



**WESTMINSTER
COLORADO**

**MAY 24, 1999
7:00 P.M.**

AGENDA

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Ms. Barbara Behm – Westminster citizen to thank Fire Department members for their actions during an emergency incident
- 5. Citizen Communication (5 minutes or Less in Length)**
- 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. Standley Lake Dam Renovation Design Contract CM2Hhill for \$1,465,346 and Agreement with Northglenn, Thornton and Farmers Reservoir and Irrigation Company describing rights and duties for the renovation project
 - B. Agreement with Urban Drainage and Flood Control District re Shaw Heights Tributary Improvements design, property acquisition and construction of channel improvements
 - C. Intergovernmental Agreement with Northglenn and Arvada regarding distribution of Church Ditch water rights previously purchased from Broomfield
 - D. Councillor's Bill No. 19 on second reading re Hyland Hills Ice Arena Lease Agreement for 94th Avenue & Perry Street Facility (Merkel-Atchison)
 - E. Councillor's Bill No. 20 on second reading Annexing Martin property east of Teller Street north of 92nd Avenue (Atchison-Dixion)
 - F. Councillor's Bill No. 21 on second reading zoning Martin property Planned Unit Development (Atchison-Allen)
 - G. Councillor's Bill No. 22 on second reading re Parking Code Revisions making comprehensive revisions to off-street parking standards (Merkel-Dixion)
- 9. Appointments and Resignations**

None

10. Public Hearings and Other New Business

- A. TABLED - Intergovernmental Agreement with City of Arvada addressing issues of Northwest Parkway, cleanup of Rocky Flats, annexation boundaries, revenue sharing and Standley Lake Regional Park
- B. Councillor's Bill No. 23 re Kohl's Department Store Amended Assistance Package for an addition \$50,000 in assistance
- C. Public Hearing re Hyland Greens Subdivision Seventh Amended Preliminary Development Plan at the southeast corner of 104th Avenue and Sheridan Boulevard for assisted living senior housing and future open space
- D. Hyland Greens Subdivision Seventh Amended Preliminary Development Plan
- E. Public Hearing re Annexation, Zoning and Comprehensive Land Use Plan Amendments for Zehnder property located north of 96th Avenue and east of Woman Creek Reservoir and Indiana Street 39.9 acres to be designated private parks and open space
- F. Councillor's Bill No. 24 approving the annexation agreement for the Zehnder property
- G. Resolution No. 34 re Findings of facts required by state statutes for Zehnder Property
- H. Councillor's Bill No. 25 annexing the Zehnder property
- I. Councillor's Bill No. 26 zoning the Zehnder property O-1
- J. Councillor's Bill No. 27 amending the Comprehensive Land Use Plan to include the Zehnder property as private parks and open space
- K. Resolution No. 35 re Removal of Rocky Flats Transuranic Waste to the Waste Isolation Pilot Plant in Carlsbad, New Mexico for final disposal
- L. Councillor's Bill No. 28 re Supplemental Appropriation for Contracted Construction Plan Review Services for \$100,000
- M. Councillor's Bill No. 29 appropriating \$500,000 for Big Dry Creek Trail project
- N. Colorado Department of Transportation contract for \$625,000 to obligate grant funds for Big Dry Creek Trail Underpass project
- O. Councillor's Bill No. 30 re appropriation of 1998 carryover funds into the 1999 budget
- P. Resolution No. 36 re Future Broomfield City/County Detention Facility opposing the facility anywhere on the eastern side of the Great Western Reservoir site with access off Simms Street and/or 112th Avenue

11. Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business

- A. April, 1999 Financial Report
- B. City Council
- C. Request for 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.
- B. 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, MAY 24, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Den 2, Pack 405 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Dixon, Hicks and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and, Michael Allen, Deputy City Clerk. Absent was Councillor Atchison.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Merkel to accept the minutes of the meeting of May 10, 1999 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mrs. Barbara Behm personally thanked Westminster Firefighter Vern West, Paramedic Rand Farnsworth and Battalion Chief Ken Watkins for their help in saving her life on March 20, 1999.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reminded everyone present that the first City Council meeting in June will be June 7 and the first Study Session in June will be June 14.

CITY COUNCIL COMMENTS:

Councillor Smith reported that Westminster resident Jon Chandler was given the 1999 Spur Award for best first novel by the Western Writers of America for his novel "The Spanish Peaks".

Councillor Dixon stated that the Spring DARE graduations have started and requested Council consideration of two resolutions as follows:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 37 which urges the members of the House Commerce Committee and U.S. House of Representatives to amend H.R. 10 to modernize the Community Reinvestment Act. Upon roll call vote, the motion carried unanimously.

A motion was made by Dixon and seconded by Hicks to adopt Resolution No. 38 supporting full funding of the Community Development Block Grant Program in 2000. Upon roll call vote, the motion carried unanimously.

Councillor Hicks reported on the Harris Park Elementary School DARE graduation he attended, the City's Chemical Cleanup and Trails dedication held Saturday.

Mayor Pro Tem Merkel stated that Bike to Work Day will be June 23rd.

Mayor Heil commented on the Trails Dedication held Saturday.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Standley Lake Renovation Design Contract and Agreement - Authorize the City Manager to sign a contract with CH2M Hill for \$1,465,346, one third of the contract amount, plus a contingency of \$219,802 for the design and oversight of construction of renovations to the Standley Lake dam; authorize the Mayor to sign an agreement with the City of Northglenn, City of Thornton and FRICO, which describes the rights and duties of the Cities and FRICO for the Standley Lake dam renovation project, and charge the cost associated with this work to the appropriate project account in the Utility Fund; Agreement with UDFCD for Shaw Heights Tributary Improvements - Authorize the City Manager to execute the agreement with the Urban Drainage and Flood Control District for the design, property acquisition and construction of channel improvements to that portion of the Shaw Heights Tributary located in the vicinity of 80th Avenue and charge the expense to the Shaw Heights Tributary Project in the General Capital Improvement Project Fund; IGA with Northglenn and Arvada re Church Ditch Inches – Authorize the City Manager to sign an Intergovernmental Agreement with the City of Arvada and the City of Northglenn regarding the distribution of Church Ditch water rights previously purchased from the City of Broomfield; Councillor's Bill No. 19 – Hyland Hills Ice Arena Lease Agreement; Councillor's Bill No. 20 – Martin Property Annexation; Councillor's Bill No. 21 – Martin Property Zoning; and Councillor's Bill No. 22 – Parking Code Revisions. 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.

A motion was made by Dixon and seconded by Allen to adopt the Consent Agenda items as presented. The motion carried unanimously.

Matt Olsen, 7430 W. 93rd Place and pastor of Tri-City Baptist Church, addressed Council with questions on recovery costs due the Church due to the adoption of Consent Agenda Memo Item 8F, Councillor's Bill No. 21, Martin Property Zoning.

Mayor Heil asked Council to consider Council Agenda Item 10P, Future Broomfield City/County Detention Facility Location, as the first item of new business, to accommodate the citizens wishing to address Council regarding this issue.

RESOLUTION NO. 36 – FUTURE BROOMFIELD CITY/COUNTY DETENTION FACILITY LOCATION:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 36 stating Westminster's opposition to the City of Broomfield locating their new county jail detention facility anywhere on the eastern side of the Great Western Reservoir site with access off Simms Street and/or 112th Avenue.

The following people addressed Council with concerns about the proposed location of the new Broomfield City/County Detention Facility: Ann Hayes, Westmoor Technological Park representative; Leo Fessler, 10351 Nelson Street, submitted petitions containing 1,122 signatures in opposition to construction in the Great Western Reservoir area; Dean Vandeberg, 10540 W. 104th Place; Patricia Athenour, 10327 Owens Street, submitted a letter; Allison Mathews; Alan Tranary, 105th and Simms area; Jeanette Peterson, 10435 Independence Street; Scott Sands, 10234 Owens Street; Dave McRea, 10054 Owens Street, Ben Burns, 11555 W. 102nd Avenue; Kelly Lytle, 11505 W. 102nd Avenue; Susan Schleusner, 11485 W. 106th Way; Zak Phillips, representing District 2 Representative Mark Udall; Katherine Bucca, 9226 W. 102nd Place and Holly McDonald, 10520 Pierson Circle.

After discussion by Council, City Manager Bill Christopher and City Attorney Marty McCullough offered alternative actions Council could take if they wished to amend/modify the resolution.

A motion was made by Hicks and seconded by Merkel to direct Staff to prepare an alternate Resolution that opposes any site at the Great Western Reservoir location; urging that any site considered not be involved in any environmental issues; and to locate the proposed county detention facility at the Northeast Broomfield site on Weld County Road 11 (one mile northeast of the intersection of Highway 7 and I-25). Upon roll call vote, the motion carried unanimously.

At 8:58 P.M. the Mayor called a recess. Council reconvened at 9:15 P.M.

COUNCILLOR'S BILL NO. 23 – KOHL'S DEPARTMENT STORE AMENDED ASSISTANCE PACKAGE:

A motion was made by Hicks and seconded by Smith to pass Councillor's Bill No. 23 on first reading authorizing the City Manager to execute and implement the Amended Business Assistance Agreement with Kohl's Department Store which provides for an additional \$50,000 in assistance. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON HYLAND GREENS 7TH AMENDED PRELIMINARY DEVELOPMENT PLAN:

At 9:18 P.M. the meeting was opened to a public hearing on the proposed Hyland Greens Subdivision Seventh Amended Preliminary Development Plan. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Nancy Card, Sunrise Development representative, gave a slide presentation and answered questions from Council. No one spoke in opposition. At 9:28 P.M. the public hearing was declared closed.

HYLAND GREENS SEVENTH AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Dixon and seconded by Hicks to approve the Hyland Greens Subdivision Seventh Amended Preliminary Development Plan that changes the allowed land uses from 9.3 acres of commercial to 7.91 acres of residential (assisted living senior housing) and 1.39 acres of City of Westminster future open space; based on a finding that the proposed Hyland Greens Subdivision Seventh Amended Preliminary Development Plan meets the requirements of Section 11-5-14 of the Westminster Municipal Code, and is in conformance with the Westminster Comprehensive Land Use Plan. The motion carried unanimously.

PUBLIC HEARING ON ZEHNDER PROPERTY ANNEXATION/ZONING AND LAND USE PLAN:

At 9:29 P.M. the meeting was opened to a public hearing on the Annexation and zoning for the Zehnder property, generally located on the north side of 96th Avenue, east of Woman Creek Reservoir; and an amendment to the Comprehensive Land Use Plan to include the Zehnder property. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Brian Zehnder, property owner, was present to address Council. No one spoke in opposition. At 9:35 P.M. the public hearing was declared closed.

ZEHNDER PROPERTY ANNEXATION AGREEMENT/ANNEXATION/ZONING/CLUP AMENDMENT:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 24 on first reading approving the annexation agreement for the Zehnder Property; adopt Resolution No. 34 making certain findings of fact as required by State Statutes; to pass Councillor's Bill No. 25 on first reading annexing the Zehnder Property to the City of Westminster; to pass Councillor's Bill No. 26 on first reading zoning the Zehnder property O-1, (Open); and to pass Councillor's Bill No. 27 on first reading amending the Westminster Comprehensive Land Use Plan to include the Zehnder property with the designation of "Private Parks and Open Space". Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 35 – REMOVAL OF ROCKY FLATS TRANSURANIC WASTE:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 35 supporting immediate removal of all Rocky Flats transuranic waste to the Waste Isolation Pilot Plant in Carlsbad, New Mexico, for final disposal. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 28 – CONTRACTED PLAN REVIEW SERVICES APPROPRIATION:

A motion was made by Merkel and seconded by Allen to pass Councillor's Bill No. 28 on first reading appropriating \$100,000 to the Building Division operating budget for contracted construction plan review services from the appropriate Building Permit Revenue account. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 29 – TRANSPORTATION EQUITY ACT GRANT APPROPRIATION:

A motion was made by Smith and seconded by Allen to pass Councillor's Bill No. 29 on first reading appropriating \$500,000 into the General Capital Improvement Fund of the Big Dry Creek Trail project. Upon roll call vote, the motion carried unanimously.

CONTRACT WITH CDOT FOR BIG DRY CREEK TRAIL UNDERPASS PROJECT:

A motion was made by Smith and seconded by Allen to authorize the City Manager to sign a contract with the Colorado Department of Transportation in the amount of \$625,000 to obligate grant funding for construction of the Big Dry Creek Trail Underpass project. The motion carried unanimously.

