross-section requirement of 12½ feet. This would require the applicant to revise the site plan and possibly lose units.
7. Deny the increased swimming pool size as a substitution for the elimination of the increased building setback initially proposed along Pecos Street. This would require the plan to be revised to increase points in another manner.

Background Information

The applicant, Century Communities, was a 2002 Category B-2 winner in the New Residential Competition for single-family attached developments. The proposal submitted committed to a point total of 4950 points out of a possible 7325 points. During the design of the project the applicant has requested changing some of the commitments to other items. Overall, the point total is unchanged. These changes in points will be addressed in the site plan information section of this memorandum. (See Exhibit 4)

This project proposes a combination of 22 triplex (3-unit) condominium buildings and 27 attached single-family townhome buildings, (containing 135 units) totaling 201 units that have a net density of 9.27 dwelling units per acre and a gross density of 7.5 dwelling units per acre. The Single-Family Attached category allows up to ten dwelling units per acre in accordance with the Westminster Comprehensive Land Use Plan. The applicant has dedicated 2.88 acres of additional right-of-way on 112th Avenue and Pecos Streets, and 3.63 acres of land for the enlargement of the adjacent city park. In addition, the developer dedicated 2.14 acres of land for open space; this exceeds the City's minimum public land dedication requirement.

The difference in acreage between the 26.77 acres stated in the "Site Data" table on Sheet 1 of the Preliminary Development Plan and the 27.55 acres contained in the legal description in the Ordinances is the inclusion of the existing 113th Avenue right-of-way. As part of the Official Development Plan approval the existing 113th Avenue right-of-way will be vacated and the new 113th Avenue will be platted.

Applicant/Property Owner: Century Communities, 4949 S. Syracuse Street, Suite 320, Denver, Colorado 80237 Contact: Joe Wilson

Surrounding Land Use and Comprehensive Land Use Plan Designations: The subject property is adjacent to City-owned open space on the north. The eastern property line abuts both the City of Westminster t-ball complex and single-family attached units known as "Apple Valley North." The southern border of the property is 112th Avenue and is the boundary between the City of Westminster and the City of Northglenn. The western boundary of the site is Pecos Street and "The "Ranch" single-family development.

Site Plan Information: The proposed project has an area of approximately 21.8 acres, and contains 201 units distributed in 22 triplex and 27 townhouse buildings. The development proposes a number of private recreational amenities; a 1,200 square foot swimming pool, 1,000 square foot clubhouse, hot tub, a spray water feature, sand volleyball court, tennis court, half court basketball court, and tot lot with swings and play structure. An open grass play area is adjacent to the pool and volleyball court area. The public land dedication of 17% of the gross site has been met through the dedication of 3.63 acres of land for expansion of the Westminster t-ball complex which is located to the east of the site. An additional 2.14 acres is being dedicated for open space purposes. The developers received points for increased land dedication for open space in the Growth Management Service Commitment Competition.

An eight-foot stone veneer wall on top of a four-foot berm will be installed along the 112th Avenue frontage. A six-foot vinyl fence on top of a four-foot berm, with masonry columns 30-feet on-center, will be installed on the Pecos Street frontage. The design of the living units places front doors facing the street on all of the townhome units facing the local streets. This eliminates the "blank wall" appearance on the street frontage and creates an interesting streetscape. The townhome architecture features a variety of roof planes and shapes that adds to the character of the buildings. The buildings have four-sided architecture and will have 50% stone mixed with siding or shingles on the building elevations to provide interest to the buildings. Bay windows and porches are an integral part of the building design.

The landscape plan submitted contains a majority of plants that are drought tolerant and all of the trees and shrubs will be drip irrigated. This is of benefit to the City's water conservation program and the long term watering costs to the homeowner's association (HOA) that will be maintaining the project in the future.

Listed below are the proposed competition criteria substitutions and changes in the point totals.