COUNCILLOR'S BILL NO. 30 – APPROPRIATION OF 1998 CARRYOVER FUNDS:

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 30 on first reading appropriating carryover funds into the 1999 budgets of the General, Reserve Fleet, General Capital Improvement, Golf Course and Utility Funds. Upon roll call vote the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for April, 1999.

Mayor Heil stated there would be an Executive Session to discuss the Adult Business ordinance and an update on the Butterfly Pavillion.

ADJOURNMENT:

The meeting was adjourned at 9:45 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999
Subject: Citizen Thank-You to Westminster Firefighters
Prepared by: Steve Pacifico, Deputy Chief of Administration
Ken Watkins, Battalion Chief

Introduction

Westminster citizen Barbara Behm, requests assistance from the Mayor and City Council in expressing her thank you to Firefighter Vern West, Paramedic Rand Farnsworth, and Battalion Chief Ken Watkins for their help in saving her life on March 20, 1999.

Summary

Mrs. Behm would like to thank the Westminster Fire Department and the above employees for their actions at a life-threatening emergency that occurred in Arvada, Colorado on March 20, 1999. The Fire Department responded to this incident after being requested to assist the Arvada Fire Protection District and Pridemark Ambulance Company.

Staff Recommendation

Allow Mrs. Behm to personally thank Firefighter Vern West, Paramedic Rand Farnsworth and Battalion Chief Ken Watkins for their efforts that resulted in the saving of her life.

Background Information

On March 20, 1999, Westminster Ambulance 4 responded to Arvada for a request for help from Pridemark Ambulance Company for an unconscious patient. Westminster Fire Department units do not normally respond to Arvada except when requested to back-up other ambulances. Battalion Chief Watkins also responded to assist Ambulance 4. Upon the arrival of responding Westminster Fire Department units, Arvada Police and Firefighters were performing CPR on Mrs. Behm who was in cardiac arrest. Paramedic Farnsworth, Firefighter Vern West and Battalion Chief Ken Watkins quickly administered advanced life support procedures, restoring her pulse and breathing. Mrs. Behm was then transported to Centura Saint Anthony's North hospital for further medical care. She was released from the hospital five days later.

Respectfully submitted,

Alan P. Miller
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Standley Lake Renovation Design Contract and Agreement with Northglenn, Thornton and the Farmers Reservoir and Irrigation Company

Prepared by: Dan Strietelmeier, Senior Water Resources Engineer

Introduction

City Council action is requested to authorize the City Manager to sign a contract with CH2M Hill in the amount of \$4,396,038 for the design and oversight of construction of renovations to the Standley Lake dam and authorize the Mayor to sign an agreement with the City of Northglenn, City of Thornton and the Farmers Reservoir and Irrigation Company (FRICO), which describes the rights and duties of the Cities and FRICO for the Standley Lake dam renovation project. The City of Westminster will be responsible for one-third of the contract amount (\$1,465,346) plus a \$219,802 contingency. Funds are available in the Standley Lake Renovation project account in the Utility Fund for this expense.

Summary

In 1995 the Standley Lake Operating Committee (SLOC), which includes the Cities of Westminster, Northglenn and Thornton, and the Farmers Reservoir and Irrigation Company commissioned a study of the dam to determine steps required for renovation and potential enlargement.

The study and other data related to the dam were then reviewed by a Board of Consultants Review Panel to provide expert opinions on the status of the dam and required renovation. The Board of review recommended the placement of additional berms on the downstream side of the dam to provide additional stability to the structure, construction of new tunnels through bedrock for replacing the outlet conduits, and construction of a larger spillway. The Colorado State Engineer has notified SLOC that the spillway work must be completed by May 2002 to bring it into compliance with new statewide regulations.

SLOC initiated a formal Request for Proposals (RFP) procurement process for the design of the renovation items and potential enlargement. SLOC has since determined that the enlargement of Standley Lake will not be done as part of the renovation project.

As a result of the RFP process, SLOC received one proposal from CH2M Hill in association with GEI Consultants Inc., Rocky Mountain Consultants Inc. and Hydro-Triad/V3 Colorado.

The four major firms all have worked on Standley Lake in the past and have teamed together for the renovation design. SLOC has an excellent relationship with these firms due to the quality of the work, the long history with these firms and their experience with Standley Lake.

SLOC has successfully negotiated a contract with CH2M Hill and minor modifications have been made to the proposed scope of work.

SLOC has also prepared an internal agreement, which memorializes the renovation design project, establishes payment methods, approves the use of an outside project administrator/coordinator and eliminates the old outlet works priorities which are no longer relevant due to the planned increased capacity of the new outlet structures.

The proposed schedule anticipates the design to begin in June, State Engineers' Office Review in September 2000, construction start-up in March 2001 and project completion by November 2002. Construction costs are estimated at \$25 Million, with each SLOC City paying one-third of the cost.

Alternatives

An alternative to approving the contract with CH2M Hill would be to initiate a new RFP process with the objective of receiving new proposals. Westminster has spent the last two years working with the other Cities in meeting all of their procurement process rules and regulations ensuring proposals were submitted using a competitive process. Reissuing the RFP's would not guarantee any additional proposals and would delay the start of the project. Further delay would likely result in the spillway work not meeting the deadline and risk the placing of a hold order on the storage level of Standley Lake. The renovation work is an enhancement to the safety of the dam and additional delay could put the integrity of the structure at risk.

Staff Recommendation

Authorize the City Manager to sign a contract with CH2M Hill for \$1,465,346, one third of the contract amount, plus a contingency of \$219,802 for the design and oversight of construction of renovations to the Standley Lake dam and authorize the Mayor to sign an agreement with the City of Northglenn, City of Thornton and the FRICO, which describes the rights and duties of the Cities and FRICO for the Standley Lake dam renovation project, and charge the cost associated with this work to the appropriate project account in the Utility Fund.

Background Information

Standley Lake presently has a capacity of 43,000 acre-feet (AF) and serves as Westminster's raw water supply with a storage entitlement of approximately 21,000 AF. Northglenn, Thornton and FRICO share the remaining storage. The dam was originally constructed in 1908-1912 to a capacity of 49,000 AF but immediately experienced stability problems. The dam was rehabilitated in the mid 1960s by Westminster to serve as the City's water supply as opposed to connecting to the Denver system. Additional work was required on the dam in the early 1970s to address stability concerns created by filling the reservoir after the 1965 renovation. Throughout the 1980's, additional work was also performed on the valve house and outlet conduits due to seepage problems caused by slight downstream movement of the valve house. The work included installing anchor tendons through the valve house into the bedrock to resist the movement of the valve house, and installing seals across the joints of the outlet conduits. The valve house repairs were always considered to be temporary fixes, as more permanent repairs or the enlargement of the dam was anticipated to take place within five to ten years of the initial problems in 1982.

Over the past five years, Westminster has spent approximately \$200,000 on costs related to geotechnical drilling, sampling, and testing, installation of joint seals in two of the conduits and on the Board of Consultants review panel. In addition, \$700,000 was spent on the purchase of land for a new spillway, dam construction and construction buffer between the dam and the Westbrook development. Recommendations from a study completed in 1996 by GEI Consultants Inc. and the Board of Consultants Review Panel include moving forward with the renovation items.

In the fall of 1997, requests for Statements of Qualifications (SOQ's) were distributed to approximately 25 consulting firms nationwide, known to have experience in large dam renovation and construction. SLOC received five SOQ's and developed a short list of three firms based criteria related to project experience with earthen dams, tunneling techniques, environmental permitting and staffing resources. RFP's for the Standley Lake Renovation Design were sent to the three consulting firms from the developed short-list. One proposal was received from CH2M Hill in association with GEI Consultants, Inc., Rocky Mountain Consultants, Inc., and Hydro-Triad/V3 Colorado, LLC.

Fortunately for SLOC, these four consultants have worked on Standley Lake in the past and now have teamed together for the renovation project. CH2M Hill would serve as the lead for the team. Joe Green-Heffern of CH2M Hill would serve as project manager, as he did on the Standley Lake Protection Project.

Each member of the consulting team will have areas of responsibility, which have been assigned based on team members' experience and areas of expertise. The responsibilities have been assigned as follows:

- CH2M Hill will provide overall project delivery, construction management, outlet works design and environmental services.
- GEI will design the stability berms and perform all of the geotechnical investigations.
- Rocky Mountain Consultants will be responsible for the new outlet works tunnels and downstream piping connection to the Cities' water delivery system.
- Hydro-Triad/V3 Colorado will perform the design of the new spillway and will provide ongoing instrumentation monitoring as SLOC's engineer for Standley Lake operations.

CH2M Hill's cost proposal was prepared under a competitive process as they had to assume other bids would be submitted. The proposal was received in May of 1998 and SLOC has spent the last 12 months negotiating a contract and revised scope of work with CH2M Hill. CH2M Hill's proposal includes a \$10 Million project specific insurance policy for the Standley Lake renovation project. The project specific insurance is over and above the normal professional liability/errors and omissions policies held by engineering consulting firms. CH2M Hill will be solely responsible and liable for all work performed under the design agreement, including the work performed by the other consulting firms on the team.

Renovation of the dam must address issues related to endangered species. Any construction must be done in a way that will not disturb the bald eagles at Standley Lake. Issues related to endangered species on the Platte River in Nebraska and streamflow depletions must be addressed even though this project is renovation only. CH2M Hill has a great deal of experience in the environmental permitting arena and together with the experience of the other firms in the unique features of the renovation, such as the tunneling, a solid team has been formed. CH2M Hill's proposal includes a public information program and establishment of a project web page.

The SLOC internal renovation agreement has been negotiated over the last few months. This agreement establishes the use of a joint bank account to be used by SLOC for depositing funds for project payments. The use of an outside project administrator is also included in the internal agreement. The project administrator will be contracted separately prior to the beginning of construction, and act as SLOC's agent coordinating the flow of information between SLOC and CH2M Hill. A separate RFP procurement process is planned for project administrator position. The other SLOC entities are submitting the design contract with CH2M Hill and the internal agreement to their respective Councils and Boards this month.

Respectfully submitted,

Alan P. Miller
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Agreement with UDFCD re Shaw Heights Tributary Improvements

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to authorize the City Manager to execute the attached agreement with the Urban Drainage and Flood Control District (UDFCD) for the design, property acquisition and construction of channel improvements to that portion of the Shaw Heights Tributary located between the approximate alignment of 78th Avenue and a point located approximately 1100 feet upstream of 80th Avenue (see attached map). Funds for the City's \$25,000 share of the initial expenses of this project are available in the Shaw Heights Tributary Project of the General Capital Improvement Project Fund.

Summary

< At the City's request, the UDFCD has agreed to participate in the design, property acquisition and construction of channel improvements to the Shaw Heights Tributary in the vicinity of 80th Avenue.

< Due to the District's ability to provide funds toward this project from both their Construction Program and their Maintenance Program, the City's share of the total costs of this project will be much less than 50% . For this first phase of work (i.e., design and property acquisition), the City's \$25,000 level of participation equals just 25% of the estimated cost.

< It is anticipated that this Agreement will be amended to appropriate additional funds from both parties as construction costs are ascertained and as such additional funds become available to the UDFCD.

< It is currently anticipated that the design work and property acquisition will be completed during the fall of this year. The construction of channel improvements could commence late this year and be completed in the spring of 2000.

Staff Recommendation

Authorize the City Manager to execute the agreement with the Urban Drainage and Flood Control District for the design, property acquisition and construction of channel improvements to that portion of the Shaw Heights Tributary located in the vicinity of 80th Avenue and charge the expense to the Shaw Heights Tributary Project in the General Capital Improvement Project Fund.

Background Information

For many years, businesses that front onto the north side of 80th Avenue between Sheridan Boulevard and Wolff Street have been subjected to flooding damage with increasing regularity. Upstream development within the Westminster Center area has contributed to a greater frequency of high runoff, and the existing channel adjacent to the 80th Avenue businesses has not been of adequate size to carry the flows. Field crews of the Department of Public Works & Utilities must routinely be stationed along this portion of the Tributary to remove debris during even an average rainstorm in order to assure that the existing culvert under 80th Avenue does not become plugged.

Furthermore, residents of homes that abut the Tributary to the south of 80th Avenue have recently complained of an infestation of rats on their properties, likely resulting from the dense vegetation along this unimproved section of the channel.

In 1985, the City contracted with a local engineering firm, Sellards & Grigg, Inc., to prepare plans for improvements to the portion of the Shaw Heights Tributary located to the north of 80th Avenue. These plans were completed, but the construction of the improvements was never funded due to other urgent needs lower in the basin. Earlier this year, the City Council authorized a contract for the installation of channel improvements to the final unimproved segment of Little Dry Creek within the City limits.

Typically, a joint design and construction project of this nature between the UDFCD and a local entity is funded on a 50%-50% cost-sharing basis. In this case, the City is very fortunate to be able to take advantage of the District's offer to provide funding for those improvements located to the south of 80th Avenue through their Maintenance Program. The District's Maintenance Program generally funds 100% of the costs of eligible projects. Therefore, the City will only be required to pay for 50% of the costs associated with the improvements to be located to the north of 80th Avenue. This willingness to maximize the amount of money to be provided toward the project from the District is typical of the fine cooperation that the City has historically received from the UDFCD Staff!

Through this summer, Sellards & Grigg, who has been retained by the District to provide engineering services on the Shaw Heights Tributary Project, will update the 1985 plans, as necessary, and prepare construction plans for the channel to the south of 80th Avenue. Necessary easements and rights-of-way will be obtained in the early fall, and it is currently anticipated that construction could commence late in 1999. Under this timetable, the work would be completed in the spring of 2000.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Church Ditch Inches Intergovernmental Agreement with Northglenn and Arvada

Prepared by: Michael Happe, Senior Water Resources Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Intergovernmental Agreement (IGA) with the City of Northglenn and the City of Arvada regarding the distribution of Church Ditch water rights previously purchased from the City of Broomfield. No expenditures are required for this IGA.

Summary

In 1995, the City of Broomfield sold its Church Ditch water rights to the Cities of Northglenn, Arvada and Westminster, in conjunction with Broomfield abandoning its Great Western Reservoir in favor of a water supply from the Northern Colorado Water Conservation District. The conveyance from Broomfield to Westminster, Arvada and Northglenn specified the quantity of Church Ditch "shares" (also known as "Inches") allocated to each entity. The conveyance did not actually assign specific shares to specific entities. In order to maximize the efficiency and usefulness of these Church Ditch water rights in the respective water systems of each City, Staff from the Cities of Arvada, Northglenn and Westminster have negotiated an agreement dividing up the specific shares (or "Inches") of Church Ditch water rights conveyed by Broomfield according to the location where those water rights were historically used. This will allow each City to maximize the benefit of these water rights for their own system.

Alternative

City Council could decide not to authorize the proposed Agreement, which would most likely result in the City receiving specific "Inches" of Church Ditch water rights not as beneficial to it as under the terms of the proposed Agreement.

Staff Recommendation

Authorize the City Manager to sign an Intergovernmental Agreement with the City of Arvada and the City of Northglenn regarding the distribution of Church Ditch water rights previously purchased from the City of Broomfield.

Background

As a condition of a Federal Grant that Broomfield received in order to replace its Great Western Reservoir water supply with a new water supply from the Northern Colorado Water Conservation District, Broomfield was required to sell its Clear Creek water rights in the Church Ditch and use the proceeds from that sale to help offset the cost of the Great Western Reservoir replacement project. In 1993, Broomfield issued a request for bids for the purchase of its Church Ditch water rights. Westminster, Northglenn and Arvada submitted a joint bid in response. Broomfield accepted the bid in 1995 and subsequently conveyed 1,170.245; 600.00; and 465.00 Church Ditch "Inches" to Westminster, Arvada and Northglenn, respectively. Prior to being owned by Broomfield, these Church Ditch "Inches" were used for irrigation of specific lands located in various places from Clear Creek north into Southern Boulder County.

In Colorado, when a water right is changed from irrigation to municipal use, the municipality must maintain the historic location, quantity and timing of water returning to the stream (“return flows”) in order to avoid injuring other water right users. Westminster, Arvada and Northglenn operate separate raw water systems that have different characteristics effecting their respective ability to make up required “return flows” in specific basins. The agreement that was negotiated between Westminster, Arvada and Northglenn distribute the specific water rights conveyed from Broomfield that have the best “fit” with their respective water systems.

This allows the Cities to maximize the efficiency of their use of these water rights and reduces the need for some entities from having to construct new facilities in order to pay “return flows” to locations where they currently have none.

Respectfully submitted,

Alan P. Miller
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Councillor's Bill No. 23 re Kohl's Department Store Amended Assistance Package

Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading approving an amended assistance package adding \$50,000 to the previously approved Agreement with Kohl's Department Store to build a store at the southwest corner of 120th Avenue and Sheridan Boulevard.

Summary

City Council previously approved a Business Assistance Agreement with Kohl's Department Store in November, 1998 based on certain assumed public improvements costs. Kohl's has experienced an additional \$111,450 in new costs associated with 120th Avenue right-of-way improvements, which have been imposed by the City of Broomfield. Kohl's has requested the City of Westminster to consider additional financial assistance in light of these unforeseen costs (see attached letter). Staff recommends increasing the previously approved Assistance Package by \$50,000 which would take the combined assistance from \$348,000 to \$398,000. The additional \$50,000 would come in the form of sales tax rebate.

Staff Recommendation

Pass Councillor's Bill No. 23 on first reading authorizing the City Manager to execute and implement the Amended Business Assistance Agreement with Kohl's Department Store which provides for an additional \$50,000 in assistance.

Background

Staff began with representatives of Kohl's in April, 1998 concerning the construction of an 80,000 square foot stand-alone retail store on the southwest corner of 120th Avenue and Sheridan Boulevard. Building and site development were estimated to cost approximately \$5 million.

Kohl's is a 36 year old company based in Wisconsin. It is a family owned, value oriented department store which offers moderately priced national brand apparel, shoes, accessories and home products. In addition to the Westminster location, Kohl's will be opening five stores in the Denver Metropolitan area in May of this year.

Kohl's Department Store is expected to generate approximately \$570,000 in sales tax revenue per year. This is based on average sales of \$226/square foot for the approximately 86,000 square foot retail store. The projected five year total for retail sales tax, building permit fees, property tax and building use tax is expected to be just under \$3 million.

City Council previously approved an Assistance Package in the amount of \$348,000 for this project in November, 1998. This Assistance Package will help defray the cost of such things as improvements to the 120th Avenue frontage road, storm drainage improvements, a bridge connection across a drainage enhancement to 120th Avenue, a City of Westminster entry sign, brick and architectural enhancements and the impact of delays caused by the City of Broomfield. Now that the project has been approved by the Broomfield City Council pertaining to public improvements within Broomfield right-of-way, Kohl's has experienced additional unforeseen costs totally \$111,450. These costs are associated with 120th Avenue right-of-way improvements that have been imposed by Broomfield. Per the attached letter from Michael Distel, Director of Real Estate Development for Kohl's Department Store, they are requesting consideration of additional financial assistance from the City of Westminster.

The Assistance Package approved in November contained the following components and amounts:

Building Permit Fee Waiver \$ 11,300

50% of the fees applicable to building and other related permits will be waived excluding tap fees.
(\$22,600 estimated fees x 50% - \$11,300)

Building Use Tax Waiver \$ 29,250

50% of the Building Use Tax assessed on construction will be waived (\$58,500 estimated use tax x 50% = \$29,250)

Sales Tax Rebate \$307,450

50% of the general Sales Tax collected and received by the City from Kohl's Department Store, shall be rebated up to a maximum of \$307,450 (based on 3.25% Sales Tax, less the .25% of Open Space Tax)

Total Assistance **\$348,000**

An additional \$50,000 in sales tax rebate is recommended to partially defray the additional public improvements costs that Kohl's has had to pay. The amended financial assistance package of \$398,000 is still well within the City's guidelines whereby this total amount would be recouped in less than one year's equivalence of sales tax generated by Kohl's. It is thought to be fair and equitable to this new Westminster retailer that the City assist to some degree with the additional costs in question.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1999

INTRODUCED BY COUNCILLORS

FOR AN ORDINANCE AUTHORIZING AN AMENDED ASSISTANCE AGREEMENT WITH KOHL'S DEPARTMENT STORE:

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

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

WHEREAS, Kohl's Department Store previously committed to building a new retail store in the City of Westminster; and

WHEREAS, Kohl's Department Store is completing an approximately 86,000 square foot retail store with an estimated project cost of \$5 million; and

WHEREAS, City Council previously approved an Assistance Agreement between the City and Kohl's Department Store on November 23, 1998; and

WHEREAS, Kohl's Department Store has experienced additional unexpected public improvements costs imposed by the City of Broomfield in the amount of \$111,450 and Kohl's has requested additional assistance from the City of Westminster.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Amended Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Kohl's Department Store, in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to fund an additional \$50,000 and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of May, 1999 and PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7th day of June, 1999.

ATTEST:

Mayor

City Clerk

AMENDED ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF KOHL'S DEPARTMENT STORE
IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1999, between the CITY OF WESTMINSTER (the "City"), and KOHL'S DEPARTMENT STORES, INC. ("Kohl's Department Store"),

WHEREAS, the City wishes to provide certain assistance to Kohl's Department Store, to aid in the construction of the retail store ("the project") within the City ; and

WHEREAS, the proposed center is projected to generate over \$570,000 annually in sales tax revenues; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Kohl's Department Store, agree as follows:

1. The City shall waive the payment of 50% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-9-3(E), which will result from the construction of the approximately 86,000 square foot retail store to be completed no later than December 31, 1999. The value of the permit fee waiver is estimated to be \$11,300.
2. The City shall waive the payment of 50% of the Building Use Taxes on the construction materials, which are to be used in the construction of the approximately 86,000 square foot Kohl's Department Store, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$29,250.
3. Sales Tax Rebate.
 - a. The City shall rebate to Kohl's Department Store, an amount equal to \$398,000, less the amount actually waived per paragraphs 1 and 2 above and estimated to be \$357,450 (the "Sales Tax Rebate"). Such Sales Tax Rebate shall be payable exclusively from sales tax revenues collected and received by the City from Kohl's Department Store and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax).
 - b. The Sales Tax Rebate shall be paid by the City in quarterly installments from sales tax revenue actually collected and received by the City from Kohl's Department Store, in installment amounts to be computed as follows: 50% of the general sales tax revenue collected, not to exceed the amount as defined by Paragraph 3a.
 - c. Such quarterly installments shall continue and be paid until such time as the maximum Sales Tax Rebate amount has been paid. The final installment will be adjusted as may be necessary to limit the total fee and use tax waivers provided for in paragraphs 1,2,3 plus the sales tax rebate to no more than \$398,000.
 - d. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter.

AMENDED ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF KOHL'S DEPARTMENT STORE
IN THE CITY OF WESTMINSTER

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4. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Kohl's Department Store has not completed construction by December 31, 1999 at the southwest corner of 120th Avenue and Sheridan Boulevard.
5. In the event Kohl's Department Store ceases business operations within the City within three (3) years after the new operations commence, then in such event Kohl's Department Store shall pay to the City the total amount of fees and taxes which were due and payable by Kohl's to the City but were waived by the City, as well as reimburse the City for all funds provided to Kohl's Department Store pursuant to this Agreement.
6. This instrument shall constitute the entire business assistance agreement between the City and Kohl's Department Store and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.
7. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bonded indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.
8. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.
9. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

AMENDED ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF KOHL'S DEPARTMENT STORE
IN THE CITY OF WESTMINSTER

Page 3

KOHL'S DEPARTMENT STORES, INC.

CITY OF WESTMINSTER

By _____

John F. Herma
Kohl's Department Stores, Inc.
Chief Operating Officer

William Christopher
City Manager
4800 West 92nd Avenue
Westminster, CO 80030

ATTEST:

ATTEST:

Title: Assistant Secretary

Michele Kelley
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Hyland Greens Subdivision Seventh Amended Preliminary Development Plan

Prepared by: Shannon Sweeney, Planner III

Introduction

City Council is requested to hold a public hearing and, later on the agenda, take action on the requested approval of the Seventh Amended Preliminary Development Plan (PDP) of the Hyland Greens Planned Unit Development.

Summary

Applicant/Property Owner

Sunrise Development, Inc., located in Fairfax, Virginia, is the applicant and owner of the property. The City of Westminster Open Space Coordinator is currently negotiating the purchase of the 1.39-acre parcel at the southeast corner of W. 104th Avenue and Sheridan Boulevard that the City would own and maintain for passive open space purposes.