1. The developer was required to provide 3.63 acres of the site as public land dedication. The developer also dedicated an additional 2.14 acres for public open space use only. The total public land dedication provided by this development is 5.77 acres or 24.52%. This added land dedication increased the points by 350 in the overall competition score.
2. The exterior masonry requirement has been reduced from 75% to 50% on the individual buildings. This reduces the total competition score by 250 points.
3. One volleyball court has been eliminated from the proposed plan. This reduces the total competition score by 50 points.
4. The water feature at the Pecos Street and 113th Avenue entry has been eliminated from the plan. This reduces the total competition score by 100 points.
5. The Single-Family Design Guidelines require that a minimum of 40% of the site be landscaped. The developers provided an additional 7.96% of landscaped area within the development. This earned the developer an additional 50 points.
6. The nine feet of additional building setback from the right-of-way along Pecos Street has been eliminated. This reduces the total competition score by 250 points.
7. The proposed increase of the swimming pool size by 50% above the minimum size required adds to the functional use of the facility. This added area increases the points by 250 in the overall competition score.

The total competition point change for all of the changes listed above is 0 points and leaves the overall score in the B-2 Competition unchanged. (See Exhibit 2)

The following variances have been requested from the City's established Design Guidelines. Staff is in support of these changes.

1. Reduce the required setback from a collector street from 40 feet to 39 feet. Along Navajo Street the required building setback is 40 feet from the property line. Several of the buildings on this street frontage have a 39-foot front setback. Part of this setback encroachment is due to City Staff's request to have a front door facing each of the street frontages in the townhome units.
2. Allow minor variations (up to 5.5 feet) in the required 30-foot building separations. The triplex units on the north boundary of the property do not meet the 30-foot building separation criteria in all situations. In many cases the building separation will be met on the front but not on the rear of the buildings. Staff believes that canting the buildings slightly will have a positive appearance from the street, in that more of the building architecture will be shown and this in turn will create a more interesting streetscape.
3. Reduce the required setback along 112th Avenue from 50 feet to 39 feet for two buildings as shown on the Official Development Plan. During the technical review of the project, Staff determined that a right-turn lane was needed from 112th Avenue to northbound Pecos Street. This required additional right-of-way to be dedicated that in turn required the setback line to be moved 11.5 feet. This placed the corner of two buildings up to 11 feet into the new setback area required for 112th Avenue.
4. Reduce the required right-of-way amenity zone from 39.5 feet to 29 feet along Pecos Street. During the technical review of the project Staff determined that a dual-purpose center turn lane would be needed on Pecos Street. This required an additional ten feet of right-of-way to be added to the street cross-section. The detention ponds at the 113th Avenue entry had already been designed and the location of the perimeter wall established. The additional required right-of-way moved the curb and sidewalk to the east ten feet, leaving nine feet between the back of sidewalk and the established perimeter fence locations adjacent to the detention ponds (12 feet 6 inches is the City's standard).

In other areas the fence is setback from 12 feet to as much as 30 feet from the back of the sidewalk. The 3.5 feet of reduced right-of-way will be less apparent due to the varying fence setbacks along the street.

5. Allow the applicant to eliminate the requirement for an increased setback area along Pecos Street. The increased right-of-way required on Pecos Street caused the added setback of the buildings adjacent to the street to be eliminated. This caused a reduction of 250 points in the B-2 Competition score. Staff is suggesting the developer increase the size of the swimming pool from 800 square feet to 1,200 square feet in size as a substitute for the 250 points. Providing an 800 square foot swimming pool in a small (100 home) project is worth 500 competition points. Therefore, providing an additional 400 square feet of pool area would be worth 250 competition points, which off sets the 250 points lost due to the reduced setbacks.

Traffic and Transportation

The proposed development will consist of two new public loop streets through the site, and the extension of 113th Avenue from Navajo Street to Pecos Street. In addition, improvement to both Pecos Street from 112th Avenue to the north property line, and on 112th Avenue from Navajo Street to Pecos Street is required. The detailed improvements to both Pecos Street and 112th Avenue are shown in the Official Development Plans.

Service Commitment Category

A total of 149.1 Service Commitments were awarded to the project in 2002, as part of the Category B-2 Competition and Service Commitment Awards. The developer has reduced the number of units in the proposed project to 201 from 213 originally proposed. The reduction in the number of units has resulted in a reduction in the number of Service Commitments required to serve this development to 140.1.

Referral Agency Responses

The only outside agencies that responded to referrals submitted for their comment were XCEL Energy and Qwest asking for the customary easements to underground the service lines serving the individual living units.

Public Comments

Century Communities, the developer of the Highlands at Westbury, hosted a public meeting on January 22, 2003, at Front Range Community College. Overall the project was positively received. Residents in the area had questions and concerns about the proposed project and the proposed improvements to adjacent streets.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

1. Vicinity Map
2. Table of Changes
3. Ordinance re: CLUP Amendment
4. Exhibit A: CLUP Amendment Map
5. Ordinance re: Zoning
6. Ordinance re: Rezoning
7. 1st Amended PDP for North Pecos Village
8. ODP for Highlands at Westbury

BY AUTHORITY

ORDINANCE NO. **3019**

COUNCILLOR'S BILL NO. **16**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Atchison-Hicks

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, an amendment to the Plan is necessary to provide a land use designation for the rezoned 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 Highlands at Westbury property, legally described below. The Highlands at Westbury property shall be changed from Office/Residential PUD to Single-Family Attached (21.78 acres), Public Park/Golf Courses (3.63 acres) and Public Open Space (2.14 acres), the areas of each as shown on Exhibit A.

Property Description

A parcel of land, lying in the southeast quarter of Section 4, Township 2 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado, being all of blocks one (1) and three (3), North Glen Manor - amended filing as recorded in File 12 Map 289, except those portions conveyed to the City of Westminster as recorded in Book 4789 at Page 245. Also being all of the property being known as the Fogg's Investment, Parcels A and B as recorded in Book 2631, Page 563 and Book 2591, Page 354 respectfully, said recorded information being located at the Clerk and Recorder's office in Brighton, Adams County, Colorado. Said parcels of land being located in the City of Westminster, County of Adams, State of Colorado and being more particularly described as follows:

Commencing at the south quarter corner of said Section 4; thence north 00°19'06" west along the west line of the southeast quarter of said Section 4 a distance of 40.22 feet; thence leaving said west line, north 89°22'02" east a distance of 40.00 feet to a point on the easterly right-of-way line of north Pecos Street, said point being the southwest corner of said Block 1, North Glen Manor – amended filing, said point being also the point of beginning;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 610.08 feet to the northwesterly corner of said Block 1; thence leaving said Block 1 along said easterly right-of-way line, north 00°19'06" west a distance of 80.00 feet to a point being the southwest corner of said Block 3, North Glen Manor-amended filing;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 336.44 feet to a point being the southwest corner of said, the Fogg's Investment – Parcel A; Thence along said easterly right-of-way line north 00°19'06" west a distance of 414.39 feet;

Thence leaving said easterly right-of-way line north 89°40'54" east a distance of 10.00 feet along the northerly line of said, the Fogg's Investment – Parcel A to the northwesterly corner of said, the Fogg's Investment – Parcel B; Thence along the northerly line of said, the Fogg's Investment – Parcel B north 64°47'15" east a distance of 147.30 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 76°47'03" east a distance of 275.00 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 82°22'13" east a distance of 286.85 feet to a point on the northerly line of said, the Fogg's Investment – Parcel A; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel A south 74°35'09" east a distance of 60.00 feet; Thence continuing along the easterly line of said, the Fogg's Investment – Parcel A south 00°37'56" east a distance of 305.00 feet to a point on the northerly line of said Block 3, North Glen Manor – amended filing; Thence continuing along the northerly line of said Block 3 north 89°22'04" east a distance 467.58 feet; Thence continuing along the easterly line of said Block 3 south 00°27'19" east a distance 316.51 feet to a point on the northerly line of West 113th Avenue right-of-way; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 85°06'19" west a distance of 470.97 feet; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 89°22'04" west a distance of 65.41 feet; Thence south 00°41'28" west a distance of 50.00 feet to a point on said Block 1 also being the southerly right-of-way of said west 113th Avenue to a point of non-tangent curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°18'49" and an arc length of 23.64 feet, the chord of which bears south 45°28'31" east a distance of 21.27 feet to a point on the westerly right-of-way of Navajo Street; Thence continuing along said westerly right-of-way line, south 00°19'06" east a distance of 594.99 feet to a point of curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°41'08" and an arc length of 23.48 feet, the chord of which bears south 44°31'28" west a distance of 21.15 feet to a point of tangency on the northerly right-of-way line of West 112th Avenue; Thence along said northerly right-of-way line, south 89°22'02" west a distance of 682.08 feet to the point of beginning. Said parcel of land containing 1,200,321 square feet or 27.55 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 28th day of April, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO. **3020**

COUNCILOR'S BILL NO. **17**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Atchison-Hicks

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE REZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SOUTHEAST QUARTER SECTION OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 68 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 rezoning of the Highlands at Westbury property described below from City of Westminster R-4 (Multi-family residential) and Planned Unit Development (PUD) Office/Residential to 201 Single-family attached condominiums and townhomes PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-3.