Location

The site is located at the southeast corner of W. 104th Avenue and Sheridan Boulevard in the Hyland Greens Subdivision Planned Unit Development (PUD). (Please see attached vicinity map).

Size of Site

The site as shown on the PDP amendment covers 9.3 acres and is the last remaining vacant site within the Hyland Greens PUD. As part of this PDP amendment, the applicant is proposing to subdivide this property into two parcels. Parcel D, the larger of the two parcels, is a 7.91-acre site to be owned by Sunrise Development, and Parcel E to the north is the 1.39-acre site designated for open space to be owned and maintained by the City of Westminster.

Description of Proposed Uses and the City Comprehensive Land Use Plan

The existing Hyland Greens PDP allows commercial land uses for this site. However, these land uses do not conform with the City's Comprehensive Land Use Plan. This proposed PDP amendment will bring this PDP into compliance with the Plan.

Parcel D specifies a residential land use for a 109-bed assisted living senior housing project. The developer received points in the 1998 New Senior Housing Competition for setting aside an acre of additional land as private open space. As part of the assisted living development, the developer chose to designate a larger area to help preserve the drainageway area along the eastern border of the site. This area encompasses 1.46 acres and will remain as private open space that the property owner will own and maintain. A provision on the Official Development Plan (ODP) will specify that future development in this area will not be permitted.

Parcel E is designated for City of Westminster Future Open Space, and the City is currently negotiating the land purchase.

Major Issues

No major issues remain for this project. The City Staff initially pursued a public trail connection from the corner of 104th Avenue and Sheridan Boulevard southeast to the adjacent Hyland Greens residential neighborhood. However, this requirement was dropped after many residents of the neighborhood voiced opposition to the connection. The City does not own (or have a public access easement for) the Hyland Greens trail system, and the homeowners association owns and is responsible for maintaining that trail system. For these reasons and others, residents expressed concern about public access. Sunrise Development also opposed a public trail connection due to security and safety issues.

City Staff consulted with City Council regarding this public trail requirement, and given the circumstances, Council determined the City should no longer pursue the trail connection. This issue has been resolved to the satisfaction of both the First Hyland Greens Homeowners Association and Sunrise Development.

Planning Commission Recommendation

At their regular meeting on May 11, 1999, Planning Commission voted unanimously (6-0) to make a recommendation to City Council to approve the Hyland Greens Subdivision Seventh Amended Preliminary Development Plan that changes the allowed land uses from 9.3 acres of commercial to 7.91 acres of residential (assisted living senior housing) and 1.39 acres of City of Westminster future open space.

The recommendation is based on a finding that the proposed Hyland Greens Subdivision Seventh Amended Preliminary Development Plan meets the requirements of Section 11-5-14 of the Westminster Municipal Code, and is in conformance with the Westminster Comprehensive Land Use Plan.

Following the developer presentation at the Planning Commission public hearing, no one spoke in favor or in opposition to the proposed development.

Staff Recommendation

1. Hold a public hearing on the proposed Hyland Greens Subdivision Seventh Amended Preliminary Development Plan.
2. Approve the Hyland Greens Subdivision Seventh Amended Preliminary Development Plan that changes the allowed land uses from 9.3 acres of commercial to 7.91 acres of residential (assisted living senior housing) and 1.39 acres of City of Westminster future open space; based on a finding that the proposed Hyland Greens Subdivision Seventh Amended Preliminary Development Plan meets the requirements of Section 11-5-14 of the Westminster Municipal Code, and is in conformance with the Westminster Comprehensive Land Use Plan.

Background Information

Architectural/Building Materials

The architectural style and building materials will be detailed in the Official Development Plan (ODP) for this project.

Public Land Dedication, Parks/Trails

Because the landowner previously met most of the Public Land Dedication requirement with the original PDP, only a small amount of dedication is now necessary. A total of .32 acres will be provided as part of Parcel E. The City is negotiating the purchase of the remainder of Parcel E.

Access and Circulation

Because of the close proximity of the 104th Avenue and Sheridan Boulevard intersection, this 9.3-acre property is permitted only one access point. The only approved access point will be along Sheridan Boulevard, approximately 650 feet south of 104th Avenue, and will be a shared access point for both parcels D and E. Even though Parcel E is proposed for passive open space use, an access road may need to be constructed in the future. The developer is providing an access easement on Parcel D to allow future access to Parcel E, and this easement will be detailed on the ODP.

Site/Landscape Design

The proposed Sunrise Assisted Living ODP details the site design for their proposed project. There are a total of three, one-story buildings proposed for the 109-bed assisted living project. Parking for the site will meet the City's requirements, and this project is also designed to meet all of the minimum requirements of the Senior Housing Design Guidelines. Through the Senior Housing Competition process, the developer agreed to provide additional landscaping in the right-of-way and entry areas of the site. The minimum landscaped area required for this project will be 45 percent of the total site area.

Although a detailed site plan for their project is not required with this PDP approval, the applicant plans to show a slide of the site design as part of the developer presentation at the May 24, 1999 City Council meeting.

Signage

While signage is not a detail required on the PDP, signage will be specified on the ODP. One monument sign is currently proposed just south of the entrance to the project.

Service Commitment Category

City Council awarded Service Commitments to Sunrise Development as a result of the 1998 New Senior Housing Competition. A total of 38.15 Category E (Senior Housing) Service Commitments have been reserved for this project.

Referral Agency Responses

As part of the ODP referral process, City Staff received responses from several outside agencies: The Colorado Division of Wildlife, Urban Drainage and Flood Control District, and Colorado Department of Transportation. None of these agencies had concerns about the proposed development, and guidelines sent by Urban Drainage and Flood Control District concerning the adjacent drainageway were forwarded to the developer and will be addressed on the ODP.

Public Comments

Prior to submitting an application for the 1998 New Senior Housing Competition, Sunrise Development held a meeting with the adjacent residential neighborhood, Hyland Greens. Following that meeting, the City received a letter from the First Hyland Greens Homeowners Association endorsing the proposed project. (Please see attached letter). During the development review process, the developer conducted another neighborhood meeting to present the final project design and notify the neighborhood that the City is no longer requiring the public trail connection. More than 30 people attended the meeting, and many commented that this project would be an asset to their community and is greatly preferred over the commercial land use previously approved and shown on the existing PDP.

Surrounding Land Uses and Comprehensive Land Use Plan Designations

Adjacent to the eastern and southern boundaries of this 9.3-acre site is an existing single-family detached residential neighborhood within the Hyland Greens PUD. Sheridan Boulevard borders the west boundary of the site, and 104th Avenue borders the north boundary.

West of Sheridan Boulevard is an undeveloped parcel zoned O-1 and designated as Office/Residential use in the City's Comprehensive Land Use Plan (CLUP). North of 104th Avenue is a public open space area adjacent to the Legacy Ridge Golf Course within the Legacy Ridge Planned Unit Development.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject Zehnder Annexation, Zoning and Comprehensive Land Use Plan Amendment

Prepared By: David Falconieri, Planner III

Introduction

City Council action is requested for the purpose of taking action on a request by Brian Zehnder for annexation and zoning for a parcel of land located on the north side of 96th Avenue and east of the Woman Creek Reservoir property and Indiana Street, designating the property on the Westminster Comprehensive Land Use Plan as "Private Parks and Open Space".

Summary

Applicant/ Property Owner

Brian and Teresa Zehnder

Location

On the north side of 96th Avenue, east of the Woman Creek Reservoir property between Indiana Street and Alkire Street, northwest of Standley Lake.

Size of Site

Approximately 39.9 acres

Proposed Zoning

O-1 (Open)

Major issues

The Zehnder property is currently approved with a private golf course, which the owner wishes to continue to operate. No new development is proposed at this time. The nine hole executive course is watered by existing surface water rights and will not be using City water unless the golf course is discontinued and a new development is proposed. Staff is recommending the O-1 zone category which permits golf courses and other low intensity uses consistent with the open character of the area. Any redevelopment would require a rezoning to Planned Unit Development (PUD) and a Comprehensive Land Use Plan amendment.

Mr. Zehnder is proposing an annexation agreement that would, if adopted by City Council, allow the existing golf course use to continue as a use by right, and would specify that the owners would not need to make improvements to 96th Avenue nor to hook up to City water and sewer services for as long as the property continues to be used as a golf course.

Planning Commission Recommendation

The Planning Commission heard this case at their regular meeting of May 11, 1999. After hearing testimony from the applicant, the Commission voted unanimously (6-0) to recommend to the City Council that the annexation be approved and that the property be zoned O-1. The commission members also recommended that the Zehner Property be designated on the Comprehensive Land Use Plan as "Private Parks and Open Space".

Staff Recommendation

1. Hold a public hearing.
2. Pass Councilor's Bill No. 24 on first reading approving the annexation agreement for the Zehnder Property.
3. Adopt Resolution No. 34 making certain findings of fact as required by State Statutes.
4. Pass Councilor's Bill No. 25 on first reading annexing the Zehnder Property to the City of Westminster.
5. Pass Councilor's Bill No. 26 on first reading zoning the Zehnder property O-1 (Open).
6. Pass Councilor's Bill No. 27 on first reading amending the Westminster Comprehensive Land Use Plan to include the Zehnder Property with the designation of "Private Parks and Open Space".

Background Information

Discussion of Major Issues

Staff is recommending that the property be zoned O-1. This zoning category will ensure that nothing is developed on the site besides the current uses unless it is rezoned to a PUD. In that event, the owner would be responsible for all required street improvements and to connect to the City's utility system. However as long as the property is used as a private golf course, those changes will not be required.

The "Private Parks and Open Space" category of the Comprehensive Land Use Plan (CLUP) allows golf courses and is therefore an ideal category for the existing uses. At the same time, no other type of development would be permitted without amending the CLUP and applying for a rezoning. At that time, the applicant would be required to meet all development requirements of the City in effect.

In essence, the proposed annexation agreement allows the applicant to continue the use of the property as a golf course without making any new infrastructure improvements. Since the course is served by existing surface water rights, Staff considers this to be a reasonable request. The agreement clarifies however, that if the property were to be redeveloped, all normal infrastructure improvements would be required.

Architectural/Building Materials

No new construction is proposed.

Public Land Dedication, Parks and Trails

None

Access and Circulation

The entrance to the property is located off of 96th Avenue.

Signage

Will comply with City Code specifications.

Service Commitments Category

None

Surrounding Zoning

North: Brauch Open Space

South: Agricultural (Jefferson County)

East: Agricultural (Jefferson County)

West: Woman Creek Reservoir

Respectfully submitted,

Alan P. Miller
Acting City Manager
Attachments

ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 1999, by and between the CITY OF WESTMINSTER ("City") and TERESA L ZEHNDER AND BRIAN J ZEHNDER. ("Zehnders").

WHEREAS, Zehnders are the owners of the property described in Exhibit "A" attached hereto (the "Property"), and

WHEREAS, Zehnders intends petition the City for annexation of the Property to the City; and

WHEREAS, the City and Zehnders agree that there would be mutual benefits to be realized from the annexation of the Property to the City; and

WHEREAS, the City and Zehnders wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, in consideration of the above premises, the covenants, promises, and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Annexation.

Except as otherwise specifically modified by this agreement, the annexation and subsequent development of the Property shall be subject to all City ordinances, rules, regulation and policies. The annexation of the Property will not be deemed effective until its final approval by the City Council, recording of the Annexation Plat and Annexation Ordinance with the Jefferson County Clerk and Recorder, and the execution and recording of this Annexation Agreement.

2. Streets.

Nothing herein shall be construed as obligating Zehnders to improve 96th Avenue as a condition to the continuation of the present uses of the Property. In the event improvements to 96th Avenue or any other public improvements adjoining the Property are constructed in the future, the Property shall not be obligated to participate in the cost of such public improvements as long as no use of the Property is made other than the uses set forth in Exhibit "B" to this Agreement, including those listed under "future considerations for the Property." Should the Property be redeveloped for some other use other than those uses listed in Exhibit "B" or uses allowed in a "0-1 Zone District" dated 9/97, such redeveloped Property shall be subject to the City's then current cost recovery ordinances and policies pertaining to the construction and financing of public improvements. Zehnders, however, agree to dedicate at no cost to the City, any right-of-way required for expansion of 96th Avenue at such time as is requested by the City.

3. Water and Sewer Services.

Zehnders shall not be required to connect to the City's water and sewer as long as no use of the Property is made other than the uses set forth in Exhibit "B" to this Agreement, including those listed under "future considerations for the Property" or uses allowed in a "0-1 Zone District" dated 9/97.