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 11-5-3.

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 (See Exhibit A) by reclassification of the Highlands at Westbury property described herein from R-4 (Multi-family residential) and Planned Unit Development (PUD) Office/Residential to PUD for 201 Single-family attached condominiums and townhomes. A parcel of land located Southeast Quarter Section of Section 4, Township 2 South, Range 68 West, 6th P.M., in County of Adams, State of Colorado, more particularly described as follows:

Property Description

A parcel of land, lying in the southeast quarter of Section 4, Township 2 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado, being all of blocks one (1) and three (3), North Glen Manor - amended filing as recorded in File 12 Map 289, except those portions conveyed to the City of Westminster as recorded in Book 4789 at Page 245. Also being all of the property being known as the Fogg's Investment, Parcels A and B as recorded in Book 2631, Page 563 and Book 2591, Page 354 respectfully, said recorded information being located at the Clerk and Recorder's office in Brighton, Adams County, Colorado. Said parcels of land being located in the City of Westminster, County of Adams, State of Colorado and being more particularly described as follows:

Commencing at the south quarter corner of said Section 4; thence north 00°19'06" west along the west line of the southeast quarter of said Section 4 a distance of 40.22 feet; thence leaving said west line, north 89°22'02" east a distance of 40.00 feet to a point on the easterly right-of-way line of north Pecos Street, said point being the southwest corner of said Block 1, North Glen Manor – amended filing, said point being also the point of beginning;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 610.08 feet to the northwesterly corner of said Block 1; thence leaving said Block 1 along said easterly right-of-way line, north 00°19'06" west a distance of 80.00 feet to a point being the southwest corner of said Block 3, North Glen Manor-amended filing; Thence along said easterly right-of-way line north 00°19'06" west a distance of 336.44 feet to a point being the southwest corner of said, the Fogg's Investment – Parcel A; Thence along said easterly right-of-way line north 00°19'06" west a distance of 414.39 feet; Thence leaving said easterly right-of-way line north 89°40'54" east a distance of 10.00 feet along the northerly line of said, the Fogg's Investment – Parcel A to the northwesterly corner of said, the Fogg's Investment – Parcel B; Thence along the northerly line of said, the Fogg's Investment – Parcel B north 64°47'15" east a distance of 147.30 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 76°47'03" east a distance of 275.00 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 82°22'13" east a distance of 286.85 feet to a point on the northerly line of said, the Fogg's Investment – Parcel A; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel A south 74°35'09" east a distance of 60.00 feet; Thence continuing along the easterly line of said, the Fogg's Investment – Parcel A south 00°37'56" east a distance of 305.00 feet to a point on the northerly line of said Block 3, North Glen Manor – amended filing; Thence continuing along the northerly line of said Block 3 north 89°22'04" east a distance 467.58 feet; Thence continuing along the easterly line of said Block 3 south 00°27'19" east a distance 316.51 feet to a point on the northerly line of West 113th Avenue right-of-way; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 85°06'19" west a distance of 470.97 feet; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 89°22'04" west a distance of 65.41 feet; Thence south 00°41'28" west a distance of 50.00 feet to a point on said Block 1 also being the southerly right-of-way of said west 113th Avenue to a point of non-tangent curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°18'49" and an arc length of 23.64 feet, the chord of which bears south 45°28'31" east a distance of 21.27 feet to a point on the westerly right-of-way of Navajo Street; Thence continuing along said westerly right-of-way line, south 00°19'06" east a distance of 594.99 feet to a point of curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°41'08" and an arc length of 23.48 feet, the chord of which bears south 44°31'28" west a distance of 21.15 feet to a point of tangency on the northerly right-of-way line of West 112th Avenue; Thence along said northerly right-of-way line, south 89°22'02" west a distance of 682.08 feet to the point of beginning. Said parcel of land containing 1,200,321 square feet or 27.55 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 28th day of April, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

ATTEST:

Mayor

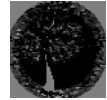
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: Public Hearing and Action on the Second Amended Preliminary Development Plan for Northridge at Park Centre

Prepared By: Michele McLoughlin, Planner II

Recommended City Council Action

1. Hold a public hearing.
2. Approve the Second Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development. This action is based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

Summary Statement

City Council is requested to hold a public hearing and approve the Second Amended Preliminary Development Plan for Northridge at Park Centre Planned Unit Development.

- Northridge at Park Centre is located at the northwest corner of West 121st Avenue and North Pecos Street and encompasses approximately 106 acres.
- The proposed amendment would add an additional use, “church/religious assembly,” to the allowable uses for Lot 13 only on the Preliminary Development Plan (PDP) for Northridge at Park Centre (see attached vicinity map). Northridge at Park Centre is a business park, and a “church/religious assembly” use is not specifically addressed as a “business park” use. Lot 13 is approximately 18.03 acres.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

At their regularly scheduled meeting on April 8, 2003, Planning Commission held a public hearing and voted 5-1 to recommend to City Council that the Second Amended Preliminary Development Plan for Northridge at Park Centre be approved. Commissioner Crocker voted against the proposal stating “A church is not a compatible use within a Business Park.” No one spoke in favor or opposition to the proposal.

Policy Issue

Should the City approve the Second Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development to add “church/religious assembly” use to the existing allowable uses for Lot 13?

Alternative

1. Deny the Second Amended Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development. Denying the proposed Amended PDP would set a precedent for interpreting the business park designation in the future.

The potential developer of Lot 13, Northpoint Covenant Church, has looked at other potential locations as suggested by City Staff and has not found anything that meets the acreage and location requirements that are needed for Northpoint Covenant Church. Therefore, the Church has chosen to pursue Lot 13 within the Northridge at Park Centre PUD.

Background Information

The original Preliminary Development Plan for Northridge at Park Centre, that was approved in October of 2000, allowed for office/business park uses, containing a variety of employment generating uses including office, research and development, light industrial, flex tech, warehousing and business related hotels. The Westminster Comprehensive Land Use Plan designates this area as “Business Park.” The First Amended Preliminary Development Plan was approved in February of 2002, to allow “post secondary vocational/technical education institute” to the allowable uses for Lots 9, 10, 11, 12, and 13. DeVry Institute of Technology has developed on Lot 12 since that approval. Pastor David Perez, of Northpoint Covenant Church, has been looking at potential sites in the northwest area for several years and has not found anything that would meet the location and acreage requirements for his church other than Lot 13 in Northridge. If the additional land use of “church/religious assembly” were approved for Lot 13, Northpoint Covenant Church would develop there in the near future.

Applicant/Property Owner

Northridge Investors LLC
73-020 El Paseo Drive, Suite 4
Palm Desert, California 92260
Contact: Russ Hatle

Surrounding Land Use and Comprehensive Land Use Plan Designations

The existing surrounding land uses (surrounding Lot 13) are:

North: Private school and vacant
South and West: Vacant
East: Private Technical Institute

The designated uses per the Westminster Comprehensive Land Use Plan are as follows:

North: Public/Quasi-Public and Business Park
East, West, and South: Business Park

Site Plan Information

Access to the Northridge at Park Centre development is from 122nd Avenue via Federal Boulevard or from 121st or 122nd Avenue via either Tejon Street or Pecos Street. The Northridge development encompasses approximately 106 acres and slopes to the west and northwest toward Big Dry Creek. There is an area that runs along the west of Lots 1 through 4 that is a drainage easement called the “Northridge Reserve.” This area contains wetlands that will be maintained in its natural state and an 8-foot wide trail that connects Northridge to the City Open Space to the north. The Preliminary Development Plan sets up specific architectural and site planning criteria for the development of each lot within Northridge.

Lot 13, which is specific to the proposed Second Amended Preliminary Development Plan, contains 18.03 acres and is located at the southwest corner of 122nd Avenue and Park Centre Drive.