4. Zoning.

It is the intent of Zehnders to operate the Property in a manner consistent with the land use plan described in Exhibit "B" attached hereto and incorporated herein by this reference. The City agrees by approval of this agreement to the current uses of the Property as stated in Exhibit "B".

The City Staff shall recommend to the City Planning Commission and the City Council that the Property be zoned "0-1 Zone District" dated 9/97. The City shall initiate first reading of the zoning ordinance for the Property prior to final enactment of the annexation ordinance.

5. Annexation Fees.

Annexation fees for said Property shall be waived.

6. Recording and Annexation Agreement.

This Annexation Agreement shall be recorded with the Jefferson County Clerk and Recorder. The terms and conditions to this Annexation Agreement shall inure to the benefit of and be binding upon the successors in interest or the legal representatives of the parties, including all heirs, transferees, successors, assigns, purchasers, lessors, and subsequent owners of any lot or parcel within the Property, and all such provisions and conditions shall be deemed as covenants running with the Property.

7. No Waiver.

Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or negation of the City's legislative, governmental, or police powers to promote and protect the health, safety or general welfare of the City and its citizens. Nor shall this Agreement prohibit the enactment by the City of any fee which is uniform or of general application.

8. Severability.

The fact that any portion of this Agreement may be held unenforceable shall not affect the enforceability of the remaining portions hereof, it being the intent of the parties that any such unenforceable provisions shall be deemed severable from the remaining provisions of this Agreement. No waiver of any provision hereof in any circumstance shall constitute a waiver of such provision in other instances.

9. Entire Agreement.

This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. Except as specifically modified herein, this Agreement shall be construed in a manner which makes it consistent with the City Code and City Charter. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement may not be modified except in writing and executed with the same formalities as this Agreement.

CITY OF WESTMINSTER

BRIAN J ZEHNDER

By _____
William Christopher
City Manager

By _____

TERESA L ZEHNDER

By _____

ATTEST:

ATTEST:

City Clerk

Notary Public

EXHIBIT A

A parcel of land located in Section 18, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows: The SW ¼ of the SE ¼ of Section 18, Township 2 South, Range 69 West, Except the south 25 feet of the SE ¼ of Section 18, Township 2 South, Range 69 West of the 6th P.M. which lies within the 96th Avenue right-of-way.

EXHIBIT "B"

Primary uses for Property.

Existing.

1. The Property is currently being utilized as a golf facility including a golf course, practice driving range, pitch and putt and single family residence.

Existing facilities include the following:

House/Clubhouse.

This building has multiple uses. The top east section of the house is used as a residence for the manager of the golf course. The top west section of the house is used as a clubhouse. The basement/garage is utilized for storage of golf equipment and manager's personal vehicles.

Maintenance Shed.

Primary uses are storage of mowers, tractors and other equipment and parts used to maintain golf course.

Pump House.

Primarily houses controls for irrigation system.

Golf Shelters.

Small open structures to help protect golfers from the weather.

Gravel Parking Lot.

Current parking lot is maintained gravel surface.

Future.

1. Additional golf shelters of similar type to those existing.
2. Should at some time it no longer becomes feasible to operate a golf center Zehnders reserve the right to use property as a single family residence and utilize the ground in their farming operations.
3. Any other uses that conform with the City's "0-1 Zone District" dated 9/97 .

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. _____

SERIES OF 1999

INTRODUCED BY COUNCILORS

A BILL

FOR AN ORDINANCE APPROVING AN AGREEMENT FOR THE ANNEXATION OF THE ZEHNDER PROPERTY ON THE NORTH SIDE OF 96TH AVENUE EAST OF THE WOMAN CREEK RESERVOIR PROPERTY

WHEREAS, the final form of the terms and conditions for the annexation and development of the Zehnder property on 96th Avenue to the City of Westminster has been agreed to by the parties; and

WHEREAS, the City of Westminster and the property owners agree that it would be mutually beneficial to annex the property into the City.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The agreement between the City and the Zehnders setting forth the terms and conditions for the annexation of the Zehnder property on the north side of 96th Avenue and east of the Woman Creek Reservoir is approved in substantially the same form as the attached Annexation Agreement and the City Manager is hereby authorized to execute the same on behalf of the City.

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

Section 3. 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 24th day of May, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this th day of June, 1999.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 24 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER THAT:

1. The City Council finds:
 - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
 - b. A community of interest exists between the area proposed to be annexed and the City;
 - c. The area is urban or will be urbanized in the near future; and
 - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
 - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
 - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:
- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
 - b. That the annexation will not result in the attachment of area from a school district;
 - c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
 - d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
 - e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.
4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.
5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 24th day of May, 1999

ATTEST:

Mayor

City Clerk

Zehnder Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. _____

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 24 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in Section 18, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows: The SW ¼ of the SE ¼ of Section 18, Township 2 South, Range 69 West, Except the south 25 feet of the SE ¼ of Section 18, Township 2 South, Range 69 West of the 6th P.M. which lies within the 96th Avenue right-of-way.

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

Section 3. 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 24th day of May, 1999. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7th day of June, 1999.

ATTEST:

Mayor

City Clerk _____

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1998

COUNCILOR'S BILL NO. _____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-2-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Section 18, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

The SW ¼ of the SE ¼ of Section 18, Township 2 South, Range 69 West of the 6th PM in Jefferson County, Colorado.

Except the South 25 feet of SE ¼ of Section 18, Township 2 South, Range 69 West of the 6th PM which lies within the 96th Avenue right-of-way.

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 24th day of May, 1999. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7th day of June, 1999.

ATTEST:

Mayor

City Clerk _____

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described as follows:

A parcel of land located in Section 18, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows: The SW ¼ of the SE ¼ of Section 18, Township 2 South, Range 69 West, Except the south 25 feet of SE ¼ of Section 18, Township 2 South, Range 69 West of the 6th PM which lies within the 96th Avenue right-of-way.

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the Zehnder property, legally described above. The Zehnder property shall be designated "Private Park and open Space".

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 24th day of May, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7th day of June, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Resolution No. 35 re Removal of Rocky Flats Transuranic Waste to the Waste Isolation Pilot Plant

Prepared by: Mary Harlow, Rocky Flats Coordinator
Ron Hellbusch, Director of Public Works & Utilities

Introduction

The Waste Isolation Pilot Plant (WIPP), Carlsbad, New Mexico, has been designated by the United States Department of Energy (DOE) as the final disposal site for all transuranic waste (contains both radioactive and hazardous materials) within the DOE complex. The Site opened in March 1999 and is currently receiving and disposing of transuranic waste without a hazardous component. Rocky Flats Environmental Technology Site (RFETS) transuranic waste will be disposed of at WIPP. A formal statement of support for disposing of Rocky Flats transuranic waste at WIPP is the next step.

Summary

The Rocky Flats Environmental Technology Site has straight transuranic waste that has been certified by the Environmental Protection Agency as ready to be shipped to the WIPP site. The City of Westminster has written many letters supporting the opening of the WIPP but has not passed a formal resolution stating their position on the disposal of all Rocky Flats transuranic waste at WIPP. Council Resolution No. 61, Series 1999, supports limiting onsite storage and requests that all viable offsite disposal sites be actively pursued but does not provide a position on WIPP. The Colorado Legislature passed a resolution in March urging the Department of Energy to immediately start moving waste from Rocky Flats to WIPP. Five of the seven local governments making up the Rocky Flats Coalition of local governments voted to support the removal and disposition of transuranic waste to the New Mexico Facility.

Alternative

Council could determine that the local and national support already provided by the City in favor of the WIPP site is sufficient for the DOE to determine its support for removing the transuranic waste from RFETS for disposal at WIPP.

Councils support has been directed towards achieving the opening of WIPP. Now that the site is open it is important that City provide a formal position to the Colorado Congressional delegation and the regulators supporting the immediate removal and disposition of transuranic waste from Rocky Flats to WIPP.

Council could determine that there is no necessity for the City to provide an additional recommendation, since Westminster is a member of the Rocky Flats Coalition of Local Governments, which has taken a formal position on WIPP.

Staff Recommendation

Adopt Resolution No. 35 supporting immediate removal of all Rocky Flats transuranic waste to the Waste Isolation Pilot Plant in Carlsbad, New Mexico, for final disposal.

Background Information

The Waste Isolation Pilot Plant in Carlsbad, New Mexico, opened in March of this year to begin receiving straight transuranic waste for disposal. The Facility took 25 years and over \$2 billion dollars to construct. The license necessary for disposing of mixed radioactive waste is pending. The State of New Mexico wants to make sure that when the license is issued the risk of legal challenges will be minimal.

Rocky Flats straight transuranic waste has been officially approved by the Environmental Protection Agency for shipment and disposal at WIPP. Both Los Alamos and Idaho National Laboratories are in the process of shipping and disposing at WIPP.

State Representative Glenn Scott introduced a resolution to the Colorado State Legislature in March urging the Department of Energy to immediately start moving waste from Rocky Flats to the Waste Isolation Pilot Plant in Carlsbad, New Mexico. The resolution was formally adopted by the Legislature. At the April meeting of the Rocky Flats Coalition of Local Governments, Board members voted by majority to support the WIPP Site for the disposal of transuranic waste from Rocky Flats.

Westminster City Council has not adopted a formal resolution supporting the WIPP site as the proper disposal facility for all transuranic waste from Rocky Flats. Council Resolution No. 6, Series of 1994, entitled, "Waste Storage at the Rocky Flats Site," requests that the United States Environmental Protection Agency and the Colorado Department of Public Health and Environment take any and all actions to minimize the on-site accumulation and storage of all wastes generated and to actively pursue viable alternative sites for the disposal of all waste. The Resolution does not provide support for the removal of all transuranic waste from RFETS to the WIPP site for disposal.

The adoption of the resolution provides information to the residents of Westminster that City Council supports the removal of the waste that poses a threat to their health and their drinking water supply, Standley Lake. It also serves as notice that Westminster does not support long term retrievable storage of waste at RFETS.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

RESOLUTION SUPPORTING TRANSPORTATION AND DISPOSITION OF TRANSURANIC WASTE FROM THE ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE TO THE WASTE ISOLATION PILOT PLANT AT CARLSBAD, NEW MEXICO

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

WHEREAS; the City of Westminster continues to work closely with the Colorado Congressional District, the State of Colorado, the Department of Energy and the current site contractor Kaiser-Hill to ensure that all radioactive and hazardous materials and wastes are removed from the Rocky Flats Environmental Technology Site in an expeditious manner in order to protect the residents of the City of Westminster and its' raw water supply Standley Lake, and

WHEREAS; City Council adopted Resolution No.61, Series of 1994 titled "Waste Storage At the Rocky Flats Site" which requests that the United States Environmental Protection Agency and the Colorado Department of Public Health and Environment take any and all actions to minimize the on-site accumulation and storage of all wastes generated and to actively pursue viable alternative sites for the disposal of all wastes, and

WHEREAS, the Waste Isolation Pilot Plant (WIPP) located at Carlsbad, New Mexico has been opened to dispose of transuranic waste from Department Of Energy sites such as Rocky Flats, and

WHEREAS, The Department of Energy has determined that all transuranic waste from Rocky Flats should go to the WIPP site for final disposal.

NOW THEREFORE, BE IT RESOLVED that the City of Westminster supports the expeditious transport of transuranic waste from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant in Carlsbad, New Mexico, and requests that the United States Department of Energy, the Environmental Protection Agency and the Colorado Department of Public Health and Environment take any and all actions to ensure that Rocky Flats is placed on an accelerated schedule for transport and disposal of all transuranic waste at the WIPP site at Carlsbad, New Mexico.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Councillor's Bill No. 28 re Supplemental Appropriation for Contracted Construction Plan Review Services

Prepared by: Dave Horras, Chief Building Official

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$100,000 in additional funds to the 1999 Building Division operating budget for contracted construction plan review services. Revenue for this supplementary appropriation is available in the Commercial Building Permit Revenue Account.

Summary

Staff has been contracting for construction plan review services on new commercial projects with outside agencies for the last few years. This contracted approach provides a multi-disciplined professional engineering review with a quicker review than would be possible with Building Division Staff. This mid-year supplemental appropriation is requested due to the scale and volume of new commercial and office construction projects submitted so far in 1999 and currently anticipated to be submitted yet this year.