Traffic and Transportation

The church land use proposed for the Second Amended Northridge at Park Centre Preliminary Development Plan is forecasted to generate 1,234 fewer trips than the original Preliminary Development Plan, which allowed “business park” uses (1,786 trips vs. 3,020 trips). The street layout and geometry at all intersections will remain the same. The Institute of Transportation Engineers (ITE) trip generation rates were used to forecast the number of vehicle trips.

Referral Agency Responses

No referrals were sent for this proposed land use change.

Public Comments

A neighborhood meeting was held on March 13, 2003. Two adjacent property owners were in attendance. The City of Westminster, the property owner, the marketing agents, and the potential developer of Lot 13 were in attendance to answer any questions. No objections were received at the meeting.

One phone call was received prior to the Planning Commission meeting from the developer of the Village at Park Centre. The stated concern was that the development of a church on Lot 13 would set a negative precedent for churches requesting to develop within business parks in the future, with the potential tax base from a “Business Park” being at risk.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

Vicinity Map
Second Amended PDP for Northridge at Park Centre



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: Councillor's Bill No. 18 re Ryan Park Supplemental Appropriation and Concrete Contract Award

Prepared By: Julie M. Meenan Eck, Landscape Architect

Recommended City Council Action:

Pass Councilor's Bill No. 18 on the first reading re a supplemental appropriation in the amount of \$75,000 reflecting the City's receipt of a Jefferson County Joint Venture Grant for ball field rehabilitation at Ryan Park,

Authorize the City Manager to execute a contract with Millan Brothers, Inc. in the amount of \$107,015 for concrete work at Ryan Park.

Summary Statement:

- In December of 2002, Staff received City Council's approval to submit a proposal for a Jefferson County Joint Venture Grant for improvements to the existing Ryan Park ballfields.
- The City was notified in February of 2003 that it was successful in receiving this Joint Venture Grant in the amount of \$75,000.
- The Parks, Recreation and Libraries Department designed and will build Ryan Park with in-house Staff utilizing the Design Development Division construction crew.
- Ryan Park has approximately 37,000 square feet of concrete. The placement of this large of a quantity of concrete is more than the Design Development construction crew can handle effectively. This work will include 33,000 square feet of concrete trail, flatwork under the pavilions, and playground curbing.
- Bids were solicited from three reputable construction companies, with Millan Brothers, Inc. being the lowest bid.
- Millan Brothers, Inc has successfully completed concrete projects for the City in the past, most recently the Nottingham Park Renovation.
- Ryan Park currently is on the City's reclaimed water system.
- A total of \$580,000 has already been approved for Ryan Park in the Capital Improvement Project Fund.
- Construction will begin in the spring/summer of 2003.

Expenditure Required: \$ 107,015 for concrete work at Ryan Park
\$ 75,000 Joint Venture Grant

Source of Funds: Parks, Recreation and Libraries 2003 Capital Improvement Program and Jefferson County Joint Venture Grant

Policy Issue

Should the City pursue contracting out the concrete work for Ryan Park?

Alternative

City Council could choose to not to authorize the concrete bid and have the in-house construction crew install a crusher fine "soft" trail around the park. The neighborhood residents, however, would prefer a hard surface concrete trail. Staff also recommends a concrete trail for ease of maintenance and longevity.

Background Information

Ryan Park is a 15-acre park located adjacent to the Ryan Elementary School. Currently, the park has two little league fields that are programmed through Little League Baseball and maintained by the City. The remaining 13 acres were designed around the desires of the neighborhood and with the needs of the City in mind.

The construction of Ryan Park (with the exception of the concrete work) is being performed by the City's in-house construction crew to reduce the overall cost of the project. The City receives a major savings by building the park with in-house crews and reducing the use of outside contractors, in this case only contracting the concrete work. The park will include two picnic pavilions. One is centrally located between the play area for toddlers, primary users, sand box and swings, with the other being closer to the existing ball fields and the multi-purpose field. This multi-purpose field will be an open play field that can be used for any number of lawn games, including soccer practice for City programs. The plan also includes a looped trail system, benches, tables, and landscaping.

The City was notified in February, 2003 that we have been successful in receiving a Jefferson County Joint Venture Grant in the amount of \$75,000. The grant monies will be used to make much needed improvements to the existing ballfields once the 2003 season is over. This site currently utilizes the City reclaimed water system, and Staff has limited the amount of sod to approximately seven acres.

A competitive bid was sent out to three construction companies for concrete work only, and bids were received as follows:

American Civil Constructors	\$170,000
Arrow J Landscape, Inc.	\$123,135
Millan Brothers, Inc.	\$107,015

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **18**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$75,000 which, when added to the fund balance as of the City Council action on April 28, 2003 will equal \$8,998,000. 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 the appropriation of a Joint Venture Grant from Jefferson County.

Section 2. The \$75,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Open Space Grant Jeffco 7501.40630.0020	\$0	<u>\$75,000</u>	\$75,000
Total Change to Revenues		<u>\$75,000</u>	
EXPENSES			
Ryan School Park 80175050048.80400.0000	\$580,000	<u>\$75,000</u>	\$655,000
Total Change to Expenditures		<u>\$75,000</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. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 28th day of April, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

ATTEST:

Mayor

City: Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 28, 2003



SUBJECT: Resolution No. 16 Xcel Energy Easement for Electric Distribution Line to Standley Lake Dam

Prepared By: Dan Strietelmeier, Senior Water Resources Engineer

Recommended City Council Action

Adopt Resolution No. 16 authorizing the City Manager to sign documents granting a non-exclusive easement to Xcel Energy for the construction and maintenance of a 3-phase electric distribution line to serve the Standley Lake dam shaft and valve house.

Summary Statement

- The Standley Lake Renovation Project is now under construction.
- As part of this project, Xcel Energy will be constructing a 3-phase electrical distribution line to serve the dam, shaft and valve house.
- The distribution line will be constructed in a southeasterly direction, a distance of 923.32 feet across the City of Westminster's parcel and an additional 188.64 feet across the Farmer's Reservoir and Irrigation Company (FRICO) parcel.
- A ten-foot easement is required over this distance for the construction of this line.
- The distribution line will provide power to the new shaft and valve house, and be used to operate the new intake gates and valves.
- FRICO plans to grant an easement over their property in a separate document.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City of Westminster allow Xcel Energy to use the City's property for the construction of a 3-phase electrical distribution line?

Alternative

The City could preclude use of City of Westminster land for the construction of a 3-phase electrical distribution line. This alternative would slow progress on the Standley Lake Dam Renovation Project because this electrical work is required for operation of the new dam facilities. Forcing Xcel Energy to reroute the line through an alternative or longer route will cause project delays.

Background Information

FRICO and the cities of Northglenn, Thornton and Westminster are undertaking a two-year project to renovate Standley Lake Dam so that it can continue as a vital community resource for the next century. New major renovation improvements were necessary to maintain dam safety and to meet future operational needs for water delivery.

Changes made to the existing dam and outlet works require the construction of a 3-phase electrical distribution line by Xcel Energy. To construct this line, a 10-foot wide easement over property owned by the City of Westminster is required. The easement will extend southeast from 100th Avenue to the new shaft on the north end of the dam. The property owned by Westminster was acquired as part of the land transaction between Westminster, Jefferson County and the Farmers Reservoir and Irrigation Company, which contemplated Westminster managing Standley Lake Regional Park while not interfering with water supply operations. The distribution line will benefit all parties. Westminster and FRICO, as underlying landowners, must grant the easement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **16**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION TO CONVEY A UTILITY EASEMENT TO XCEL ENERGY

WHEREAS, the City owns the property around Standley Lake Reservoir in Jefferson County; and

WHEREAS, it is in the public interest to renovate Standley Lake Dam and provide power to the facility to ensure safe water supply storage for the future; and

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Westminster that the City Manager is hereby authorized to execute a non-exclusive easement in the legal descriptions of the parcels of real property in Jefferson County with Xcel Energy for the construction of a 3-phase electrical distribution line.

Passed and adopted this 14th day of April 2003.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, April 28, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the April 14, 2003 meeting were approved.

Council presented the following: Proclamation re Mental Health Month and Proclamation re National Drinking Water Week.

Council approved the following: England Waterline Construction Bid with BT Construction for \$1,476,065; Standley Lake Dam Renovation Construction Management Amendment with CH2M Hill not to exceed \$2,461,343, with Westminster's share not to exceed \$820,448; Replacement Backhoe from Honnen Equipment for \$128,293.25; March Financial Report.

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN Purpose: change land use designation from Office/Residential to Single-family Attached at NEC of 112th & Pecos

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE REZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SOUTHEAST QUARTER SECTION OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO Purpose: Rezoning property at NEC 112th & Pecos to PUD

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND Purpose: supplemental appropriation of \$75,000 of Jefferson County Joint Venture Grant for ball field rehabilitation at Ryan Park

The following Resolution was adopted:

Resolution No. 16 granting a non-exclusive easement to Xcel Energy re Standley Lake dam.

At 8:38 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 8, 2003

NOTICE OF CONTRACTOR'S SETTLEMENT

Pursuant to Section 38-26-107, C.R.S., notice is hereby given that on the 30th day of May, 2003, at Westminster, Colorado, final settlement will be made by the City with Colorado Signal Company, Inc., hereinafter called the "Contractor", for and on account of the contract for the construction of a Project described as 104th Avenue and Holland Street Traffic Signal.

1. Any person, copartnership, association of persons, company, or corporation that has furnished labor, materials, team hire, sustenance, provisions, provender, or other supplies used or consumed by such Contractor or his subcontractor, or that supplies rental machinery, tools, or equipment to the extent used in the prosecution of the work, whose claim therefor has not been paid by the Contractor or the subcontractor for the work contracted to be done, may file with the City a verified statement of the amount due and unpaid on account of such claim.

2. All such claims shall be filed with the City Attorney's Office, City of Westminster, 4800 W. 92nd Avenue, Westminster, Colorado 80031 by May 29th, 2003.

3. Failure on the part of a creditor to file such statement prior to such final settlement will relieve the City from any and all liability for such claim.

Dated at Westminster, Colorado this 8th day of May, 2003.

CITY OF WESTMINSTER

/s/ Martin R. McCullough, City Attorney

Published in the Westminster Window May 8, 2003 and May 15, 2003

NOTICE OF PUBLIC HEARING

Notice is hereby given that pursuant to the liquor laws of the State of Colorado and the ordinances of the City of Westminster, AXXON INC d/b/a NORTHGATE LANES has filed an application with the Special Permit and License Board of the City of Westminster, Colorado for a tavern liquor license, to be located at 7110 Federal Boulevard.

A public hearing on this application will be held in the City Council Chambers, 4800 West 92nd Avenue on Wednesday, May 21, 2003 at 7:15 P.M., when and where all interested parties can be heard.

The neighborhood has been established as 76th Avenue on the north, 68th Avenue on the south, Zuni Street on the east and Lowell Boulevard on the west.. The City will be circulating petitions within this neighborhood.

Owner of Record is Doug Smith, 9881 South Silver Maple Road, Littleton, CO 80129

For additional information contact City Clerk's Office 303-430-2400 Extension 2161.

SPECIAL PERMIT AND LICENSE BOARD
CITY OF WESTMINSTER
Michele Kelley, City Clerk

Published in the Westminster Window, May 8, 2003

NOTICE OF PUBLIC HEARING

Notice is hereby given that pursuant to the liquor laws of the State of Colorado and the ordinances of the City of Westminster, Adan Jaimes d/b/a Toluca Mexican Restaurant has filed an application with the Special Permit and License Board of the City of Westminster, Colorado for a restaurant liquor license, to be located at 9165 #C Lowell Boulevard.

A public hearing on this application will be held in the City Council Chambers, 4800 West 92nd Avenue on Wednesday, May 21, 2003 at 7:05 P.M., when and where all interested parties can be heard.

The neighborhood has been established as 104th Avenue on the north, 84th Avenue on the south, Federal Boulevard on the east and Sheridan Boulevard on the west.. The City will be circulating petitions within this neighborhood.

Owner of Record is Adan Jaimes, 6782 West 3rd Avenue, Lakewood, CO

For additional information contact City Clerk's Office 303-430-2400 Extension 2161.

SPECIAL PERMIT AND LICENSE BOARD
CITY OF WESTMINSTER
Michele Kelley, City Clerk

Published in the Westminster Window, May 8, 2003