Staff Recommendation

Pass Councillor's Bill No. 28 on first reading appropriating \$100,000 to the Building Division operating budget for contracted construction plan review services from the appropriate Building Permit Revenue account.

Background

The Building Division has been using contractors for building construction plan review services as an effective way of allowing Staff to return plan review comments to applicants in a timely fashion as well as providing a more in-depth review of larger projects. The quick review of plans is a primary concern of most applicants as extended delays can cost the applicants a considerable amount of money.

Staff considers the use of contractors as a cost effective way to provide applicants with a complete review in a timely fashion as all of the fees paid to contractors for plan review services are fully recoverable through the fees collected as part of the building permit issuance. The contractor's fees are based on 70% to 80% of the plan review fee collected by the City from the permit applicant at the time of building permit issuance.

It is proposed that the supplemental funds be allocated from the additional commercial building permit revenue. The building permit revenues collected from commercial building permits during the first quarter of 1999 were \$132,836, already exceeding the budgeted revenues of \$100,000 for the year. This commercial construction activity is directly related to the request for additional funding.

Following is a partial listing of some of the 1999 projects or proposals that would utilize contract plan review services:

- Standley Lake Marketplace Retail
- Safeway at Standley Lake
- Home Depot
- Lucent Technology
- Panorama Point
- Safeway (128th & Zuni)
- Church Ranch Office Center
- Northwest Recreation Center
- Promenade West
- Westmoor Technology Park
- Park Centre (various projects)
- RTD Park 'N Ride

An alternative to the proposed supplemental appropriation would be to have existing Staff perform all construction plan review on new commercial building permit submittals. This will likely double the time it currently takes to return comments to the permit applicants. To achieve a review time similar to what is currently achieved with the use of contracted services, a minimum of two additional staff positions would need to be added.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1999

COUNCILOR'S BILL NO. _____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Fund, initially appropriated by Ordinance No. 2654 in the amount of \$ 54,321,053 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on May 24, 1999 will equal \$ 54,421,053. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions.

Section 2. The \$100,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | \$ Increase | Final Budget |
|---|-----------------|------------------|-----------------|
| REVENUES | | | |
| Commercial Building Permits in Adams County | | | |
| 10-0315-070 | \$60,000 | \$60,000 | \$120,000 |
| Commercial Building Permits in Jefferson County | | | |
| 10-0315-080 | <u>\$40,000</u> | <u>\$40,000</u> | <u>\$80,000</u> |
| Total Change to Revenues | | <u>\$100,000</u> | |
| EXPENSES | | | |
| Community Development Professional Services | | | |
| 10-30-37-209-000 | \$34,600 | <u>\$100,000</u> | \$134,000 |
| Total Change to Expenditures | | <u>\$100,000</u> | |

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of May 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999
Subject: Big Dry Creek Trail Underpass at Wadsworth Parkway and Independence
Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill for a supplemental appropriation of \$500,000, the amount of the 1999 Transportation Equity Act for the 21st Century (TEA-21) grant award, into the General Capital Improvement Project Fund for construction of the Big Dry Creek Trail Underpass. City Council action is also requested to authorize the City Manager to sign a contract with The Colorado Department of Transportation (CDOT) in the amount of \$625,000 to fund construction for the Big Dry Creek Trail Underpass project, located at Wadsworth Parkway and Independence Street. The City already has budgeted in the Big Dry Creek Trail account the 20% matching funds in the amount of \$125,000 required by the TEA-21 grant.

Summary

In December 1997, Staff applied for a \$500,000, TEA-21 trails grant administered by Denver Regional Council of Governments (DRCOG) and sponsored by the Federal Highway Administration. The construction portion of the project is anticipated to cost \$924,000. The maximum grant request amount was \$500,000, therefore, the City committed to the 20% matching funds of \$125,000 as well as an additional \$299,000 (overmatch) required to complete the construction of this project.

The City was recently awarded the grant in March 1999 for the construction of the Big Dry Creek Trail Underpass. The TEA-21 grants funding is administered through CDOT. The contract with CDOT allows the City to receive the TEA-21 funding for construction, and guarantees that the City will provide the matching funds. The grant requires 20% matching funds of \$125,000 and TEA-21 grant will fund 80% at \$500,000 and the City's over match portion of \$299,000 will bring the total cost of the project to \$924,000.

Alternatives

1. City Council could decide not to authorize the contract with CDOT, however, this would forfeit the receipt of \$500,000 TEA-21 grant funding.

Staff Recommendation

1. Pass Councillor's Bill No. 29 on first reading appropriating \$500,000 into the General Capital Improvement Fund of the Big Dry Creek Trail project.
2. Authorize the City Manager to sign a contract with the Colorado Department of Transportation (CDOT) in the amount of \$625,000 to obligate grant funding for construction of the Big Dry Creek Trail Underpass project.

Background Information

Jefferson County Open Space established the Trails 2000 program to provide funding for trail development throughout Jefferson County. In 1993, the Jefferson County Commissioners and Jefferson County Open Space agreed to place the Big Dry Creek Trail system on their list of priority projects. An estimate for this project was prepared by Westminster and Jefferson County Staff identifying \$1.3 million for design and construction of the trail. TranSystems Corporation Consultants was chosen in 1996 to design the Big Dry Creek Trail from the Burlington Northern Santa Fe Railroad Culvert to the Wadsworth Boulevard underpass.

Based on the withdrawal of construction fees from Jefferson County and TEA-21 monies not available at the time the original contract was nearing completion, Staff halted the project. Staff has since requested TranSystems to split the project into two phases. TranSystems continued to develop construction drawings for phase one under the BNSF Railroad, but has been sitting on phase two, the Wadsworth Underpass. Staff had received notice that the TEA-21 funds are now available and we must get the project under construction by fall in order to be eligible for the budgeted funds. The first phase set of construction documents was completed in April of 1999. This second Phase will finish out the original scope and complete this portion of the project.

TranSystems work will progress from where the project was stopped in 1997. Construction documents were approximately 75% complete. The goal is to develop a Phase II construction document package which includes all earthwork, grading, traffic control Wadsworth Underpass, and the concrete trail. The projected is expected to begin this fall.

TranSystems was hired in 1996 to design both the Wadsworth Parkway trail underpass and the railroad trail underpass. In the summer of 1997 Jefferson County notified the City that funding for the Trails 2000 program has been suspended indefinitely. TranSystems at the time had completed the 75% design and was informed by Staff to stop the project. The change order fees are required to update and complete the Wadsworth Parkway trail underpass design, apply for a groundwater discharge permit and prepare documents for an IGA with CDOT. Staff closely evaluated the additional fee proposal by the consultant and determined these fees are appropriate to finish the contract.

The City has received a \$500,000 Transportation Efficiency Act 21st Century (TEA-21) grant from the Federal Government for this portion of the project. In addition, City Council appropriated \$300,000 in 1999 and \$900,000 in 1998 Capital Improvement Project (CIP) Fund for the development of Big Dry Creek Trails in Jefferson County of which \$424,000 of these funds will be used to match this TEA-21 grant.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments - Councilor's Bill and Project map

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1999

COUNCILLOR'S BILL NO. ____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2566 in the amount of \$29,085,943 is hereby increased by \$500,000 which, when added to the fund balance as of the City Council action on May 10, 1999, will equal \$29,585,943. The actual amount in the General Capital Improvement Project 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 an ISTE A grant for the construction of Big Dry Creek Trail

Section 2. The \$500,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <u>Description</u> | <u>Current Budget</u> | <u>\$ Increase</u> | <u>Final Budget</u> |
|-----------------------------|-----------------------|--------------------|---------------------|
| <u>REVENUES</u> | | | |
| Intergovernmental | | | |
| 75-0426-019 | \$0 | <u>\$500,000</u> | \$500,000 |
| <u>EXPENSES</u> | | | |
| Big Dry Creek Trail project | | | |
| 75-50-88-555-391 | \$1,015,200 | <u>\$500,000</u> | \$1,515,200 |

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of May, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Councillor's Bill No. 30re Appropriation of 1998 Carryover Funds

Prepared by: Tammy Hitchens, Accounting Manager

Introduction

City Council action is requested to pass Councillor's Bill No. 30 on first reading appropriating 1998 carryover and incentive funds, as described, into the General, Reserve, Fleet, General Capital Improvement, Golf Course and Utility Funds. This is an action City Council takes annually once the audit is completed for the prior year.

Summary

Due to various departments saving money and revenues coming in higher than estimated, a carryover balance ABOVE what was budgeted in 1998 has been realized. The City typically, for the past several years, has enjoyed a carryover in addition to what has been budgeted due to the practice of being conservative in estimating revenues and maintaining expenditures within the overall City budget.

At this time, the following items are being requested for appropriation:

- A. Carryover which will be utilized by various funds described in the background section below. All carryover is not being appropriated at this time. Staff is determining the best use of these funds. This information is being shown for informational purposes only.
- B. Incentive funds of \$251,607. This amount consists of savings by departments. It is calculated by an approved formula previously adopted by Council Resolution whereby each department is allowed to retain a certain portion of budget savings.
- C. Certain items and services which were budgeted in 1998 but which were not received or provided until 1999. This totaled \$1,481,248.

Staff Recommendation

Pass Councillor's Bill No. 30 on first reading appropriating carryover funds into the 1999 budgets of the General, Reserve Fleet, General Capital Improvement, Golf Course and Utility Funds.

Background Information

A. 1998 CARRYOVER FOR VARIOUS FUNDS

The carryover, over and above what was budgeted for 1999, is as follows:

Appropriation of 1998 Carryover Funds
Page 2

| | |
|----------------------------------|---------------------|
| General | \$3,750,242 |
| Fleet | 37,505 |
| Open Space | 615,219 |
| Conservation Trust | 105,104 |
| General Capital Improvement Fund | 2,450,066 |
| Debt Service | 518,297 |
| Utility | <u>15,535,345</u> |
| Total | <u>\$23,011,778</u> |

B. 1998 CARRYOVER FOR INCENTIVE BUDGETING

Through Resolution No. 40, Series of 1989, City Council adopted an Incentive Budget Program, whereby a portion of departmental savings realized would be reappropriated to the applicable departments. The formula for determining the amount of Incentive Budget Funds is departments receive 100% of the first \$5,000 in savings and 25% of any savings above \$5,000. This amount is limited to the amount of excess carryover. The amount to be distributed to the various departments through the Incentive Budget Program is listed below.

GENERAL FUND

| | |
|-------------------------------|------------------|
| CAO | \$ 7,022 |
| CMO | 214 |
| Central Charges | 25,549 |
| Finance | 8,320 |
| General Services | 31,014 |
| Police | 9,380 |
| Fire | 7,246 |
| Streets | 41,534 |
| Community Development | 12,443 |
| Parks, Recreation & Libraries | <u>55,598</u> |
| Total General Fund | <u>\$198,320</u> |

FLEET FUND \$4,248

UTILITY FUND

| | |
|--------------------------|---------------|
| Finance | \$11,143 |
| Information Technologies | 4,568 |
| Water | 24,399 |
| Wastewater | <u>8,929</u> |
| Total Utility Fund | <u>49,039</u> |

TOTAL INCENTIVE FUNDS \$251,607

C. REAPPROPRIATION OF ITEMS APPROVED IN 1998

Certain items ordered in 1998 were not received until 1999. In addition, certain services, authorized in 1998, were not fully performed by the end of the year. Staff recommends the items described below be reappropriated in 1999.

Central Charges: Three items totaling \$283,582 as follows.

1. \$6,860. for upgrades to COG team leaders' computers that were not completed in 1998.
2. \$10,523 to be transferred to the General Capital Improvement Fund for the sculpture garden project. This money was obtained in prior years from the Westminster Walks program.
3. \$266,199 to be transferred to the Reserve Fund to pay back the funds borrowed to pay expenses associated with the Westmoor Business Park.

General Services: Four items totaling \$74,560 as follows

1. \$17,000 for consulting services related to the pay compensation study which is still in progress.
2. \$15,000 for computer equipment that was not installed until 1999.
3. \$23,000 for completion of the carpet replacement in City Hall that was not completed in 1998.
4. \$19,560 for replacement of the carillon controller that was not delivered until April of this year.

Finance: Two items totaling \$55,000 as follows:

1. \$40,000 for a new cash receipts system at the cashier area at City Hall that was not to be completed until 1999.
2. \$15,000 for the completion of arbitrage calculations that have been underway since 1998.

Police Three items totaling \$148,722 as follows:

1. \$80,000 to upgrade uniforms in the Police Department.
2. \$57,000 for computer hardware and software items related to the Computer Aided Field Report System
3. \$11,722 to reappropriate grant revenues associated with the Colorado School Mediation Project that is still in progress.

Fire Four items totaling \$243,050 as follows:

1. \$80,000 down payment for an aerial platform to be transferred to the Fire station #2 capital project account to be used at the time the fire station is constructed.
2. \$100,000 for a new ambulance and related equipment that will not be received until 1999.
3. \$43,050 for computer hardware and software associated with the expansion of the Mobile Data Terminals/Field reporting system that was placed on hold pending other decisions.
4. \$20,000 for the reconfiguration of Fire Administration modular furniture to coincide with the carpet replacement.

Public Works & Utilities – Streets One item totaling \$74,276 to pay the balance due on two tandem trucks. The trucks were delivered in 1999.

Community Development: Four items totaling \$100,126 as follows.

1. \$46,725 for the City's Face Lift program that was not completed in 1998 and is still in progress.
2. \$19,033 for remodeling and reconfiguring work areas that was just completed.
3. \$8,338 for services related to the development of a master plan for the CEP which is still underway and will be budgeted in the near future.
4. \$26,030 for South Westminster initiatives planned, but not completed in 1998.

Parks, Recreation & Libraries: Seven items totaling \$131,676 as follows:

1. \$2,795 for City Park Fitness Center equipment which was not delivered until 1999.
2. \$29,104 for reappropriation of grant revenue received in 1998 for youth activities to allow the youth programs to continue.
3. \$3,402 for reappropriation of donations from Dare and the Westminster Artist Series for youth scholarships for participants of youth activities that are unable to afford the cost of the activities.
4. \$11,625 for the design and printing of an upgraded facility brochure. This was delayed until the City Park Fitness Center was complete.
5. \$48,000 for reconfiguration of the modular furniture in the Department of Parks, Recreation and Libraries to accommodate additional staff.
6. \$35,000 for equipment ordered, but not yet delivered to be used to fulfill the contract for maintenance of the Promenade.
7. \$1,750 for barcode readers that were not delivered until 1999.

Fleet: One item totaling \$33,257 for replacement of the fuel monitoring system.

Golf Course One item totaling \$24,000 for a truck used in golf course operations.

Water: Four items totaling \$123,269 as follows:

1. \$18,632 for completion of the THC tap fee study
2. \$17,475 for professional services contract with Helton and Williamson for Clear Creek Water Rights Model Development that was not completed in 1998.
3. \$5,784 for the completion of a grounds maintenance services contract at Jim Baker Reservoir.
4. \$81,378 for a freightliner utility truck and associated accessories that was delayed due to the inability to get a high demand transmission.

Wastewater: Three items totaling \$189,730 as follows:

1. \$90,325 for a biosolids hauling tractor that was not received by year end 1998.
2. \$40,000 for the Department's Reclaimed Water Supply Project Public Information Program that is still in progress to address issues related to this project.
3. \$59,405 for the Metro Water Reclamation Facility Annual Service Charge that was a final reconciliation of the 1998 billing.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. _____

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL, RESERVE, FLEET, GENERAL CAPITAL IMPROVEMENT, GOLF COURSE AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 CARRYOVER IN THE VARIOUS FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Fund, initially appropriated by Ordinance No. 2654 in the amount of \$53,471,414 is hereby increased by \$1,309,312 which, when added to the fund balance as of the City Council action on June 7, 1999 will equal \$55,630,365. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 1998 carryover funds and certain other revenues which were budgeted in 1998, but were not received or provided until 1999.

Section 2. The \$1,309,312 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | \$ Increase | Final Budget |
|------------------------------------|----------------|--------------------|--------------|
| REVENUES | | | |
| Carryover | | | |
| 10-0090-000 | \$551,000 | \$1,297,590 | \$1,848,590 |
| Colorado School Mediation Project | | | |
| 10-0426-096 | 0 | <u>11,722</u> | 11,722 |
| Total Change to Revenues | | <u>\$1,309,312</u> | |
| EXPENSES | | | |
| City Attorney – Incentive Funds | | | |
| 10-03-12-444-000 | \$0 | \$7,022 | \$7,022 |
| City Manager – Incentive Funds | | | |
| 10-05-05-444-000 | 0 | 214 | 214 |
| Central Charges – Incentive Funds | | | |
| 10-10-90-444-000 | 0 | 25,549 | 25,549 |
| Finance – Incentive Funds | | | |
| 10-15-05-444-000 | 0 | 8,320 | 8,320 |
| General Services – Incentive Funds | | | |
| 10-12-05-444-000 | 0 | 31,014 | 31,014 |

| | | | |
|---|---------|---------|---------|
| Police – Incentive Funds | | | |
| 10-20-05-444-000 | 0 | 9,380 | 9,380 |
| Fire – Incentive Funds | | | |
| 10-25-26-444-000 | 0 | 7,246 | 7,246 |
| Streets – Incentive Funds | | | |
| 10-35-45-444-000 | 0 | 41,534 | 41,534 |
| Community Development – Incentive Funds | | | |
| 10-30-05-444-000 | 0 | 12,443 | 12,443 |
| Parks, Recreation & Libraries – Incentive Funds | | | |
| 10-50-05-444-000 | 0 | 55,598 | 55,598 |
| Transfers to General Capital Improvement Fund | | | |
| 10-10-95-990-975 | 551,000 | 90,523 | 641,523 |
| Transfers to Reserve Fund | | | |
| 10-10-95-990-911 | 0 | 266,199 | 266,199 |
| Computer Hardware/Software | | | |
| 10-10-90-405-704 | 0 | 6,860 | 6,860 |
| Professional Services | | | |
| 10-12-05-209-000 | 12,500 | 17,000 | 29,500 |
| Computer Hardware/Software | | | |
| 10-12-13-405-000 | 18,500 | 15,000 | 33,500 |
| Other Equipment | | | |
| 10-12-39-406-000 | 1,950 | 42,560 | 44,510 |
| Professional Services | | | |
| 10-15-05-209-000 | 23,760 | 55,000 | 78,760 |
| Uniform and Equipment Allowance | | | |
| 10-20-50-112-000 | 88,200 | 80,000 | 168,200 |
| Computer Hardware/Software | | | |
| 10-20-50-405-000 | 35,000 | 57,000 | 92,000 |
| Contractual Services | | | |
| 10-20-27-299-096 | 0 | 11,722 | 11,722 |
| Vehicles | | | |
| 10-25-26-401-546 | 97,500 | 100,000 | 197,500 |
| Computer Hardware/Software | | | |
| 10-25-26-405-000 | 40,600 | 43,050 | 83,650 |
| Office Equipment | | | |
| 10-25-26-404-000 | 13,250 | 20,000 | 33,250 |
| Vehicles | | | |
| 10-35-45-401-000 | 105,000 | 74,276 | 179,276 |

| | | | |
|--|--------|--------------------|--------|
| Business Assistance 10-30-34-297-000 | 30,500 | 46,725 | 77,225 |
| Office Equipment 10-30-37-404-000 | 12,400 | 19,033 | 31,433 |
| Professional Services 10-30-05-209-000 | 0 | 34,368 | 34,368 |
| Other Equipment 10-50-72-406-965 | 5,000 | 2,795 | 7,795 |
| Recreation Supplies – Youth Programs 10-50-76-312-529 | 20,230 | 32,506 | 52,736 |
| Special Promotions 10-50-72-245-000 | 0 | 11,625 | 11,625 |
| Other Equipment 10-50-05-406-000 | 0 | 48,000 | 48,000 |
| Other Equipment 10-50-55-406-106 | 0 | 35,000 | 35,000 |
| Office Equipment 10-50-62-404-000 | 7,080 | <u>1,750</u> | 8,830 |
| Total Change to Expenditures | | <u>\$1,309,312</u> | |

Section 3. The 1999 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$90,523 which, when added to the fund balance as of the City Council action on June 7, 1999 will equal \$15,106,374. 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 funds transferred from the General Fund.

Section 4. The \$90,523 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | \$ Increase | Final Budget | Current Budget |
|---|-------------|-----------------|----------------|
| REVENUES | | | |
| Transfer from the General Fund 75-9999-360 | \$551,000 | <u>\$90,523</u> | \$641,523 |
| Total Change to Revenues | | <u>\$90,523</u> | |
| EXPENSES | | | |
| Appropriations Holding 75-20-88-555-032 | \$699,561 | \$80,000 | \$779,561 |

| | | | |
|--|---|-----------------|--------|
| Appropriations Holding 75-50-88-555-366 | 0 | <u>10,523</u> | 10,523 |
| Total Change to Expenditures | | <u>\$90,523</u> | |

Section 5. The 1999 appropriation for the Reserve Fund, initially appropriated by Ordinance No. 2654 in the amount of \$3,700,000 is hereby increased by \$266,199 which, when added to the fund balance as of the City Council action on June 7, 1999 will equal \$3,966,199. The actual amount in the Reserve 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 funds transferred from the General Fund.

Section 6. The \$266,199 increase in the Reserve Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | \$ Increase | Final Budget |
|--|----------------|------------------|--------------|
| REVENUES | | | |
| Transfers from the General Fund 11-9999-360 | \$0 | <u>\$266,199</u> | \$266,199 |
| Total Change to Revenues | | <u>\$266,199</u> | |
| EXPENSES | | | |
| Contingency 11-10-99-999-000 | \$3,643,406 | <u>\$266,199</u> | \$3,909,605 |
| Total Change to Expenditures | | <u>\$266,199</u> | |

Section 7. The 1999 appropriation for the Fleet Maintenance Fund, initially appropriated by Ordinance No. 2654 in the amount of \$1,109,607 is hereby increased by \$37,505 which, when added to the fund balance as of the City Council action on June 7, 1999 will equal \$1,147,112. The actual amount in the Fleet Maintenance 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 1998 carryover funds.

Section 8. The \$37,505 increase in the Fleet Maintenance Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | \$ Increase | Final Budget |
|--------------------------|----------------|-----------------|--------------|
| REVENUES | | | |
| Carryover 30-0090-000 | \$0 | <u>\$37,505</u> | \$37,505 |
| Total Change to Revenues | | <u>\$37,505</u> | |

EXPENSES

| | | | |
|---|-------|-----------------|---------|
| Fleet Maintenance Incentive 30-12-46-444-000 | \$0 | \$4,248 | \$4,248 |
| Other Equipment 30-12-46-406-000 | 5,000 | <u>33,257</u> | 38,257 |
| Total Change to Expenditures | | <u>\$37,505</u> | |

Section 9. The 1999 appropriation for the Utility Enterprise Fund, initially appropriated by Ordinance No. 2654 in the amount of \$30,800,000 is hereby increased by \$362,038 which, when added to the fund balance as of the City Council action on June 7, 1999 will equal \$31,375,529. The actual amount in the Utility Enterprise 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 1998 carryover funds.

Section 10. The \$362,038 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | \$ Increase | Final Budget |
|--------------------------|----------------|----------------|--------------|
| REVENUES | | | |
| Carryover 20-0090-000 | \$4,249,183 | \$163,379 | \$4,412,562 |
| Carryover 21-0090-000 | 3,434,183 | <u>198,659</u> | 3,632,842 |
| Total Change to Revenues | | <u>362,038</u> | |

EXPENSES

| | | | |
|--|---------|----------|----------|
| Utility Billing – Incentive Funds 20-15-24-444-000 | \$0 | \$11,143 | \$11,143 |
| Information Technology - Incentive Funds 20-15-23-444-000 | 0 | 4,568 | 4,568 |
| Water – Incentive Funds 20-35-05-444-000 | 0 | 24,399 | 24,399 |
| Wastewater – Incentive Funds 21-35-05-444-000 | 0 | 8,929 | 8,929 |
| Professional Services 20-35-48-209-000 | 387,253 | 36,107 | 423,360 |
| Maintenance/Repair - Infrastructure 20-35-48-267-000 | 145,326 | 5,784 | 151,110 |
| Vehicles | | | |

| | | | |
|---|---------|------------------|---------|
| Vehicles | | | |
| 21-35-49-401-000 | 69,500 | 90,325 | 159,825 |
| Special Assessments - Metro Water Reclamation Facility | | | |
| 21-35-49-291-512 | 167,500 | 59,405 | 226,905 |
| Professional Services | | | |
| 21-35-49-209-000 | 152,860 | <u>40,000</u> | 192,860 |
| Total Change to Expenditures | | <u>\$362,038</u> | |

Section 11. The 1999 appropriation for the Golf Course Enterprise Fund, initially appropriated by Ordinance No. 2654 in the amount of \$2,305,785 is hereby increased by \$24,000 which, when added to the fund balance as of the City Council action on June 7, 1999 will equal \$2,329,785. The actual amount in the Golf Course Enterprise 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 1998 carryover funds.

Section 12. The \$24,000 increase in the Golf Course Enterprise Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | \$ Increase | Final Budget |
|------------------------------|----------------|-----------------|--------------|
| REVENUES | | | |
| Carryover | | | |
| 22-0090-000 | \$0 | <u>\$24,000</u> | \$24,000 |
| Total Change to Revenues | | <u>\$24,000</u> | |
| EXPENSES | | | |
| Vehicles | | | |
| 22-50-55-401-000 | \$0 | <u>\$24,000</u> | \$24,000 |
| Total Change to Expenditures | | <u>\$24,000</u> | |

Section 13. – 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 14. This ordinance shall take effect upon its passage after the second reading.

Section 15. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 24th day of May 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this _____ day of _____, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999

Subject: Resolution No. 36 re Future Broomfield City/County Detention Facility (County Jail) Location

Prepared by: Alan Miller, Assistant City Manager

Introduction

City Council action is requested on the attached Resolution. This new Resolution strongly opposes the City of Broomfield locating their proposed new City/County Detention Facility (i.e., county jail) anywhere on the eastern side of the Great Western Reservoir with access off Simms Street or from 112th via Simms Street.

Summary

The proposed Resolution urges Broomfield to locate the new jail, should it be constructed at the Great Western Reservoir site, on the northwestern side of the site, with access off Indiana Street in order to significantly reduce the impact upon the nearby neighborhoods and businesses in the City of Westminster and in unincorporated Jefferson County. One of the final sites still under consideration is located generally west and north of Great Western Reservoir (see attachment 1 from Broomfield). The other final site under consideration is located generally east of Great Western Reservoir in the vicinity of Broomfield's water treatment plan. This is the site that Staff proposes City Council oppose.

City Staff has been trying to track Broomfield's progress on determining the location of its future City and County of Broomfield Detention Facility (i.e., county jail). At their only public held on May 6 to discuss the site selection for the new jail, the new library and other miscellaneous city-to-county transition issues, the Great Western Reservoir site was presented as Broomfield's most favored site for the new jail facility. The "Great Western Reservoir site" is quite large encompassing several hundred acres and even different ownerships are involved so it has been difficult to determine where in this area Broomfield is actually considering a specific 10 acre site..

At the one and only public meeting Broomfield has stated they want to hold one meeting on this issue. Chief of Police Tom Deland stated that the specific location on the Great Western Reservoir had not been selected, but indicated that two sites were under final consideration. One is located east of Great Western Reservoir with access off Simms Street or 112th Avenue, and the other is generally west and north of Great Western Reservoir (see attachment 1 from Broomfield). Based on this information on the possible location of a detention facility east of Great Western Reservoir and the great concern expressed by Westminster residents near it, the attached Resolution is intended to clearly state the City's position regarding the location of Broomfield's new jail facility and its potential impact on neighboring Westminster residents. City Council will recall that Resolution No. 30 was passed generally favorable to Broomfield's originally expressed interest in locating the jail facility west of Great Western Reservoir with access off of Indiana Street.

Staff Recommendation

Adopt Resolution No. 36 stating Westminster's opposition to the City of Broomfield locating their new county jail detention facility anywhere on the eastern side of the Great Western Reservoir site with access off Simms Street and/or 112th Avenue.

Background

On May 3, City Council adopted Resolution No. 30. The resolution stated Westminster's general conditional support for the location of Broomfield's new county jail detention facility on the most western section of the Great Western Reservoir site with access off Indiana Street. This support had the condition that the new detention facility location not adversely affect the construction of the Northwest Parkway south of Colorado 128 or the possible extension of 112th Avenue between Simms Street and Indiana Street.

At the public meeting held by Broomfield on May 6 regarding the jail facility, residents of Walnut Creek in unincorporated Jefferson County expressed great concern over the location of the detention facility near their homes. The Westminster residents (from the Countryside Subdivision) also expressed concern over the lack of notification and ability to provide input into the site selection process. Broomfield Police Chief Tom Deland stated that the May 6 meeting was the only public meeting that Broomfield was intending to hold prior to final site selection. Broomfield Staff did state that any letters, e-mails or telephone calls would be addressed and encouraged citizens to utilize those avenues to state any concerns and/or obtain information.

Since the Broomfield public meeting, both Westminster City Councillors and Staff have received numerous calls and e-mails from concerned Westminster residents over the possible location of the new Broomfield detention facility.

Westminster Staff began communication with Broomfield Staff in February to try to be involved in the site selection process for the new detention facility. Assistant City Manager Alan Miller, Police Chief Dan Montgomery, and Assistant to the City Manager Barbara Gadecki met with Broomfield Advisor to the City Manager Tim Holeman in March to discuss the possible location of the detention facility. At that time, Mr. Holeman identified one site location on the western side of the Great Western Reservoir (GWR) that might be of concern to the City of Westminster. He went on to state that a separate internal Site Selection Committee was reviewing sites and was an "objective" selection criteria developed by a consultant. Westminster Staff indicated concerns over the possible jail facility location at the GWR to Mr. Holeman at this time including the proximity to Westminster residents and businesses.

In April, via a conference call with Mr. Holeman and Broomfield Police Chief Deland, Barbara Gadecki learned of three possible site locations around Broomfield. At that time, the Site Selection Committee had not concluded their recommendations but indicated they were leaning towards the GWR site. Westminster Staff reiterated concern over the location at GWR and encouraged, should a GWR site be selected, that the facility be constructed at the most western section of the site with access off Indiana Street. Based on this information, Staff drafted Resolution No. 30 that City Council adopted on May 3 prior to the Broomfield public meeting.

At the public meeting, Westminster Staff obtained a copy of the site selection criteria; a copy is attached. The selection criteria included the following variables: distance from services (emergency and community services), location (away from where people live, where arrests occur and where court is held), access (traffic and public transportation access), site character (soils, environmental hazards, acreage and zoning), and site acquisition and costs. Based on these criteria, of the final four sites, the Great Western Reservoir is Broomfield's preferred site. The Site Selection Committee favored the Great Western Reservoir (GWR) site for three primary reasons: 1) the City owns the land; 2) the site is more isolated than the other sites; and 3) the site would allow a building to be constructed that will blend more so into the terrain (due to the rolling features of the site).

City Staff's analysis of their criteria and point value weighting is that it gives too little weight to compatibility with surrounding land uses and proximity to residential and office areas. It certainly has caused Staff to wonder if land use compatibility with surrounding neighborhoods wouldn't be given a much more stronger weighting if any of Broomfield's proposed jail sites were close to Broomfield residential neighborhoods. In addition, approximately 300 acres encompassing land around Great Western Reservoir was acquired by Broomfield from the Department of Energy and there is a significant question as to whether there might be a deed restriction preventing any development rather than leaving it as open space. It appears that there is vacant land north and west of Great Western Reservoir available for a jail site that would not have such a deed restriction, but Staff is still trying to obtain accurate land ownership and zoning maps in the area.

Residents are worried that the new detention facility will be located on the most eastern side of the site near 108th/112th Avenues and Simms Street. The proximity of this jail facility to residential and business development makes locating the detention facility on the eastern side of the GWR highly undesirable. Everyone is aware that locating a jail facility is extremely sensitive and would be of concern to those nearby. Broomfield voted themselves to be a county, but they now want to locate their new jail facility adjacent to Westminster residents rather than Broomfield residents. While it is not that desirable to have a jail facility anywhere near Westminster residents and businesses, Staff believes that the original Resolution No. 30 was a good compromise and provides an alternative to Broomfield that is consistent with their own site selection and at the same time is over a mile away from Westminster. As long as access to the jail facility was from Indiana, the the jail facility traffic would not go through Westminster or nearby Westminster residents. Staff suggests strong opposition to any jail site east of GWR, but consistent with Resolution No. 30, support a jail site west of GWR with access from Indiana Street.

Respectfully submitted,

Alan P. Miller
Assistant City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION CONCERNING THE FUTURE BROOMFIELD CITY/COUNTY DETENTION FACILITY LOCATION

WHEREAS, the City of Westminster has a vested interest in the location of the proposed City/County Jail Detention Facility because of its proximity to the City of Westminster; and

WHEREAS, the location of the proposed City/County Jail Detention Facility potentially will have a negative affect on Westminster neighborhoods and businesses; and

WHEREAS, the City of Westminster is aware that the Broomfield Site Selection Committee favors two sites in the area near Great Western Reservoir for the proposed county jail; and

WHEREAS, the location of one of two of Broomfield's proposed final two county jail sites is on the east side of the Great Western Reservoir which will have a negative affect on the Westminster neighborhoods and businesses in close proximity; and

NOW THEREFORE, be it resolved that the Westminster City Council strongly opposes the City of Broomfield locating the proposed county jail on the eastern side at the Great Western Reservoir site closest to Simms Street due to the close proximity of Westminster residents and businesses and encourages the City of Broomfield to locate its proposed county jail on the most western side of the Great Western Reservoir with access off Indiana Street to have the smallest impact upon Westminster residents and businesses as possible.

Passed and adopted this 24th day of May, 1999.

REVISED ON 5-14-99

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. 36

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION CONCERNING THE FUTURE BROOMFIELD CITY/COUNTY DETENTION FACILITY LOCATION

WHEREAS, the City of Westminster has a vested interest in the location of some of the proposed Broomfield City/County Detention Facility sites because of their proximity to the City of Westminster and its citizenry; and

WHEREAS, the location of some of the proposed City/County Detention Facility sites will have a negative affect on Westminster neighborhoods and businesses; and

WHEREAS, the City of Westminster is aware that the Broomfield Site Selection Committee favors locating the proposed new detention facility somewhere in the vicinity of the Great Western Reservoir; and

WHEREAS, the City of Broomfield did not adequately notify affected citizens of the potential location of a county detention facility near their homes and businesses nor provide adequate opportunities to give input to Broomfield officials; and

WHEREAS, residents, businesses and the City of Westminster are concerned about the potential environmental impacts caused by constructing such a facility in such close proximity to the Rocky Flats Environmental Technology Site (RFETS); and

WHEREAS, the location of a county detention facility in such close proximity to existing neighborhoods and an elementary school has the potential to place young children and families at unacceptable risk and is not compatible with the fabric of residential areas; and

WHEREAS, the City of Westminster is concerned about the health, safety and welfare of its citizens.

THEREFORE, BE IT RESOLVED that the Westminster City Council strongly opposes the City Council of Broomfield locating the proposed county detention facility at any site between Indiana and Simms Streets in the vicinity of the Great Western Reservoir and urges the City of Broomfield to respect the concerns and wishes of its neighbors and locate the proposed county detention facility at the Northeast Broomfield Site on Weld County Road 11 (one mile northeast of the intersection of Highway 7 and I-25);

THE CITY OF WESTMINSTER FURTHER URGES City of Broomfield officials to conduct additional public meetings with appropriate advance public notice to allow all impacted individuals to comment on the potential proposed county detention facility location and, in turn, take their concerns into consideration.

Passed and adopted this 24th day of May, 1999, as amended.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 24, 1999
Subject: Financial Report for April 1999
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1999 transactions through April 1999.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs. Appropriations
3. Sales Tax Detail

General Fund revenues represent 35% of the total budget estimate while General Fund expenditures and encumbrances represent 36% of the 1999 appropriation.

Utility Fund revenues represent 38% of the total budget estimate. Utility fund expenditures and encumbrances represent 26% of the 1999 appropriation. The City has begun to receive reimbursements from the Colorado Water Power Authority. These funds were appropriated in prior years.

The Sales and Use Tax Fund revenues represent 38% of the total budget estimate, while expenditures and encumbrances in that fund represent 33% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 10% from the same period last year and increased 11% year-to-date.

The Open Space Fund revenues represent 36% of the total budget estimate while expenditures and encumbrances in that fund represent 25% of the 1999 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 15% of the total budget estimate while operating expenditures and encumbrances represent 24% of the 1999 appropriation. This is consistent with the seasonal nature of golf. The Heritage reflects the \$1,500,000 loan from Jefferson County. There are no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course.

Theoretically, 33% of revenues and expenditures should be realized after four months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments