



WESTMINSTER
COLORADO

June 11, 2001
7:00 P.M.
AGENDA

Please turn OFF cell phones and pagers during meetings

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamation in Honor of Youlon Savage
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Purchase of Patrol Cars
 - B. Semper Clearwell Reconstruction Legal Services For Condemnation
 - C. Butterfly Pavilion Relocation Special Legal Counsel
 - D. IGA with Thornton and United Power for the Relocation of the Substation at the 136th Avenue
 - E. Harlan Street Privacy Fencing Contract to Fence Consultants, Inc. for \$194,500
 - F. 2000 Comprehensive Annual Financial Report and Management Report
 - G. Web site Evaluation Contract with Immediant for \$35,772
 - H. CB No. 28 re Dedication of Land Use for Public School Sites (Kauffman-Hicks)
 - I. CB No. 30 re Annexation re McKay Lake Area (Atchison-Hicks)
 - J. CB No. 31 re Zoning re McKay Lake Area (Atchison-Hicks)
 - K. CB No. 32 re Comprehensive Land Use Plan Amendment re McKay Lake Area (Atchison-Hicks)
 - L. CB No. 33 re Comprehensive Land Use Plan Amendment re 86th Ave & Federal Blvd (Merkel-Moss)
9. Appointments and Resignations
 - A. Resolution No. 38 re Resignations & Appointments to Environmental and Parks & Recreation Advisory Boards (Johnson and Polston resignations)
 - B. Set Deadline for Board and Commission Applications
10. Public Hearings and Other New Business
 - A. Public Meeting on 2002 City Budget
 - B. Councillor's Bill No. 34 Amendment to Village at Park Centre, LLC Business Assistance Agreement
 - C. Councillor's Bill No. 35 re Vacation of Standley Lake Marketplace Utility Easements
 - D. Councillor's Bill No 36 re Certificates of Participation 2001 Proceeds Appropriation
 - E. Councillor's Bill No. 37 re 2001 Supplemental Appropriation
 - F. Resolution No. 39 re Approving Golf Course Staff reorganization and pay plan adjustment
 - G. Library Design Contract in South Westminster with Bennett, Wagner, and Grody Architects for \$125,780
 - H. Resolution No. 40 re Mayor Pro Tem Dixon's Travel Expenses

- 11. Old Business and Passage of Ordinances on Second Reading**
 - A. Councillor's Bill No. 27 re Sign Code Revisions re Monument Signs (Atchison-Dixion)
 - B. Councillor's Bill No. 29 re Annexation Agreement re McKay Lake Area (Atchison-Hicks)
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Request for Executive Session
 1. Attorney Client Discussion-Personnel Matter
- 13. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 11, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Boy Scout Troop 505 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Mayor Heil, Mayor Pro Tem Dixon, Councillors Atchison, Hicks, Kauffman, Moss and Merkel were present at roll call. J. Brent McFall, City Manager; Vicky Bunsen, Assistant City Attorney; and Michele Kelley, City Clerk were also present. Absent none.

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Merkel to accept the minutes of the meeting of May 21, 2001 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Matt Lutkus, Deputy City Manager for Administration, presented a proclamation to Youlon Savage honoring him on his recent retirement as Executive Director of Adams Community Mental Health Center.

CITIZEN COMMUNICATION:

George Hovorka, Chairman CAAT, 11889 Salem St, requested the Mayor's signature on a Memorandum of Understanding to be included in their grant application for drug awareness education to show City Council's commitment.

Councillor Moss moved, seconded by Councillor Hicks authorizing Mayor to sign a Memorandum of Understanding with CAAT regarding this grant. The motion carried unanimously.

CITY COUNCIL COMMENTS:

Councillor Kauffman stated that Council will be authorizing purchase of police vehicles, and commended the Police Department on only purchasing necessary vehicles, rather than the 10 that was budgeted.

Mayor Pro Tem Dixon commented that she had attended a community economic development meeting in South Carolina.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Purchase of Patrol Cars, two 2001 Ford Crown Victoria's at a cost of \$42,794.60 to Lakewood Fordland; Semper Clearwell Reconstruction Legal Services For Condemnation, with Gorsuch Kirgis LLP services in *City of Westminster v. Lake Arbor Associates*, not to exceed \$25,000; Butterfly Pavilion Relocation Special Legal Counsel, in an amount not to exceed \$5,000 with Barbara Banks of Banks & Imatani; IGA with Thornton and United Power for the Relocation of the Substation at the 136th Avenue; Harlan Street Privacy Fencing Contract to Fence Consultants, Inc. for \$194,500; 2000 Comprehensive Annual Financial Report and Management Report; Web site Evaluation Contract with Immedient for \$35,772; CB No. 28 re Dedication of Land Use for Public School Sites; CB No. 30 re Annexation re McKay Lake Area; CB No. 31 re Zoning re McKay Lake Area; CB No. 32 re Comprehensive Land Use Plan Amendment re McKay Lake Area; CB No. 33 re Comprehensive Land Use Plan Amendment re 86th Ave & Federal Blvd.

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. Councillor Moss requested that item 8F, 2000 Comprehensive Annual Financial Report and Management Report be removed for further discussion.

Councillor Atchison moved, seconded by Councillor Merkel to adopt the remaining consent agenda items as presented. The motion carried unanimously.

2000 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND MANAGEMENT REPORT

Mayor Pro-Tem Dixon moved, seconded by Councillor Hicks to accept the 2000 Comprehensive Annual Financial Report and Management Report. Jack Schroeder of Van Schooneveld & Co. was present and addressed Council. The motion carried unanimously.

RESOLUTION NO. 38 ENVIRONMENTAL ADVISORY & PARKS & RECREATION ADVISORY BOARD

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 38 accepting the resignation of Steve Johnson, from the Environmental Advisory Board; John Polston, from the Parks and Recreation Advisory Board; moving Carol DiGiacomo from alternate to regular member of Environmental Advisory Board; Stephanie Bingham from alternate to regular member of Parks and Recreation Advisory Board; and appointing Scott Raypholtz as the new alternate member to the Parks and Recreation Advisory Board with his term of office to expire December 31, 2001. Upon roll call vote, the motion carried unanimously.

BOARDS AND COMMISSIONS POOL

Mayor Pro-Tem Dixon moved, seconded by Councillor Merkel establishing a deadline of September 30, 2001 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government. The motion carried unanimously.

PUBLIC MEETING ON 2002 CITY BUDGET

The meeting was opened to receive initial public input and comments on the 2002 City Budget. The following persons addressed issues for the 2002 Budget: Pat Crossen, 10607 Kipling Way, representing Walnut Grove and Countryside area; Dan Vriesman, 9040A Yarrow St; Cliff Shoemaker, 10549 Kipling Pl; and Carl Walzak, 3725 W 78th Ave.

COUNCILLOR'S BILL NO. 34 RE VILLAGE AT PARK CENTRE BAP AMENDMENT

Councillor Merkel moved, seconded by Councillor Kauffman to pass Councillor's Bill No. 34 on first reading authorizing the City Manager to execute an amendment to the Business Assistance Agreement with Village at Park Centre, LLC. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 35 STANDLEY LAKE MARKETPLACE UTILITY EASEMENT VACATION

Councillor Merkel moved, seconded by Councillor Moss to pass Councillors Bill No. 35 on first reading vacating a utility easement within Lot 2, Standley Lake Marketplace and Lot 3, first replat Standley Lake Marketplace. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 36 RE APPROPRIATION OF COP 2001 PROCEEDS

Councillor Atchison moved, seconded by Councillor Moss to pass Councillors Bill No. 36 on first reading appropriating \$17,094,136 in proceeds from the sale of Certificate of Participation, Series 2001 for the construction of the City's new Public Safety Building for Police and Fire Headquarters, the contribution of \$1.5 million for the City's parking garage, capitalized interest and costs of issuance. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 37 RE 2001 BUDGET SUPPLEMENTAL APPROPRIATION

Councillor Hicks moved, seconded by Councillor Merkel to pass Councillors Bill No. 37 on first reading providing for supplementary appropriations to the 2001 General Fund and General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 39 RE GOLF COURSE STAFF REORGANIZATION

Councillor Atchison moved, seconded by Councillor Kauffman to adopt Resolution No. 39 modifying the pay plan and approving the golf course staff reorganization. Upon roll call vote, the motion carried unanimously.

DESIGN CONTRACT FOR NEW LIBRARY FACILITY IN SOUTH WESTMINSTER

Councillor Hicks moved, seconded by Mayor Pro-Tem Dixon to authorize the City Manager to sign a contract with Bennett, Wagner, and Grody Architects in the amount of \$126,515, which includes \$100,515 for the design of the new south Westminster library facility, a topset of \$17,000 for reimbursable expenses, and \$9,000 for geotechnical studies of the site. Add a 10 percent contingency of \$12,652, which is based on a construction budget of \$3.1 million. In addition, authorize the City Manager to sign a change order to the contract, after initial design work is completed and subject to funds being approved in the 2002 budget, for \$150,909 for construction documents, construction management and as-built drawings. The motion carried unanimously.

RESOLUTION NO. 40 RE DETERMINATION ON MAYOR PRO-TEM DIXION'S TRAVEL EXPENSES

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 40 that concludes that Mayor Pro Tem Dixon is no longer in default of her obligations to the City of Westminster pertaining to her City travel over the past 12 months. Carl Walzak, 3725 W 78th Ave, addressed Council. The motion carried with Mayor Pro-Tem Dixon abstaining.

COUNCILLOR'S BILL NO. 27 RE SIGN CODE REVISIONS RE MONUMENT SIGNS

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillor's Bill No. 27 on second reading making certain revisions to the Sign Code pertaining to monument signs. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 29 RE ANNEXATION AGREEMENT RE MCKAY LAKE AREA

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillor's Bill No. 29 on second reading approving the annexation agreement with Sheila Eades and Larry and Joan Seckels, and authorizing the City Manager to sign the agreement. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 41 RE CITY COUNCIL RULES AND PROCEDURES

Councillor Atchison moved, seconded by Councillor Hicks to waive the requirement that any alteration or amendment to these rules shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of new business. The motion carried with dissenting votes from Mayor Heil and Councillor Merkel.

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 41 amending Part VI Committees, adding Section 4, stating “The Council shall appoint from time to time such representatives as it deems appropriate to any boards, committees, task force, commissions, intergovernmental organizations or other bodies, including the City’s Boards and Commissions, to serve as liaison between such body and the City Council and to represent the City Council’s position as may be required. No person shall act or serve as a representative of the City without Council approval.” Upon roll call vote, the motion carried with dissenting votes from Mayor Heil and Councillor Merkel.

RESOLUTION NO. 42 APPOINTMENT TO ADAMS COUNTY ECONOMIC DEVELOPMENT COUNCIL

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 42 appointing Mayor Pro-Tem Samantha Dixon as the City of Westminster representative to the Adams County Economic Development Council. Upon roll call vote, the motion carried with dissenting votes from Mayor Heil and Councillor Merkel.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for discussion on: Attorney Client Discussion on Personnel Matter, and Mandalay Gardens Land Update.

ADJOURNMENT:

The meeting was adjourned at 8:25 P.M.

ATTEST

City Clerk

Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Proclamation in Honor of Youlon Savage

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

The Mayor is asked to present a proclamation that honors Youlon Savage on his recent retirement as Executive Director of Adams Community Mental Health Center, and designates Tuesday, June 12 as Youlon Savage Day in Westminster.

Summary

Youlon Savage began working at Adams Community Mental Health Center in 1967, when it was known as the Adams County Mental Hygiene Clinic. With the exception of five years when he served in the State Division of Mental Health, he devoted his career to providing mental health services in Adams County. From 1978 until his retirement last month, Mr. Savage was Executive Director of the Center. The Center grew significantly during his tenure and has provided mental health services to thousands of Adams County residents, including many Westminster citizens.

After more than 34 years in the mental health field, Mr. Savage retired on May 31, 2001. As Mr. Savage has been quoted as saying, he will be “redirecting” his efforts to pursue other interests, which include travel and volunteer work.

Mr. Savage leaves a commendable legacy of service to Mental Health Center consumers and a stellar reputation for his expertise and professionalism in the field of mental health. He is held in very high regard by many of the community and business leaders who have been associated with him over the years. In addition to his commitment to the mental health profession, he has been very active in community activities including the MetroNorth Chamber of Commerce, the Westminster Rotary, and Big Brothers of Denver. Mr. Savage’s work and the activities of the Adams Community Mental Health Center during his tenure as Executive Director have been recognized nationally on multiple occasions.

Given Mr. Savage’s tremendous contributions to the mental health profession and our community, it is truly appropriate and fitting that he be formally recognized by a proclamation from the Mayor at this time.

Staff Recommendation

Mayor presents a proclamation to be read by Staff honoring Youlon Savage and proclaiming June 12 as Youlon Savage Day in Westminster.

Background Information

Youlon Savage began his career as a mental health professional in Adams County as part-time therapist in 1967. In the early 1970’s, he worked for the State Division of Mental Health and returned in 1978 to become the Executive Director of the Adams Community Mental Health Center. The Center currently has a budget of over \$13 million with 250 staff members serving in 14 facilities, including the City-provided Westminster office at 76th Avenue and Irving Street. Adams Community Mental Health, with its various subsidiaries within the County, serves approximately 5,000 clients per year.

Proclamation in Honor of Youlon Savage
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Mr. Savage's last day as Executive Director was May 31, 2001. He has been invited to attend Monday evening's Council meeting, along with several current and former members of the Adams Community Mental Health Center Boards. He has just returned from a trip to China where he was part of a People-To-People delegation of mental health professionals.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Youlon Savage has had a career spanning some 34 years as a mental health center professional, and

WHEREAS, most of his career has been devoted to serving mental health center consumers in Adams County, including many in Westminster, and

WHEREAS, Mr. Savage retired on May 31, 2001 after serving 23 years as Executive Director for Adams Community Mental Health, and

WHEREAS, Mr. Savage leaves a legacy of humanitarianism and professionalism to the citizens of Adams County through his service in the mental health field and his involvement in community organizations and activities,

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim Tuesday, June 12, 2001 as

YOULON SAVAGE DAY

in the City of Westminster, in recognition of Mr. Savage's considerable contributions to the citizens of Westminster and Adams County.

Signed this 11th day of June, 2001

Nancy M. Heil, Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Purchase of Patrol Cars

Prepared by: Carl F. Pickett, Purchasing Specialist
Dan Montgomery, Chief of Police

Introduction

City Council action is requested to approve the purchase of 2 replacement 2001 Ford Crown Victoria's for patrol vehicles at a total cost of \$42,794.60. Funds have been specifically allocated in the 2001 General Fund, Police Department Budget, for this expense

Summary

In November 2000, the City's Purchasing Specialist received the results of the State Vehicle Bid for 2001. This year, the low bid for the Crown Victoria patrol vehicle was received from Lakewood Fordland. City Council previously approved funds in the 2001 Budget for the purchase of ten replacement police patrol cars and one additional police patrol car. After a lengthy review by staff, only two patrol vehicles are being requested for purchase. The bid submitted to the State by Lakewood Fordland is being recommended for this purchase. The cost of the patrol cars is within the amount previously approved for this purchase. Six used patrol cars will be traded in to the dealer.

Policy Issue

To accept the State bid on patrol vehicles.

Staff Recommendation

Award the bid for the purchase of two 2001 Ford Crown Victoria's at a cost of \$42,794.60 to Lakewood Fordland, the vendor awarded State bid for this category of vehicle, charge the expense to the appropriate 2001 Police Department Budget account, and authorize the trade in of the used patrol cars to Lakewood Fordland.

Alternatives

Direct staff to reject the State bid for patrol vehicles and re-bid the patrol vehicles, or to not purchase any patrol vehicles for the year 2001.

Background

As part of the 2001 budget, City Council approved the purchase of eleven patrol cars. After a complete review of current staffing and its impact on the patrol vehicle fleet, and a review of actual versus projected mileage, only two patrol vehicles are being requested for the year 2001. Vehicle replacements are based upon projected miles driven for each vehicle, with a target replacement at 100,000 miles. Funds saved from this purchase will be redirected to the Public Safety Building project, and to purchase some additional replacement light bars, and prisoner transport cages for the existing patrol cars.

Purchase of Patrol Cars

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The only full size rear wheel drive police package vehicle offered on the market today is a full-size Ford Patrol Crown Victoria. Patrol units will be replaced on a “to be determined” basis, based on the condition and maintenance history of each of the vehicles currently in operation.

The purchase price of a Crown Victoria patrol vehicle is \$21,397.30. The budgeted amount for each vehicle is \$21,700. Trade-in allowances of six retired patrol vehicles will be applied to this purchase. Information regarding each vehicle replacement and trade-in is as follows:

UNIT #	YEAR	MAKE	MODEL	MILES	VEHICLE MTNCE COSTS LIFE TO DATE (LTD)	TRADE IN ALLOWANCE
*8567	1995	Chevrolet	Caprice	161,509	\$27,851.11	\$1,500.00
*8574	1995	Chevrolet	Caprice	164,381	\$28,084.00	\$1,500.00
8520	1998	Ford	CrownVic	87,490	\$15,024.73	\$2,500.00
8525	1998	Ford	CrownVic	80,681	\$11,116.00	\$ 2,500.00
8529	1998	Ford	CrownVic	89,362	\$12,186.78	\$2,500.00
8519	1999	Chevrolet	Tahoe	104,249	\$18,217.00	\$3,500.00

*Units were refurbished at approximately 100,000 miles.

The low bid from Lakewood Fordland meets all specifications and requirements set by the City. The cost of the two vehicles, \$42,794.60, less the trade in value of \$14,000 for an expenditure of \$28,794.60, is within the amount previously approved by City Council for this expense.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: Semper Clearwell Reconstruction Legal Services For Condemnation
Prepared by: Vicky Bunsen, Assistant City Attorney

Introduction

City Council action is requested to approve a legal services contract with Gorsuch Kirgis LLP to provide condemnation services to acquire the property interests necessary to reconstruct, operate and maintain the Clearwell at the Semper Water Treatment Plant. The fees pursuant to the contract will not exceed \$25,000 without further approval of City Council. Funds are available in the 2001 Public Works and Utilities Clearwell capital project account budget to cover this expense.

Summary

The Semper Clearwell Replacement Project requires use of two parcels of land for construction access, staging, storage, stockpiling of soil, and other construction-related uses. The parcel at the corner of 91st Avenue and Pierce Street is also needed for support and maintenance of the High-Service Pump Station adjacent to the Clearwell and for future operational needs associated with the Clearwell. Condemnation of these two parcels was approved by City Council on November 22, 1999, and the Petition in Condemnation was filed in Jefferson County District Court on August 2, 2000.

The City Attorney's Office litigation staff is involved in the appeal of the Semper Clearwell case, as well as several other active cases, including seven condemnation cases and as co-counsel in six CIRSA cases. The City Attorney's Office occasionally needs to refer cases to outside legal counsel if the number of active cases exceeds the staffing capacity of the Office. After analysis of the various cases, it was decided to recommend to City Council that outside legal help be retained to assist with the Clearwell-related condemnation.

It is recommended that Mr. Malcolm Murray of Gorsuch Kirgis LLP be retained to serve as special condemnation counsel in this matter, at a fee not to exceed a total of \$25,000.

Policy Issue(s)

City Council needs to decide whether to hire outside legal counsel or keep this litigation in-house, to be handled by City employees.

Staff Recommendation

Authorize the City Manager to execute a legal services contract with Gorsuch Kirgis LLP to provide condemnation services in *City of Westminster v. Lake Arbor Associates, et al.*, the expense of which is not to exceed \$25,000 without further approval of City Council

Alternatives

Possible alternatives to this recommendation would include:

1. Directing Staff to interview and hire another outside law firm, and
2. Directing City Attorney's Office Staff to handle this litigation in-house.

Background Information

City Staff interviewed Mr. Murray as well as Mark May of Weiner, Schiller & May. Both are highly regarded as condemnation counsel, and the proposed fees were similar. Mr. Murray proposed to bill his time at \$180 per hour and would charge \$100 for his associate. Mr. May proposed \$185 per hour and higher rates for associates. One of the principal reasons that Mr. Murray was selected as the top candidate is that he has been working on the City Center Reinvestment Study and is very familiar with the City's Comprehensive Land Use Plan, the Growth Management Plan and the City's land use approval process. Since this information is important background which condemnation counsel needs to understand in order to litigate the issue of fair market value in Westminster, Staff concluded that Mr. Murray could "get up to speed" much faster, thereby saving the City money.

Mr. Murray has previously served as condemnation counsel to the City in the Westminster Plaza case and also the condemnation involving US Home for park and open space property adjacent to the Westcliff subdivision and U.S. 36. He settled both cases fairly early in the process. He also handled the trial of fair market value of one of the pad sites adjacent to the Westminster Plaza.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this 12th day of June, 2001, by and between GORSUCH KIRGIS LLP (the "Firm") and the CITY OF WESTMINSTER (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall represent the City and furnish special condemnation legal services through trial in connection with *City of Westminster v. Lake Arbor Associates, et al.*
2. Malcolm M. Murray of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate not to exceed \$180 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on June 11, 2001.
7. Payments for legal services pursuant to this Contract shall not exceed \$25,000 without further written authorization by the City.

GORSUCH KIRGIS L.L.C.

By _____
Malcolm M. Murray

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Special Legal Counsel for Butterfly Pavilion Relocation Project

Prepared by: Martin R. McCullough, City Attorney

Introduction

City Council is requested to approve the retention of Ms. Barbara Banks of the law firm of Banks and Imatani for assistance in preparing a mortgageable ground lease for the proposed new Butterfly Pavilion Facilities at a cost not to exceed \$5,000. Funds are available in the City Attorney's Office budget for this expense.

Summary

- > The City has been negotiating with representatives of the Butterfly Pavilion regarding the proposed relocation of the present operations to a new site, with expanded facilities and amenities, within the Promenade Entertainment Center.
- > City Council previously approved a joint development agreement with the Butterfly Consortium on September 14, 2000. A copy of this Agreement is attached. Section 2 of this Agreement contemplates the execution of a long-term ground lease for the Project.
- > The property on which the new facilities would be constructed is owned by the City of Westminster. The property is located across the street from the present Butterfly Pavilion within the Promenade Center. In order to permit the Project to be constructed and financed, a "mortgageable ground lease" is necessary.
- > Ms. Barbara Banks has previously assisted the City in connection with the joint development of the Westin Hotel and Conference Center. One of the possibilities City Staff has been exploring is the future addition of a cultural facility to the new Butterfly Pavilion complex. The new Butterfly Pavilion is being designed to allow such an expansion. The resulting Project, and the necessary legal documentation, would therefore be somewhat similar to the Westin Hotel and Conference Center Project.

Policy Issues

Whether special legal counsel should be retained to assist in drafting the necessary documents for a mortgageable ground lease for the new Butterfly Pavilion Project.

Staff Recommendation

Authorize the City Manager to execute a fee agreement in an amount not to exceed \$5,000 with Ms. Barbara Banks of the law firm of Banks & Imatani for special legal counsel services related to the drafting of a mortgageable ground lease for the construction of the proposed new Butterfly Pavilion Project on City-owned property.

Alternatives

1. Handle the preparation of the mortgageable ground lease in-house. This is not recommended because it would take longer to prepare and could create a delay in getting the financing finalized.
2. Use other legal counsel for the work. This is not recommended because of the expertise of Ms. Banks and because her hourly rate is comparable to that charged by other firms for similar work.

Background Information

Ms. Banks is an experienced attorney specializing in real estate law. Ms. Banks is a current member and past chairperson of the Real Estate Section of the Colorado Bar Association. She has written and presented papers specifically in the area of “mortgageable ground leases.” Mortgageable ground leases are leases of land which can, in turn, be used as collateral for the financing of proposed improvements on the land being leased. There are special requirements and conditions that must be met in order for such a ground lease to be “mortgageable.” Ms. Banks’ expertise in this area will allow the ground lease to be developed in the most timely fashion possible and will minimize time that might otherwise be required in the future to negotiate its content with the providers of the construction financing for the Butterfly Pavilion Project.

The Butterfly Pavilion currently owns the ground upon which the existing Butterfly Pavilion facility sits. Under the terms of the relocation agreement, this property is intended to be sold and the proceeds divided between the City and the Butterfly Pavilion. However, there is a deed of trust on the property that secures the current financing for the existing Butterfly Pavilion. The financing plan for the new Butterfly Pavilion Project presumes the substitution of the mortgageable ground lease for the deed of trust in order to provide security for the financing for the new facility.

Ms. Banks is proposing an hourly rate of \$200 per hour, which is well within the rates charged by similar specialists in the Denver metropolitan area. A “topset” of \$5,000 will be contained in the agreement for these services.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: IGA with Thornton and United Power for the Relocation of the Substation at the 136th Avenue Interchange

Prepared by: Dan Blankenship, Special Projects Coordinator

Introduction

City Council action is requested to authorize the Mayor to execute the attached Intergovernmental Agreement (IGA) with the City of Thornton and United Power for the relocation of the United Power electric substation located at the southwest quadrant of the proposed 136th Avenue and I-25 interchange and authorize the City Manager to enter into a purchase and sale agreement to allow the City to acquire the United Power site pursuant to the terms of the IGA. The City's portion of the cost to relocate the substation is approximately \$465,000 and funds for the City's share of the relocation will be available from the proceeds from the proposed interchange bond issue.

Summary

In 1999, the Cities of Westminster and Thornton executed an IGA for the environmental assessment (EA) and design of the 136th Avenue and I-25 interchange. As part of the EA and preliminary design, the interchange team (Westminster and Thornton Staff and the interchange consultant) began coordination with United Power, which owns and operates an electric substation in the southwest quadrant of the proposed interchange. The coordination with United Power was necessary because the substation will need to be relocated to construct the interchange. United Power representatives expressed a willingness to work with the two Cities in relocating their substation within the project's proposed schedule but asked for financial assistance to relocate. In order to formalize a commitment between the two Cities to relocate the substation, an IGA between the Cities was executed in July 2000. Upon execution of the IGA, the two Cities began the process of negotiating a relocation agreement with United Power. The proposed three-party IGA puts into place the actual relocation process and establishes a payment plan for the relocation.

The key elements of the proposed IGA include the following:

- Thornton will deed a new site at the southwest corner of Washington Street and E-470 to United Power for the construction of a new substation to replace the existing substation. The new site was purchased by Thornton during the negotiations with United Power.
- United Power will deed the existing site to Westminster, which will be used for the construction of the proposed interchange.
- The relocation costs, which includes construction of an in-kind substation at the new site, connections from the new substation to the transmission and distribution systems and demolition and clean up of the existing site is estimated to be \$700,000. The agreement sets the project cost at \$700,000 and both Cities will share equally in the costs.
- Thornton will make payment to United Power in the amount of 50-percent (\$350,000) of the project cost upon execution of the IGA.

- Westminster will make payments to United Power in the amount of 30-percent (\$210,000) of the project cost upon issuance of bonds for the interchange project or July 31, 2002, whichever occurs sooner and 20-percent (\$140,000) of the project cost when United Power has fulfilled their obligations of the agreement or October 31, 2002, whichever occurs later.
- Westminster will make payment to Thornton for one-half of the actual land cost for the new substation site upon issuance of bonds for the proposed interchange. The payment to Thornton will be \$114,400 and is included in the budget for the substation relocation.

Policy Issues

Should the City enter into an intergovernmental agreement with the City of Thornton and United Power, obligating the City to make payments of approximately \$465,000, for the relocation of the United Power electric substation?

Staff Recommendation

Authorize the Mayor to execute an Intergovernmental Agreement with the City of Thornton and United Power for the relocation of the United Power electric substation located at the southwest quadrant of the proposed 136th Avenue and I-25 interchange and authorize the City Manager to enter into a purchase and sale agreement to allow the City to acquire the existing United Power site pursuant to the terms of the IGA.

Alternatives

Do not approve the IGA. If the IGA is not approved, the substation will not be relocated prior to the currently scheduled start of construction for the proposed interchange, which would mostly likely result in a delay and additional costs to the interchange project

Background Information

The City Council is aware of the exhaustive effort that was exerted during 1998 to identify the location of the next new interchange on I-25 to the north of 120th Avenue. The Cities of Westminster, Thornton and Broomfield - each initially favoring different interchange locations – were eventually able to unanimously endorse the 136th Avenue site only after dozens of intense meetings between City officials, residents and other interested parties. While the 136th Avenue location was not the original first choice of the City of Westminster, the subsequent annexation of the Foster property in this vicinity has helped to make this compromise selection more viable.

The 136th Avenue interchange site selection was documented in the System and Project Level Feasibility Study and Interchange Management Plan, which were approved by the Colorado Department of Transportation. In order to gain approval for the construction of this interchange, the cities of Westminster and Thornton executed an IGA that provided for the required environmental assessment and design of the proposed improvements.

As part of the EA and preliminary design, the interchange team (Westminster and Thornton Staff and the interchange consultant) began coordination with United Power, which owns and operates an electric substation in the southwest quadrant of the interchange. The substation will need to be relocated to construct the interchange. In the initial meetings with United Power representatives, they indicated that they were eventually going to relocate and upgrade the substation but they had no imminent plans to do so. Through continued coordination, United Power expressed a willingness to work with the two Cities in relocating the substation within the project's proposed schedule, which would require the substation to be relocated by July 1, 2002. However, since United Power had not planned to relocate so soon, company representatives have asked for financial assistance to relocate the substation. In order to formalize a commitment between the two Cities to relocate the substation, an IGA between the Cities was executed in July 2000. Upon execution of the IGA, the two Cities began the process of negotiating a relocation agreement with United Power.

During the past, almost one-year period, the two Cities and United Power have put into place a relocation program that would allow United Power to relocate their substation prior to the planned start of construction of the proposed 136th Avenue interchange. After evaluating numerous possible locations, a site within the Thornton City limits on the west side of Washington, just south of the new E-470 alignment was selected. In order to secure the site, which was a targeted acquisition of E-470, Thornton negotiated a purchase and sale agreement with the property owner under the premise that a portion of the parcel would be deeded to United Power and a portion would be sold to E-470. Once the site was selected and secured, United Power initiated the land development permitting process through the City of Thornton, began design of the new substation and reserved a position with a transformer manufacturer for a new substation transformer. The transformer, which takes up to a year to deliver from the initial order time, could not be reserved until the final site was determined because it is sized based on the transmission voltage that is available to the site.

With all of the pieces in place to allow for the relocation of the substation to proceed as scheduled, United Power, Thornton and Westminster staffs negotiated the attached IGA, which formalizes a fixed relocation cost of \$700,000, payment terms and transfer of ownership of the new site to United Power and the current substation site to Westminster for the construction of the interchange.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF THORNTON, UNITED
POWER INCORPORATED AND THE CITY OF WESTMINSTER FOR THE
RELOCATION OF THE UNITED POWER SUBSTATION**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this ___ day of June, 2001, among the City of Thornton, a home rule municipal corporation ("Thornton"), United Power Incorporated, a Colorado corporation ("United Power") and the City of Westminster, a home rule municipal corporation ("Westminster") (or collectively referred to as the "Parties").

WITNESSETH

WHEREAS, Thornton and Westminster plan to construct an interchange at 136th Avenue and Interstate 25 which will require the relocation of a United Power substation currently located on the southwest corner of the proposed interchange in Westminster (the "Current Site" and more particularly described in Exhibit A attached hereto) to another site; and

WHEREAS, United Power desires to relocate the substation to a site adjacent to North Washington Street at approximately 156th Avenue in Thornton (the "New Site" and more particularly described in Exhibit B attached hereto); and

WHEREAS, United Power plans to upgrade the new substation at the New Site and it is not possible to determine the exact cost of relocation separate from the cost of upgrading the substation; and

WHEREAS, Thornton and Westminster entered into an Intergovernmental Agreement dated July 24, 2000, which sets forth the cost sharing arrangement between the Cities as it relates to jointly funding certain costs associated with the relocation and retirement of the existing substation located at the Current Site ("the Project"); and

WHEREAS, the Parties desire to enter into an agreement to set forth the transfer of ownership of the Current and New Site and the cost sharing arrangement among the Parties.

NOW, THEREFORE, in consideration of the promises and conditions contained herein, the Parties hereto agree as follows:

1. RELOCATION COSTS

A. The parties agree that Seven Hundred Thousand Dollars (\$700,000) represents all of the agreed-upon costs associated with the Project ("Total Costs"), whether or not the actual substation relocation and retirement costs are higher or lower than the total amount of \$700,000. The Parties acknowledge that the Total Costs do not include the costs associated with upsizing or betterments to the existing substation and appurtenances to increase its capacity or otherwise increase the area served by the substation. All costs associated with any upsizing or betterments and any relocation costs in excess of the Total Costs shall be the sole responsibility of United Power. Westminster and Thornton shall remit three checks payable to United Power in accordance with the provisions of Paragraph B herein.

B. Payment of the Total Costs to United Power shall be as follows:

1. Thornton shall remit a check payable to United Power for fifty-percent of the Total Costs upon execution of this Agreement.
2. Westminster shall remit a check payable to United Power for thirty-percent of the Total Costs upon issuance of bonds which are being used to finance the interchange project; or by July 31, 2002, whichever occurs first.

3. Westminster shall remit a check payable to United Power for twenty-percent of the Total Costs when United Power is completely moved off of the Current Site less any accrued damages, if any, as described in paragraph 2 below; once United Power has fulfilled all of its obligations set forth in this Agreement, or by October 31, 2002, whichever occurs later.
4. All payments to be made after 2001 shall be subject to annual appropriation by the City Councils of the respective cities.

2. TRANSFER OF OWNERSHIP

A. Current Site

United Power will convey the Current Site to Westminster for use as part of the right of way necessary to construct the 136th Avenue and I-25 interchange. Westminster and United Power shall enter into a Purchase and Sale Agreement for the Current Site which shall provide among other things that: (1) The consideration for the transfer shall be \$10.00; (2) That United Power shall deliver the Current Site to Westminster by June 1, 2002, completely free of equipment, site improvements and any hazardous materials that may have been deposited on the site as a result of the operation of the substation or due to any other use of the Current Site; (3) That United Power shall be responsible for damages incurred by Thornton and Westminster as a result of any delays in vacating the site except in the event of force majeure as defined herein; and (4) That United Power shall indemnify and hold Westminster harmless after Closing from any expense or liability created by the presence of hazardous materials on the Current Site.

B. New Site

Thornton will convey the New Site to United Power on or before July 17, 2001 and pursuant to the terms of a Contract for the Purchase and Sale of the New Site which shall provide among other things that the consideration for the transfer shall be \$10.00 and that United Power and Thornton shall mutually cooperate to obtain the necessary permits and timely meet all City development requirements.

C. Closing

The Parties shall coordinate a joint closing for the Current and New Site conveyances by no later than July 17, 2001 to facilitate the construction schedule of the 136th Avenue and I-25 interchange.

3. COST REIMBURSEMENTS

Upon issuance of bonds which are being used to finance the interchange project or January 2002, whichever comes sooner, Westminster shall remit a check payable to the Thornton in the amount of \$114,400.00 which amount represents its share of the costs paid by Thornton to acquire the New Site, and which payment is subject to annual appropriation by the Westminster City Council.

4. NOTICE

Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other Parties. Such notice shall be deemed to have been given when deposited in the United States Mail.

City of Thornton
City Manager
9500 Civic Center Drive
Thornton, CO 80229

City of Westminster
City Manager
4800 West 92nd Avenue
Westminster, CO 80030-6399

United Power Inc.
General Manager
18551 East 160th Avenue
Brighton, CO 80601

5. DEFAULT

Time is of the essence. If any payment or any other condition, obligation, or duty is not timely made, tendered or performed by any Party, then the non-defaulting Party may recover such damages as may be proper. The non-defaulting Party shall have the right to an action for specific performance or damages or both. However, notwithstanding the foregoing, in no event will United Power be required to deny power to its customers.

6. INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties.

7. VENUE

This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Adams, State of Colorado.

8. SEVERABILITY

If any article, section, paragraph, sentence, clause or phrase of this Agreement is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability or constitutionality of the remaining provisions of this Agreement.

9. WAIVER OF BREACH

A waiver by any Party of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any Party.

10. PARAGRAPH CAPTIONS

The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

11. FORCE MAJEURE

Any Party shall be excused from performance under this Agreement if for any period such Party is prevented from performing any obligations pursuant hereto, in whole or in part, as a result of an Act of God, war, civil disturbance, catastrophe, court order, labor dispute or cause beyond its reasonable control, including shortages or fluctuations in electrical power, heat, light, air conditioning or fuel shortages, including United Power not obtaining the necessary permitting required by Thornton. and such non-performance shall not be a ground for termination or default. The Parties shall use their best efforts to ensure that alternate services be made available should any of these conditions arise.

12. GOVERNMENTAL IMMUNITY

The Parties acknowledge that Thornton and Westminster, their officers, and employees, are relying on, and do not waive or intend to waive, by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided under the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to Thornton or Westminster, their officers, or employees, for injury which lies in tort, or could lie in tort.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective as of the date first above written.

ATTEST:

CITY OF THORNTON

Nancy A. Vincent, City Clerk

Noel Busck, Mayor

APPROVED AS TO FORM:

Margaret Emerich, City Attorney

CITY OF WESTMINSTER

Nancy M. Heil, Mayor

ATTEST:

Michele Kelley, City Clerk

APPROVED AS TO FORM:

Martin McCullough, City Attorney

UNITED POWER, INC.

General Manager

ATTEST:

Secretary

STATE OF COLORADO)

)ss.

COUNTY OF ADAMS)

Subscribed and sworn to before me this _____ day of _____, 2008, by _____ for United Power, Inc.

WITNESS my hand and official seal.

My commission expires: _____

NOTARY PUBLIC



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: Harlan Street Fence Replacement Contract
Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize the City Manager to contract with Fence Consultants, Inc. for construction of privacy fencing along Harlan Street from 92nd Avenue to approximately 95th Avenue, in an amount not to exceed \$194,500. Funds for this work were authorized in the approval of the capital project budget for the Westminster Boulevard Extension project.

Summary

The Westminster Boulevard Extension will link Harlan Street at 95th Avenue with 104th Avenue and will be completed in fall 2001. Traffic on existing Harlan Street, a dead end collector street since it was built in the early 1980s, is expected to increase from 2,000 to 9,000 vehicles per day in the short term, and double that at build-out of the City. The Westminster Boulevard Extension budget, approved in July 2000, set aside approximately \$177,000 to upgrade and replace fencing along the Franklin Square and Trendwood Subdivisions, which abut Harlan Street north of 92nd Avenue.

The recommendation is to replace the 3100 feet of existing six foot high fencing along Harlan Street with eight-foot high cedar fencing with brick pillars at a cost of just under \$177,000. The result would be similar to City-installed fencing along other arterial streets such as 104th Avenue at Meadowlark Subdivision and 92nd Avenue where it abuts the same two subdivisions. The continuity of using the same fence style and the economy of the cedar fencing approach are the primary reason for recommending this alternative.

Proposals for the component materials and work were secured and assembled for this project by Fence Consultants, Inc. who is being recommended as the general contractor. The combined low total bid including Fence Consultants' contract administration fees is \$177,000. Given their experience with similar projects and their project management and coordination experience, Staff is recommending that the Fence Consultants' proposal be accepted and that a total of \$194,500.00 be approved for the project, allowing for a \$17,500 contingency. The fence construction would start in August and would be complete when the Westminster Boulevard Extension opens later in the year.

Policy Issue(s)

The policy issue here is using City funds to replace privately owned fencing along a residential neighborhood to provide some mitigation for changing traffic conditions. Although planned as a collector street with "through" connections, Harlan Street has been a dead-end street for years. That will change when the Westminster Boulevard Extension project is completed in the fall of 2001. The neighbors have expressed concern for the increased traffic and have been receptive to the City's offer to replace the existing six-foot tall fencing with an upgraded product, though not to provide a true noise barrier. Historically, City Council has followed a policy of upgrading the fencing in similar situations to provide increased privacy and the small measure of noise mitigation that the eight foot high cedar fencing provides.

Examples are located along the north side of 104th Avenue adjacent to the Meadowlark Subdivision and along the north side of 92nd Avenue at the Franklin Square and Trendwood Subdivisions, the same neighborhoods that are the subject of the proposed contract.

Staff Recommendation

Authorize the City Manager to execute a contract with Fence Consultants, Inc. for the construction of privacy fencing along Harlan Street adjacent to the Franklin Square and Trendwood Subdivision; authorize the expenditure of \$194,500 for the contract and a small contingency and charge the expense to the appropriate capital project account.

Alternative(s)

The first option to consider is that of providing no replacement fencing along Harlan at all. The City is under no obligation to replace the existing fencing, but is sensitive to the neighborhood's concerns about increased traffic and noise. True noise mitigation measures are costly. The ten to twelve foot high masonry noise barriers of the style being installed along US-36 cost between \$220 and \$300 per foot, resulting in an overall cost of from \$700,000 to over \$900,000 if they were to be done along Harlan Street. Because of the policies set by Council in similar situations where residential areas adjoin high-traffic streets, and because of budget limitations, neither of these alternatives is recommended.

Another alternative would be fence replacement using another fence material and/or style. The use of polyvinyl chloride (PVC) fencing material was evaluated, but considered a lower ranking option for the increased cost (approximately 20% higher for the best equivalent) and for the incompatibility with the 92nd Avenue fence that would result from using plastic. Both the Franklin Square and Trendwood neighborhoods have had fence upgrades done along their 92nd Avenue frontages as a result of street improvements there. The style of fencing being proposed along Harlan Street is effectively the same as the fencing along 92nd Avenue. For these reasons, the option of eight foot high cedar fencing with regularly-spaced brick pillars to match the 92nd Avenue work is recommended.

Background Information

A north-south street linking 92nd Avenue and 104th Avenue between Sheridan Boulevard and Wadsworth Parkway has long been considered necessary for the ultimate roadway network in the City. When the Trendwood Subdivision was developed in the early 1980s, Harlan Street was made into a temporary dead end at approximately 96th Avenue (see attached map). The Westminster Boulevard Extension project, now under construction, will extend Harlan Street north over US 36 to 104th Avenue at Westminster Boulevard, linking the City Center area with the Westminster Promenade. Construction is expected to be finished in October/November 2001.

Serious planning for the Westminster Boulevard Extension began in 1998 and included meetings and presentations to homeowners in both the Franklin Square and Trendwood Subdivisions. These residential neighborhoods flank Harlan Street from 92nd Avenue north to approximately 95th Avenue. The concerns of these residents included the increased noise and traffic that would occur when the extension goes into service. Even though Harlan Street was built as a collector street in the 1980's, anticipating a much higher volume of traffic in the future, it has typically carried approximately 2,000 vehicles per day since it was built. Soon it will carry approximately 9,000 vehicles per day and even more traffic as the area east of US 36 develops. These trips will ease congestion at major intersections along Sheridan Boulevard, but will clearly change traffic conditions along the Franklin Square and Trendwood neighborhoods.

To ease the impact of the increased traffic on Harlan Street, the City has concurred with residents' requests for upgraded fencing to replace the existing fence. The fence along Trendwood is a six-foot high privacy fence in poor condition.

The Franklin Square side of Harlan Street has fencing of the same height but a more open design which is in fair shape. The proposed replacement fencing would be eight-foot high using cedar pickets which overlap to eliminate gaps between boards. Brick pillars would be erected at intervals of 100-140 feet, resulting in a much-improved appearance when viewed from Harlan Street and a much improved backyard environment for the lots which adjoin Harlan Street. Though not a true noise barrier, the higher height and the “closed” style of construction would mute street noise better than the existing fences. The style of fence would be similar to those seen along the north side of 104th Avenue adjacent to the Meadowlark Subdivision, and the recently reconstructed fencing at these same two neighborhoods (Franklin Square and Trendwood) along the north side of 92nd Avenue.

City Staff worked with Fence Consultants, Inc., a Westminster-based business that specializes in bringing together the best combination of material suppliers, fence and masonry contractors, and can handle the coordination effort necessary to accomplish the project. Three bidders proposed under each of the categories of work, as shown in the table below. Their prices include the administrative costs of Fence Consultants, Inc. acting as general contractor.

<u>Material/Construction Sub-Contractor</u>	
Moyer Fence Services	\$137,815.00
Greater Western Fence	141,105.00
Champion Fence	146,650.00
<u>Brick Pillars Sub-Contractor</u>	
Sun Masonry	\$ 38,750.00
Hinkle Masonry	42,005.00
Duncan Masonry	48,670.00
Combined Total Low Bid	<u>\$176,565.00</u>
(Moyer Fence Services and Sun Masonry)	
Contingency	<u>17,935.00</u>
Total	<u>\$194,500.00</u>

Under the proposed approach, Fence Consultants, Inc. acts as a general contractor and handles all aspects of the job, from ordering and inspecting materials and workmanship, to coordinating the construction activities with each of the 55 homeowners who will be affected. In this project, that coordination will be necessary almost full time, but should result in a more personal service than could be expected if the work were performed by separate contractors with part time coordination by City Staff. Fence Consultants is an experienced firm and has delivered several completed fencing projects for the City. The aforementioned fencing along the Meadowlark Subdivision, the fence along Sheridan Green and the fence now being constructed for Christopher Fields are among those projects. Given the number of homeowners with whom this work must be coordinated, it is valuable to have an experienced general contractor representing the City. Staff is recommending that the proposal of Fence Consultants, Inc. be accepted and that a total of \$194,500 be authorized for the work. A contingency of slightly over 10% is included in that figure. The total cost of the project will be paid from funds earmarked in the budget of the Westminster Boulevard Extension project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: 2000 Comprehensive Annual Financial Report Acceptance
Prepared by: Cherie Sanchez, Accountant

Introduction

City Council has received copies of the Comprehensive Annual Financial Report (CAFR) for the year ended December 31, 2000 as prepared by the Finance Department and as examined by Van Schooneveld and Company, Inc. At this time, the CAFR is submitted to City Council for acceptance.

Policy Issue

An independent audit, at least annually, is required by Section 9.10 of the City's Charter. The annual financial report is also required to be prepared annually by Section 9.10.

Summary

The 2000 CAFR is being presented at this time for acceptance by City Council. The 2000 CAFR received an unqualified opinion from Van Schooneveld and Company, Inc., the City's external auditors. An unqualified opinion indicates the financial data of the City is fairly presented according to generally accepted accounting principles. Additionally, Van Schooneveld issued a management letter commenting on the City's need to plan and prepare for the significant changes in financial reporting required by GASB Statement No. 34. A copy of this letter as well as Staff's response is presented for Council's review. An Executive Summary prepared by City Staff is also attached to give Council an overview of the impact of GASB 34 on the reporting requirements of State and Local Governments.

Staff Recommendation

Accept the 2000 Comprehensive Annual Financial Report of the City of Westminster as audited by Van Schooneveld and Company, Inc.

Alternatives

Delay the acceptance of the CAFR. Unless the City Council has significant changes to make, this is not recommended. If City Council desires to make changes, the CAFR acceptance can be delayed to June 25. Under state law, a copy must be filed with the Division of Local Government by July 1. No additional delays can be incurred.

Do not accept the CAFR. This is not recommended; at a minimum, it places the city in violation of state law.

Background

The City Charter requires that an independent audit be conducted at least annually by certified public accountants selected by the City. In addition, the City Manager is required to prepare an annual report of the City, including a financial report. The City's outside auditors, Van Schooneveld and Company, Inc., performed their examination and expressed an unqualified opinion on the financial statements for the year ended December 31, 2000. This opinion is included as part of the CAFR.

The CAFR is divided into four sections as follows:

1. Introductory Section: Pages 1 through 12 contain the Letter of Transmittal by the City Manager and Finance Director, which describes significant events of the City that occurred during the year and gives a summary of activity for 2000.
2. Financial Section:
 - a) Pages 21 through 35 contain the General Purpose Financial Statements for the various fund types and account groups. These statements provide an overview and broad perspective of the financial position and results of operations for the City as a whole in a standardized, generically labeled format. In addition, they are designed to be "liftable" from the financial section for inclusion in official statements or for widespread distribution.
 - b) Pages 37 through 74 contain the Notes to the Financial Statements, which are necessary for a fair presentation of the financial position and results of operations for the City in conformity with generally, accepted accounting principles. The notes are an integral part of the financial statements and include a summary of the City's significant accounting policies.
 - c) Pages 76 and 77 contain Supplementary Information on the Volunteer Firefighter Pension Fund required by the Governmental Accounting Standards Board.
 - d) Pages 79 through 186 provide Combining, Individual Fund and Account Group Financial Statements. They present more detailed information than is presented at the overview level such as individual fund budgetary comparisons and prior year comparative data.
 - e) Pages 188 through 189 contain the Road & Bridge Report required by the State of Colorado.
3. Statistical Section: Pages 191 through 209 contain Ten-year Historical Data and Additional Background on the City.
4. Single Audit Section: Pages 211 through 219 include reports and schedules Related to Federal Financial Assistance. This information is required by the U.S. government under the provisions of the Single Audit Act of 1984 as amended.
5. Bond Disclosure Section: This section contains Information Regarding Municipal Bond Disclosure. This disclosure is required by the Securities and Exchange Commission, Rule 15c2-12(b)(5) and is meant to supplement and complement information found other places in the CAFR.

The 2000 CAFR reflects a stable financial position consistent with information supplied to Council on a monthly basis throughout the year. As noted in the auditor's opinion, the CAFR fairly presents 2000 financial activity of the City of Westminster. Consideration by City Council for acceptance of the 2000 CAFR is requested.

The City's Auditors, Van Schooneveld and Company, Inc., and Staff will attend the June 11 City Council meeting to answer questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: Web Contractual Services
Prepared by: David Puntteney, Information Technology Director
Katie Harberg, Public Information Officer

Introduction

City Council action is requested to authorize a contract with Immedient in the amount of \$35,772, plus a 10% contingency in the amount of \$3,600, for Web site evaluation and design services. Funds are available for this project in the General Fund Central Charges budget.

Summary

In 1996, the Information Technology Department created and launched a Web site consisting of several hundred pages of City information. This early-phase Web site was accessed by an average of 2,300 citizens and businesses each month during 1996. Since 1996, the IT Department has collaborated with City Departments to expand and enhance the site with new information as well as interactive, transactional applications. The new information and services dramatically increased the popularity of the City's Web site. Current Web usage shows that over 41,000 citizens, businesses, prospective businesses and others benefit from the services and information provided on the City's Web site each month.

The City's Public Information Office has monitored the growth of Web communications and has contemplated its role in the City's overall communications plan. Since the City is seeing a rapid shift in reliance on Web sites as an information source, the Public Information Office staff has teamed with IT Department staff to jointly manage the City's Web image and content.

While the City has been very successful in developing useful information and services on the site, Staff believes there is opportunity to further enhance the City's Web site. The Information Technology Department and Public Information Office have agreed that securing the services of a Web design firm would be beneficial to the City's effort to further enhance site image, consistency, navigation, information and usability.

Staff prepared and mailed a request for proposal to qualified vendors. Responses were as follows:

Project A	\$16,720
Barnhart/CMI	\$39,500
Immedient	\$43,296
Compuware	\$68,000
Greenbriar & Russel	\$75,800
EZGov	\$150,000

Each vendor proposal was evaluated in the areas of creativity and design of other sites, experience in similar projects, experience of key personnel, proposed approach to project, timetable, costs and overall response. Staff conducted interviews with the top three vendors, and selected Immedient as the company with the most relevant experience and best approach for the City's project. Following minor modifications to the scope of work and final negotiations, Immedient reduced their bid to \$35,772. Immedient is a local firm with an impressive track record in Web design, with clients that have included EuroDisney, Fossil Watches, Radio Shack and others. Representatives from Immedient are extremely enthusiastic about applying their Web design and navigation skill to the needs of Westminster.

Policy Issue

Should the City invest \$35,772 to secure consultant services to assist in enhancing Web site image, navigation, consistency, and graphics?

Staff Recommendation

Authorize the City Manager to execute a contract with Immediant for the Web site evaluation and services in the amount of \$35,772 with an additional \$3,600 in contingency, and charge the expense to the appropriate General Fund Central Charges account.

Alternatives

1) Do not hire a consultant, and use in-house staff to perform the evaluation and design work.

Advantages:

The City saves \$35,772 by not hiring the consultant.

Disadvantages:

Staff would not benefit from the outside expertise that will be helpful in reaching the goals established for the Web site.

2) Select the lower cost vendor to perform the services.

Advantages:

The City can reduce the overall cost of the project.

Disadvantages:

Staff has determined that Immediant has the best set of skills and experience to assist staff with the project.

Background Information

The City of Westminster launched the first version of the City's web site in March 1996. Since that time, usage of the City's site has increased from an average of 2,300 users to more than 41,000 users per month. The site has expanded from several hundred pages of information to more than 4,200 pages of information as well as interactive applications such as online employment applications, sales tax return filing, utility bill account inquiry and payments, recreation class registration and much more.

In 2001, the Information Technology Department and Public Information Office teamed up to review and evaluate the City of Westminster's Web site and to establish a shared vision for the future of the City's Web site. The team agreed that selecting an outside contractual firm would help staff successfully meet several of the goals associated within this shared vision.

Staff developed and mailed an RFP to qualified vendors seeking the following services:

- Branding and Imaging assessment of the City's Web site
- Evaluation and recommendations to enhance/expand navigation of the City's Web site
- Design and creation of new home page to more effectively communicate the City's image
- Design of City logo to be used on the City's Web site and within other electronic presentations
- Evaluation of visitor demographics, and recommendations for appropriate changes to site based on findings
- Design and creation of new template format for City Web pages to improve site graphic and image consistency
- Evaluation and recommendations for content management tools

Following evaluation of six proposals, Staff selected a local company by the name of Immediant as the most qualified vendor for this project.

While there are no plans to have the Web site replace such important devices as City Edition or Cable Channel 8, there are important niches that the Web site serves:

- Web communications have no space limitations; therefore, they can store archival information like agenda memos with the same ease as facility hours and locations.
- The Web enables on-line services that provide residents with the ability to conduct business with the City 24 hours per day, seven days per week, without staff intervention, which meets the needs of busy citizens and businesses. Examples include submittal of forms, payment for services, applying for building permits, applying for library cards, registering for classes, etc.
- The Web site provides a cost-effective means of providing headline news of interest to Westminster residents; print publications have longer shelf lives and television is expensive.
- The Web site provides 24 hour per day, seven days per week access to local government, without direct staff intervention.
- A Citizens of Westminster Survey was conducted in May of this year and it showed that 73% of the households had computers and 61% of those households had Internet access. 50% of the respondents stated that they would be “likely” or “very likely” to conduct business with the City via the Internet.
- The Web site has the capability of providing interactive applications for doing business with the City and communication such as the recipient interacts with the medium; i.e. clicking on a map to drill down to needed information like the City’s bike trail system.
- The Web site is an ideal medium for information-saturated individuals, who do not have time to read lengthy publications. It can be organized in a pyramid of information, where the most important and basic information is presented first, yet detailed information can be obtained readily by drilling deeper into the topic.
- A recent survey analyzing City Edition effectiveness shows that citizens in the 22 - 44 age group are the lowest demographic readership of this publication, and yet the largest demographic group within the City’s population. Web communications may be ideally suited to this group because of its appeal to a population segment likely to be very busy with families and careers.
- The Web site’s information content functions extremely well as a key component along with traditional communication mediums like City Edition or Channel 8, providing the opportunity to present extremely current information on recreation programs and events and other community news.

Staff is confident that the investment made in Web consulting services will enable the City to maximize the benefit of the City’s Web site for employees, citizens, business, economic development prospects, visitors and others.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: Resolution No. 38 re Resignation and Appointment to Environmental Advisory Board and Parks and Recreation Advisory Board
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Steve Johnson from the Environmental Advisory Board and John Polston of the Parks and Recreation Advisory Board and appoint a new member to the Parks and Recreation Advisory Board.

Summary

City Clerk's office has received notice of the resignation of Steve Johnson of the Environmental Advisory Board and John Polston of the Parks and Recreation Advisory Board.

Steve Johnson was appointed to the Environmental Advisory Board on May 11, 1998 and has served continuously since that time.

John Polston was appointed to the Parks and Recreation Advisory Board on March 6, 1995 and has served continuously since that time.

Currently there are 10 individuals within the "pool". A copy of the matrix indicating each individual's preference for Boards and Commissions is attached.

The City Council interview team is recommending the appointment of Scott Raypholtz to the Parks and Recreation Advisory Board and recruitment of additional citizens to be included within the pool for future appointments including the Environmental Advisory Board alternate position.

Staff Recommendation

Adopt Resolution No. 38 accepting the resignation of Steve Johnson, from the Environmental Advisory Board; and John Polston, from the Parks and Recreation Advisory Board, and moving the current alternate from the respective Boards to regular member status and appointing Scott Raypholtz as the new alternate member to the Parks and Recreation Advisory Board with the term of office to expire December 31, 2001.

Background Information

Currently the alternate member of the Environmental Advisory Board is Carol DiGiacomo, and Staff recommends moving her to regular member status.

Currently Armene Brown and Stephanie Bingham are alternate members of the Parks and Recreation Advisory Board. In December, 2000, Armene Brown requested to be moved from a regular member to an alternate member since she is anticipating being out of town quite a bit during 2001. Staff is recommending moving Stephanie Bingham from alternate to regular member of the Parks and Recreation Advisory Board.

As a separate agenda item , Council will be establishing a deadline to recruit new citizens to be included within the Boards and Commission pool for future vacancies that may occur.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **38**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER RESIGNATIONS AND APPOINTMENTS TO
ENVIRONMENTAL ADVISORY BOARD AND PARKS AND RECREATION ADVISORY
BOARD

WHEREAS, The City of Westminster has received the resignation of Steve Johnson, who is currently serving on the Environmental Advisory Board; and

WHEREAS, The City of Westminster has received the resignation of John Polston, who is currently serving on the Parks and Recreation Advisory Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Steve Johnson, from the Environmental Advisory Board, and John Polston, from the Parks and Recreation Advisory Board and does hereby appoint the following citizens to the Environmental Advisory Board and Parks and Recreation Advisory Board:.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Carol DiGiacomo (moved from alternate member to regular member)	Environmental Advisory Board	12-31-2002
Stephanie Bingham (moved from alternate member to regular member)	Parks and Recreation Advisory Board	12-31-2002
Scott Raypholtz (alternate member)	Parks and Recreation Advisory Board	12-31-2001

Passed and adopted this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk

2001 BOARD AND COMMISSION POOL

County	Name	Bldg											
		Codes	BOA	Elect	Environmental	HS	Library	Open Space	P&R	Personnel	Planning	SP&LB	Trans
Jefferson	Vera Alexander							1					
Adams	John Brann									1			
Adams	Robert Hartley							2		3	1		
Adams	Skeet Hartman`							X		X	X		
Jefferson	Tom Kuesel Jr	1									2	3	
Jefferson	Nancy McNally							1	3				2
Adams	Paul Nilles							1					
Adams	Bill Noonng										1		
Jefferson	Scott Raypholtz							3	2		1		
Adams	Bruce Vezina							3			1		2

X indicates an interest in a Board with no priority ranking



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: Boards and Commissions Pool
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to establish a deadline to solicit applications from Westminster residents for the next cycle of the Boards and Commissions "Pool".

Summary

City Council annually solicits Westminster citizens who are interested in serving on the various City Boards and Commissions when vacancies would occur during the year. After the deadline to receive applications has passed, City Council would then need to interview each individual who has submitted an application.

Last year, Council set the date of October 31st as the deadline for applications, with 13 citizens applying. Staff is recommending a deadline for applications this year of September 30th, in order to provide lead time for citizens who may be on vacation during the summer months. With this new deadline occurring with the start of the school year, it is our expectation that more citizens will be interested in submitting an application.

Staff Recommendation

Establish a deadline of September 30, 2001 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government.

Background Information

Once a deadline has been established, a press release for the various newspapers will be prepared with a brief description of each of the Board's responsibilities. A copy of the press release will be sent to all the homeowner associations within the City and to Neighborly News, which distributes information within many subdivisions within the City. This information is also broadcast on Channel 8 and the application form is available on the Internet and will be published in an upcoming issue of "City Edition". In addition, the City will have a booth set up at the Westminster Faire with current Board and Commission members staffing the booth to try to recruit new citizen participation.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Public Meeting on 2002 City Budget

Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council is scheduled to hold a public meeting to receive initial public input on the 2002 City Budget at Monday night's City Council meeting.

Summary

City Staff will be preparing budget information for both 2002 and 2003, but this initial meeting is intended to focus only on 2002 citizen requests, comments and suggestions. The public meeting is an informal opportunity for the public to provide input to the City Council on the City Budget.

City Council preliminarily approved the 2002 Budget with the formal adoption of the 2001 Budget in October 2000. Departments review and make minor modifications to the preliminarily approved 2002 Budget through the summer, culminating in the distribution of the Proposed Budget to City Council at the end of August. Public hearings are also scheduled for July 9 and August 27 so that citizens will have two more opportunities to comment and provide feedback on the 2002 City Budget. City Council must adopt the budget by the October 22 City Council meeting, in accordance with the City Charter.

Staff Recommendation

Hold a public meeting on the 2002 City Budget and receive citizen comments.

Background Information

In March, City Council identified the focus areas for 2002. The following are the focus areas identified by the City Council:

- Fiscal Integrity
- Transportation
- Water
- Public Safety
- Growth Management
- Housing
- Open Space and Parks
- South Westminster

The direction provided by City Council assists City Staff as they review and modify the preliminarily approved 2002 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

Through the summer, departments review and make minor modifications to the preliminarily approved 2002 Budget to best maintain existing service levels and address citizen or neighborhood input on services.

City Council preliminarily approved the 2002 Budget with the formal adoption of the 2001 Budget in October 2000. In November of 2000, Westminster voters approved a City Charter amendment that will allow the City Council to adopt a formal two-year budget. Staff has been preparing a two-year budget for the last several years; however, previously City Council could only officially adopt the first year of the two-year budget. In March 2001, City Council concurred with Staff to pursue an officially adopted two-year budget with the development of the 2003/2004 Budget to allow a transition period into a formal two-year budget and identify the details necessary to make such an official two-year budget work most effectively.

A Proposed Budget will be submitted to City Council at the end of August for review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet in September at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services, and capital projects.

Two formal public hearings will be held on the 2002 Proposed City Budget to solicit citizen input. The first public hearing is scheduled for Monday, July 9, and the second hearing is scheduled for Monday, August 27.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Councillor's Bill No. 34 re Village at Park Centre Business Assistance Package Amendment

Prepared by: Susan F. Grafton, Economic Development Manager

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading approving an amendment to the Village at Park Center Business Assistance Package (BAP).

Summary

A minor amendment is needed to modify the existing Village at Park Center Business Assistance Package. The amendment will change the size requirement for the core retail building from 60,000 s.f. to 40,000 s.f. and two (2) pad sites. This recommendation complies with the current Official Development Plan.

Policy Issue

The policy issue for Council's consideration is whether or not to approve the proposed amendment to the existing Business Assistance Package.

Staff Recommendation

Pass Councillor's Bill No. 34 on the first reading authorizing the City Manager to execute an amendment to the Business Assistance Agreement with Village at Park Centre, LLC.

Alternative

An alternative is to not approve the minor amendment proposed. Such inaction would put the project into non-conformance with the existing Business Assistance Package over a land use matter already approved through the Official Development Plan.

Background Information

In December 1998, City Council approved the attached Business Assistance Agreement with Village at Park Centre, LLC (Larry Gayeski). At the time the business assistance agreement was approved, it was expected that the core retail building (excluding pad sites) would total 60,000 square feet. Since approval of the agreement, changes were made to the original concept for the shopping center. In fact, the Official Development Plan approved for the project now provides for the core retail building to only be 40,000 square feet, however, additional restaurant pads were allowed. As a result, the essence of the original agreement is still being met and the sales tax projections for the project are substantially the same. However, for clarification, it is necessary to amend the existing agreement so that it no longer requires that the core retail center be 60,000 square feet. All other conditions of the agreement have been met and staff is satisfied with the outcome of the project.

Staff recommends that Paragraph 5 of the Village at Park Center Business Assistance Agreement be modified to provide that the center will be “approximately 40,000 square feet of retail.”

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**AMENDMENT TO THE ASSISTANCE AGREEMENT
FOR VILLAGE AT PARK CENTRE, LLC
IN THE CITY OF WESTMINSTER**

THIS AMENDMENT is made and entered into this _____ day of _____, 2001, between the CITY OF WESTMINSTER (the "City"), and Village at Park Centre, LLC.

WHEREAS, the City wishes to amend the Business Assistance Agreement, dated November 23, 1998. Paragraph 5 of the Business Assistance Agreement between the City of Westminster and Village at Park Centre, LLC is amended to read as follows:

This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Village at Park Centre, LLC has not completed construction of 40,000 s.f. of core retail by December 31, 2001, as identified in the Official Development Plan for the Project.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

Village at Park Centre, LLC

CITY OF WESTMINSTER

By _____
Larry Gayeski
Manager

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **34**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE ASSISTANCE AGREEMENT WITH VILLAGE AT PARK CENTRE, LLC

WHEREAS, the City wishes to amend the Business Assistance Agreement, dated November 23, 1998, to change the required size of the core retail building from 60,000 to 40,000 s.f.

WHEREAS, the proposed Amendment to the Assistance Agreement between the City and Village at Park Centre, LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Amendment to the Assistance Agreement with Village at Park Centre, LLC, Inc. in substantially the same form as attached as Exhibit "A".

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 11th day of June 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of June 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Councillor's Bill No. 35 re Vacation of Standley Lake Marketplace Utility Easement

Prepared by: Mikele Wright, Senior Civil Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill to vacate an utility easement located on Lot 2, within Standley Lake Marketplace and Lot 3, within first replat of Standley Lake Marketplace located at the northeast corner of Wadsworth Parkway and Church Ranch Boulevard (see attached maps). The City no longer needs the existing easement because the proposed sanitary sewer line has been eliminated due to the consolidation of Lots 2 and 3.

Summary

The Official Development Plan (ODP) for Standley Lake Marketplace, Parcel No. E, F, and G within the Wallace Village P.U.D. proposes the construction of one building for the Scandinavian Design store instead of two separate buildings as originally proposed on the Wallace Village P.U.D. The original sanitary sewer layout included two sanitary sewer service lines, one for each building. With the construction of the Scandinavian Design store, only one sanitary sewer line connection is required for the building. The building will utilize the sanitary sewer system that is located on the west side. Therefore, the sanitary sewer system on the east side is no longer needed to serve the building.

City Staff is in agreement with the owner's request that the utility easement be vacated. City Council is requested to approve the sanitary sewer easement vacation via ordinance.

Policy Issue(s)

Shall the City Council vacate this sanitary sewer easement, which by City Code, must be vacated by an ordinance of the City Council?

Staff Recommendation

Pass Councillor's Bill No. 35 on first reading vacating a utility easement within Lot 2, Standley Lake Marketplace and Lot 3, first replat Standley Lake Marketplace.

Alternative

No viable alternative to the proposed action has been identified.

Background Information

The existing sanitary sewer easement was dedicated to the public as part of the requirements set forth in the Official Development Plan (ODP) for Standley Lake Marketplace. An 8-inch sanitary sewer line was to be installed to provide service to Lot 2.

The existing utility easement dedicated per the final plat for Standley Lake Marketplace is no longer needed since the proposed building layout for the Official Development Plan for Standley Lake Marketplace, Parcel No. E, F, and G within the Wallace Village P.U.D. will utilize the sanitary sewer system located on the west side of the building. The owner has requested that this easement be vacated. Staff has determined that the original easement can be vacated since this portion of the sanitary sewer system is no longer needed for the project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment(s)

ORDINANCE NO.

COUNCILLOR'S BILL NO. **35**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE VACATING A UTILITY EASEMENT WITHIN STANDLEY LAKE MARKETPLACE

WHEREAS, a certain utility easement was dedicated by the plat of Standley Lake Marketplace (Exhibit A); and

WHEREAS, this utility easement is no longer necessary due to site layout as shown the approved Official Development Plan for Standley Lake Marketplace Parcel No.'s E, F, and G within the Wallace Village P.U.D.; and

WHEREAS, the vacation is necessary to correct the location of the utility easement as shown on the proposed Official Development Plan for Standley Lake Marketplace Parcel No.'s E, F, and G within the Wallace Village P.U.D.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the utility easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Sanitary Sewer Easement:

A portion of a 20-foot utility easement within Lot 2, Standley Lake Marketplace, as recorded at Reception No. F0832985 and lot 3, first replat, Standley Lake Marketplace as recorded at Reception No. F0927336, located in the northeast quarter of Section 15, Township 2, Sough, Range 69 West of the 6th Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado, more particularly described as follows:

Easement Description

Beginning at a point on the northerly line of an existing 20-foot utility easement as recorded at Reception No. F0832985 from whence the south easterly corner of the said lot 2 bears N79°04'27"W, a distance of 74.60 feet; thence S69°15'17"E, a distance of 40.80 feet; thence S45°14'11"W, a distance of 21.98 feet; thence N69°15'17"W, a distance of 31.60 feet; thence N20°44'43"E, a distance of 20.00 feet to the Point of Beginning. Said parcel contains 0.017 acres (725 square feet), more or less.

Basis of Bearing: The east line of the northeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian is assumed to bear N00°17'02"W, said line being monumented by the northeast corner (a pin and aluminum cap, P.L.S. No. 2149) and the east quarter corner (an axle) of said Section 15.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 11th day of June, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Councillor's Bill No. 36 re Appropriation of Certificates of Participation 2001 Proceeds

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to adopt the attached Councillor's Bill on first reading appropriating \$17,094,136 of total proceeds of \$18,697,547 from the sale of the Certificates of Participation, Series 2001 as follows:

- \$14.0 million for construction of the Public Safety Building for the Police and Fire Departments
- \$1.5 million for capital projects, to free up cash from General Capital Improvement Funds for use in the construction of the City's parking garage at the Promenade
- Capitalized interest of \$1.1 million
- Costs of issuance of \$.494 million to be provided from COP proceeds

A total of \$1,603,411 of the proceeds do not need to be appropriated, as they were originally appropriated with the Pavilion financing from Year 2000, in the Building Authority Enterprise. These proceeds will be used to re-finance the original financing, reducing the coupon on this financing from 5.9% to 5.1%, thus saving the City approximately \$10,000 in annual COP payments for this financing.

Summary

The sale of the \$18.740 million of COPs for construction and lease-purchase financing of the City's new Public Safety Building was approved by City Council on May 14, 2001. On June 14, 2001, proceeds of the sale of Certificates of Participation for the Lease- Purchase Financing of the Public Safety Building and the two other projects summarized above will be received by the City. To avoid delays in the progress of these projects the proceeds need to be appropriated by Council at this time.

Staff Recommendation

Pass Councillor's Bill No. 36 on first reading appropriating \$17,094,136 in proceeds from the sale of Certificate of Participation, Series 2001 for the construction of the City's new Public Safety Building for Police and Fire Headquarters, the contribution of \$1.5 million for the City's parking garage, capitalized interest and costs of issuance.

Alternatives

Do not appropriate the funds from the COP at this time. This is not recommended as the projects identified for this funding can't move forward unless these funds are appropriated.

Background Information

At the May 14, 2001 City Council meeting, Council adopted Ordinance No. 25 approving the sale of \$18.740 million Certificates of Participation for the construction of the Public Safety Building, and directed the Mayor, Finance Director and City Clerk to sign necessary documents on behalf of the City.

Councillor's Bill re Appropriation of Certificates of Participation 2001 Proceeds
Page 2

The proceeds of the sale will be received June 14 and must be appropriated for the project to continue. Passage of the attached Councillor's Bill will record the revenues and proposed expenditures on the City's books.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **36**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2839 in the amount of \$14,802,638 is hereby increased by \$17,094,136 which, when added to the fund balance as of the City Council action on June 25, 2001 will equal \$34,906,907. The actual amount in the General Capital Improve. 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 the sale of Certificates of Participation, Series 2001.

Section 2. The \$17,094,136 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
Other Financing Sources 75-1466-000	\$2,500,000	<u>\$17,094,136</u>	\$19,594,136
Total Change to Revenues		<u>\$17,094,136</u>	
EXPENSES			
Public Safety Building 75-50-88-555-215	\$0	\$15,594,136	\$15,594,136
92 nd /US 36 On/Off Ramps 75-30-88-555-104	3,101,842	1,500,000	4,601,842
92 nd /US 36 On/Off Ramps 75-30-88-555-104	4,601,842	(1,500,000)	3,101,842
Promenade Parking Garage 75-05-88-555-171	0	<u>1,500,000</u>	1,500,000
Total Change to Expenditures		<u>\$17,094,136</u>	

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

Section 4. This ordinance shall take effect upon its passage after the second reading. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 11th day of June, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: Councillor's Bill No. 37 re 2001 Budget Supplemental Appropriation
Prepared by: Ron Lay, Accountant

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2001 budget appropriations in the General Fund and the General Capital Improvement Fund. Staff submits periodic supplemental appropriation requests to City Council, as a measure toward simplifying administrative procedures and reducing paper work.

Summary

Amend the General Fund budget to reflect \$36,553 in grants revenue, \$24,000 in business sponsorship revenue, \$3,168 in Fire extra-duty revenue and \$1,250 in Police extra-duty revenue.

Amend the General Fund budget to reflect \$589,500 for a three-year lease purchase agreement previously approved by City Council to purchase computer hardware for the Computer Aided Dispatch and Records Management System for the Police and Fire Departments.

Amend the General Fund budget to reflect \$378,000 for a three-year lease purchase agreement previously approved by City Council to purchase personal computers as part of the computer replacement program.

Amend the General Fund budget to reflect \$36,443 for a five-year lease purchase agreement previously approved by City Council to purchase a power scrubber for maintenance at the Promenade.

Amend the General Capital Improvement Program Fund budget to reflect \$25,000 in grant revenue.

Policy Issue

With the exception of the recording of the lease proceeds (noted in this memo), the policy issue for City Council is to appropriate the other unanticipated additional revenues described in this memo or utilize these funds to increase reserves.

Staff Recommendation

Pass Councillor's Bill No. 37 on first reading providing for supplementary appropriations to the 2001 General Fund and General Capital Improvement Fund.

Background Information

This agenda memorandum and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offsetting expenditures that result from increased activity or events that were not anticipated during the normal budget process.

- The Police Department obtained grants from both the Jefferson County and Adams County Victims Assistance and Law Enforcement Boards in the amounts of \$2,120 and \$2,080, respectively. As stipulated by the grantors the funds will be utilized to purchase digital cameras for the Police Department. The use of digital cameras will improve the quality of photos taken at crime scenes and will expedite the processing and delivery of the photographs to the courts for trial purposes. (General Fund)
- The Community Senior Center received a grant in the amount \$1,300 from the Scientific & Cultural Facilities District and the Thornton-Arts-Science-Humanities-Council to offer a week long cultural event on Ireland. The funds will be utilized to hire speakers and entertainers for the event. (General Fund)
- The Economic Development Division received a grant in the amount of \$2,500 from Wal-Mart to be utilized for redevelopment marketing materials. (General Fund)
- The Westminster Public Library received a grant in the amount of \$28,553 from the State of Colorado under the State Funds for Libraries program. The program provides funds to each publicly funded library in the state to improve their educational resources. Westminster Library staff plan to spend these funds to replace outdated and worn library materials at the 76th Avenue Library, to purchase more titles in Spanish and to add more books for preschoolers and elementary school students. This is the first year of a continuing program that will allocate more money to the library as the City's population grows. (General Fund)
- In May of 2001, the City hosted an Open House at Panorama Pointe Senior Center to celebrate its opening. The City received sponsorships from area businesses in the amount of \$1,000 to help offset the costs incurred by the City for the event. These costs were incurred by the Economic Development Division. (General Fund)
- The Business Showcase Event is an annual event to honor Westminster businesses, and is part of an ongoing business retention program. The City received sponsorships from area businesses in the amount of \$23,000 to help offset the costs incurred by the City for the event. These costs were incurred by the Economic Development Division. (General Fund)
- The Westminster Fire Department assisted in combating the Eldorado Fire near Ft. Collins during 2000. Colorado Sate University is reimbursing the City \$3,168 to offset costs incurred by the Fire Department. (General Fund)
- The Westminster Police Department is being reimbursed by Adams County for work conducted by detectives on the North Metro Drug Task Force in the amount of \$1,250. (General Fund)
- On February 26, 2001, City Council approved the lease purchase financing for the computer hardware needed for the Computer Aided Dispatch and Records Management System for the Police and Fire Departments. A three-year lease purchase agreement in the amount of \$589,500 was acquired from Key Corporate Capital Leasing, Inc. and the funds need to be received on the City's books to pass payment on to the original company for the purchase. Funds for the lease payments have already been appropriated in the 2001 budget. (General Fund)
- On February 26, 2001, City Council approved the lease purchase financing for the purchase personal computers as part of the computer replacement program. A three-year lease purchase agreement in the amount of \$378,000 was acquired from Key Corporate Capital Leasing, Inc. and the funds need to be received on the City's books to pass payment on to the original company for the purchase. Funds for the lease payments have already been appropriated in the 2001 budget. (General Fund)

- On March 26, 2001, City Council approved the lease purchase financing for the purchase of a power scrubber for maintenance at the Promenade. A five-year lease purchase agreement in the amount of \$36,443 was acquired from Key Corporate Capital Leasing, Inc. and the funds need to be received on the City's books to pass payment on to the original company for the purchase. Funds for the lease payments have already been appropriated in the 2001 budget. (General Fund)
- The Adams County Open Space Program awarded the City a \$25,000 grant to provide partial funding of the costs associated with the construction of Foxshire Park. City Council approved the submittal of the grant application on January 22, 2001. (General Capital Improvement Fund)

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2001

COUNCILOR'S BILL NO. **37**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Fund, initially appropriated by Ordinance No. 2839 in the amount of \$67,845,371 is hereby increased by \$1,068,914 which, when added to the fund balance as of the City Council action on June 25, 2001 will equal \$69,092,418. 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 grants revenue, special promotion sponsorships, and lease purchase revenues.

Section 2. The \$1,068,914 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			
Intergovernmental – Federal 10-0426-000	\$0	\$1,250	\$1,250
Intergovernmental – Victim Assistance 10-0450-000	0	4,200	4,200
Intergovernmental – State of Colorado 10-0478-000	0	28,553	28,553
General Miscellaneous 10-1072-000	142,048	4,168	146,216
Contributions Miscellaneous 10-1172-000	5,000	26,800	31,800
Other Financing Sources 10-1484-000	0	<u>1,003,943</u>	1,003,943
Total Change to Revenues		<u>\$1,068,914</u>	
EXPENSES			
Other Financing Uses 10-10-90-604-000	\$0	\$1,003,943	\$1,003,943
Salaries Overtime – Police Investigations 10-20-30-103-000	179,000	1,250	180,250
Supplies 10-20-30-321-000	13,000	4,200	17,200
Salaries Overtime – Fire Department 10-25-26-103-000	148,100	3,168	151,268
Other Contractual 10-30-05-299-000	61,165	1,000	62,165

Description	Current Budget	\$ Increase	Final Budget
Special Promotions 10-30-34-245-000	86,500	23,000	109,500
Other Contractual 10-30-34-299-000	45,360	2,500	47,860
Library Materials 10-50-62-358-000	360,000	28,553	388,553
Other Contractual 10-50-76-299-530	96,300	<u>1,300</u>	97,600
Total Change to Expenditures		<u>\$1,068,914</u>	

Section 3. The 2001 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2839 in the amount of \$14,802,638 is hereby increased by \$25,000 which, when added to the fund balance as of the City Council action on June 25, 2001 will equal \$17,837,771. The actual amount in the General Capital Improve. Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a grant received from Adams County Open Space Program.

Section 4. The \$25,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
Intergovernmental Misc. Adams County 75-0472-010	\$0	<u>\$25,000</u>	\$25,000
Total Change to Revenues		<u>\$25,000</u>	
EXPENSES			
Foxshire Park 75-50-88-555-070	\$0	<u>\$25,000</u>	\$25,000
Total Change to Expenditures		<u>\$25,000</u>	

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. 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 11th day of June, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Resolution No. 39 re Golf Course Club House Reorganization

Prepared By: Ken Watson, Recreation and Golf Facilities Manager
Donna Diaz, Sr. Human Resources Analyst

Introduction

City Council action is requested to authorize a staff reorganization of the City of Westminster's two golf course clubhouse operations at Legacy Ridge Golf Course and the Heritage @ Westmoor Golf Course.

Summary

The proposed reorganization would provide improved supervisory coverage and enhanced customer service at both golf courses by adding professional leadership to the existing staff assigned to each course. This reorganization involves modifying the existing pay plan; downgrading the current unclassified Golf Professional position to a lower salary and adding a second FTE Golf Professional position which provides a 1.0 FTE Golf Professional at each club house. This action also eliminates a FTE Guest Relations Clerk II. This reorganization will not increase the existing FTE levels or salary costs as currently approved in the respective golf course operating budgets. This proposed reorganization was reviewed by City Council at a study meeting and consented to be placed on a regular Council Meeting agenda.

Policy Issue

Staff is requesting that Council take action on a mid-year reorganization of certain positions in the golf course clubhouse, including a change to the pay plan.

Staff Recommendation

Adopt Resolution No. 39 modifying the pay plan and approving the golf course staff reorganization.

Alternative

The City Council could elect not to change the pay plan. This will result in a recruitment and selection of one Golf Professional, at the existing unclassified salary range, to supervise the day-to-day operations at the City's two golf courses. This alternative would also require Staff that is currently in provisional appointments to provide supervision at each golf course, to return to their original positions.

Background Information

The existing golf operation staff plan includes a 1.0 FTE Golf Professional at an unclassified annual salary range of \$60,450 to \$67,450. In the past, this position was responsible for supervision of the day-to-day operations at both of the City's golf courses, Legacy Ridge and The Heritage.

In February 21, 2000, the Golf Professional resigned from his position with the City of Westminster. Following the Personnel Manual policies, Staff approved provisional appointments of two existing Assistant Golf Professionals into positions to supervise their respective golf course clubhouse operations. Clubhouse operations at each course include, supervising all green fee/cart rental/pro shop revenue operations, which total in excess of \$1 million at each course per year; customer service training and follow-up; merchandising; year-round and seasonal clubhouse staff supervision.

It is Staff's conclusion that each course requires a dedicated, supervisory position be assigned to each course. Staff believes this is important to ensure consistent, professional leadership at both courses. During the past year, having a golf pro at each facility in the provisional positions has resulted in improved customer service, increased marketing programs and improved operating policies. Some of the customer service and policy changes that were researched and initiated by the Golf Pros, Division Manager and Director of Parks, Recreation and Libraries include:

1. Increasing the number of months carts will be allowed off cart paths from May 1 to October 1, to the new policy of April 1 to November 1. Golfers have really appreciated this change. Note: daily decisions are still made by the Golf Superintendent, Golf Pro and Division Manager on wet or inclement weather days.
2. Surveying area, similar quality courses, with a recommendation of no golf fee increases in 2001.
3. Changing the tee time advance notice policy. Basically this change allows golfers to reserve their tee times up to seven days in advance depending on their category of use, i.e., reservation cardholder, resident or non-resident. The old policy would only allow reservations to be made up to four days in advance. Customer feedback on this change has been extremely positive.
4. Increased marketing opportunities for both courses with signage on the major roadways, articles in newspapers, golf publications, paid advertisements and offering discount rates during seasonal slow usage times.
5. Booking and coordinating two high-quality, high-profile golf tournaments. One tournament was scheduled at each course: The LPGA Futures Golf Tour at Legacy Ridge and The Colorado Senior Open at The Heritage.
6. Improved staff training in the specific area of guest relations and customer service.

These changes were the result of having designated supervisory Staff at each course that increased communication with our customers and other front line Staff. Staff believes having a Golf Pro at each course greatly increases the probability of improved operations at each course. Both Golf Pros work closely with each other and their Division Manager to ensure consistent policies and proper use of all resources available.

This reorganization is possible due to the unclassified Golf Professional position being vacant and a vacant Guest Relations Clerk II position. If approved, the existing number of FTEs would remain the same; however, the Golf Professional salary range would be decreased to a level that is fair and competitive for a Golf Pro who is responsible for supervision of one (1) golf course. The new salary range for the Golf Pro for 2001 is \$46,000 to \$58,600. The Human Resources Division has reviewed all of these proposed changes and they have recommended the revised salary range for the Golf Professional and agree with the reallocation of staffing.

Each clubhouse operation has 3.5 FTEs currently assigned and if this reorganization plan is approved, each course will continue to have 3.5 FTEs assigned; however, in different position titles and reduced salary range. Please refer to the attached organizational chart for additional clarification.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **39**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

AUTHORIZING THE REORGANIZATION OF THE GOLF COURSE CLUB HOUSE OPERATIONS

WHEREAS, Section 1-24-3 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service; and

WHEREAS, this reorganization will provide improved supervisory coverage and enhanced customer service at both golf courses; and

WHEREAS, the golf courses are enterprise fund operations and require on-site professional level supervision and fiscal accountability.

NOW, THEREFORE, be it resolved that the Westminster City Council hereby authorized the salary schedule and authorized personnel schedule for the 2001 year, be amended by modifying the existing specifications and/or the full-time equivalency for the positions listed below:

Grade Range	FTE	Position	Class Code	Salary
Unclassified	2	Golf Professional	3911	\$46,000 to \$58,600

Grade Range	FTE	Position	Class Code	Salary
30	1	Guest Relations Clerk II	4209	\$22,378 to \$28,547

BE IT FURTHER RESOLVED that the amendment shall be put into effect upon passage and adoption of this resolution.

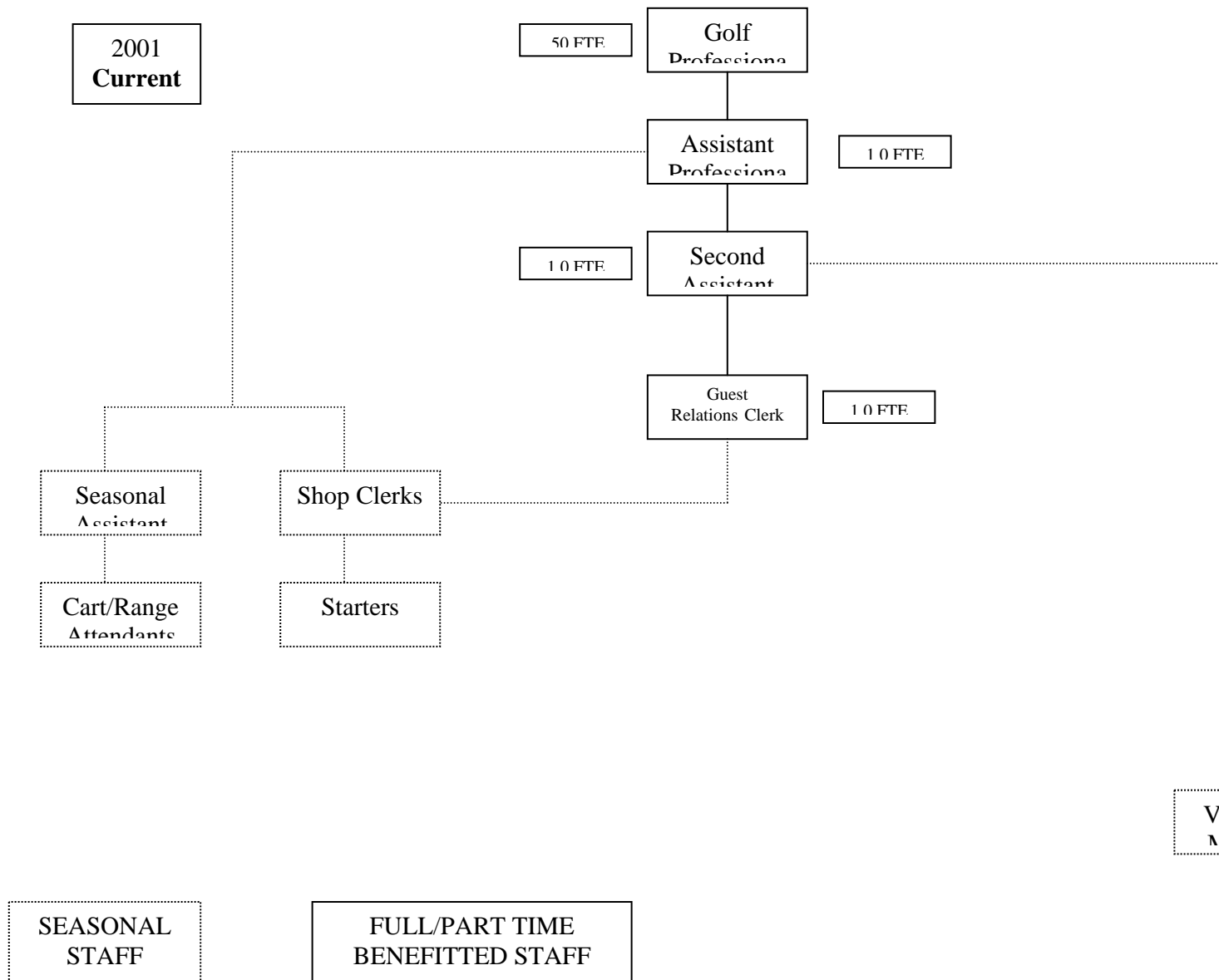
Passed and adopted this 11th day of June 2001.

ATTEST:

Mayor

City Clerk

Heritage At Westmoor Organizational Chart

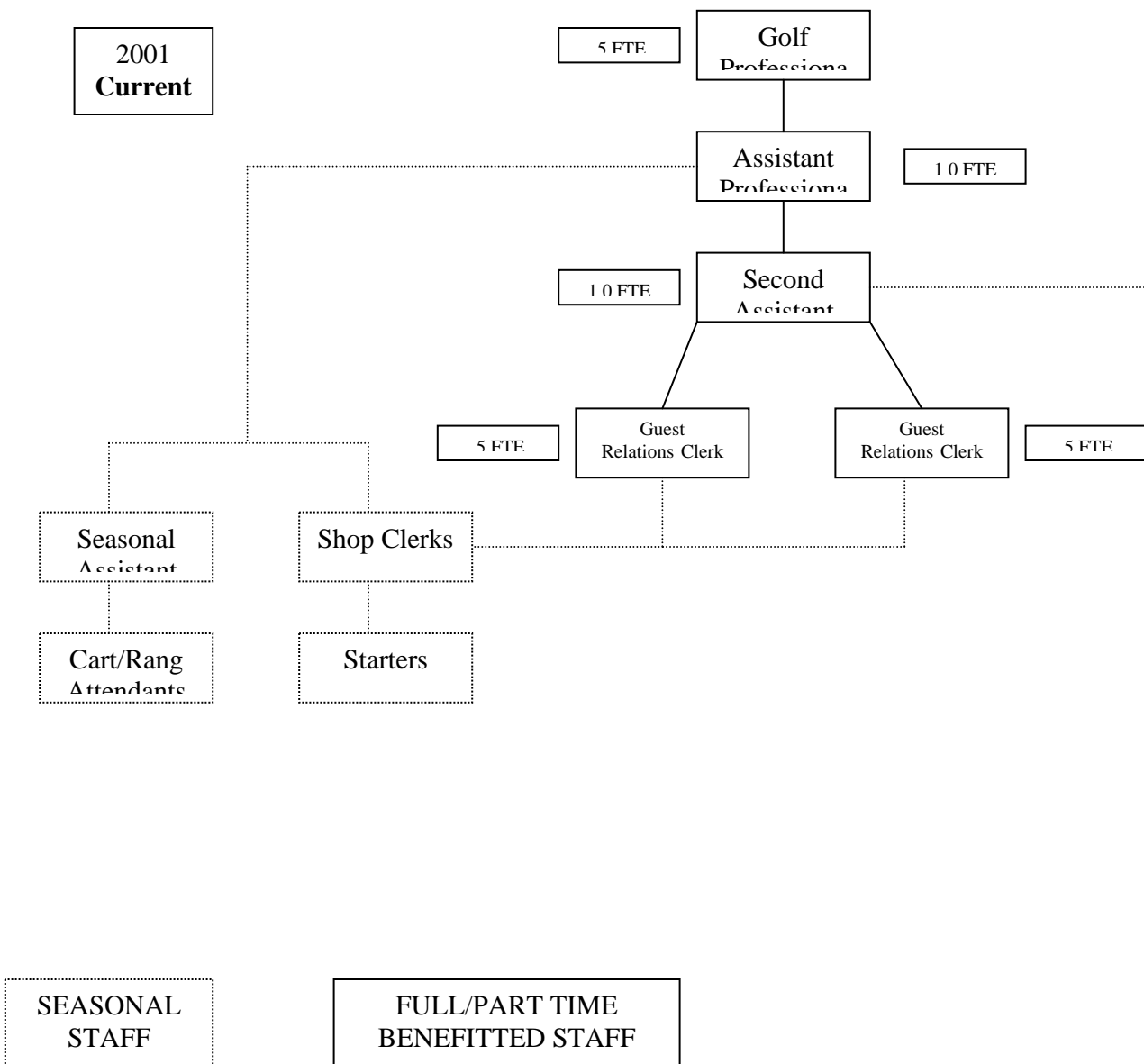


SEASONAL STAFF

FULL/PART TIME BENEFITTED STAFF

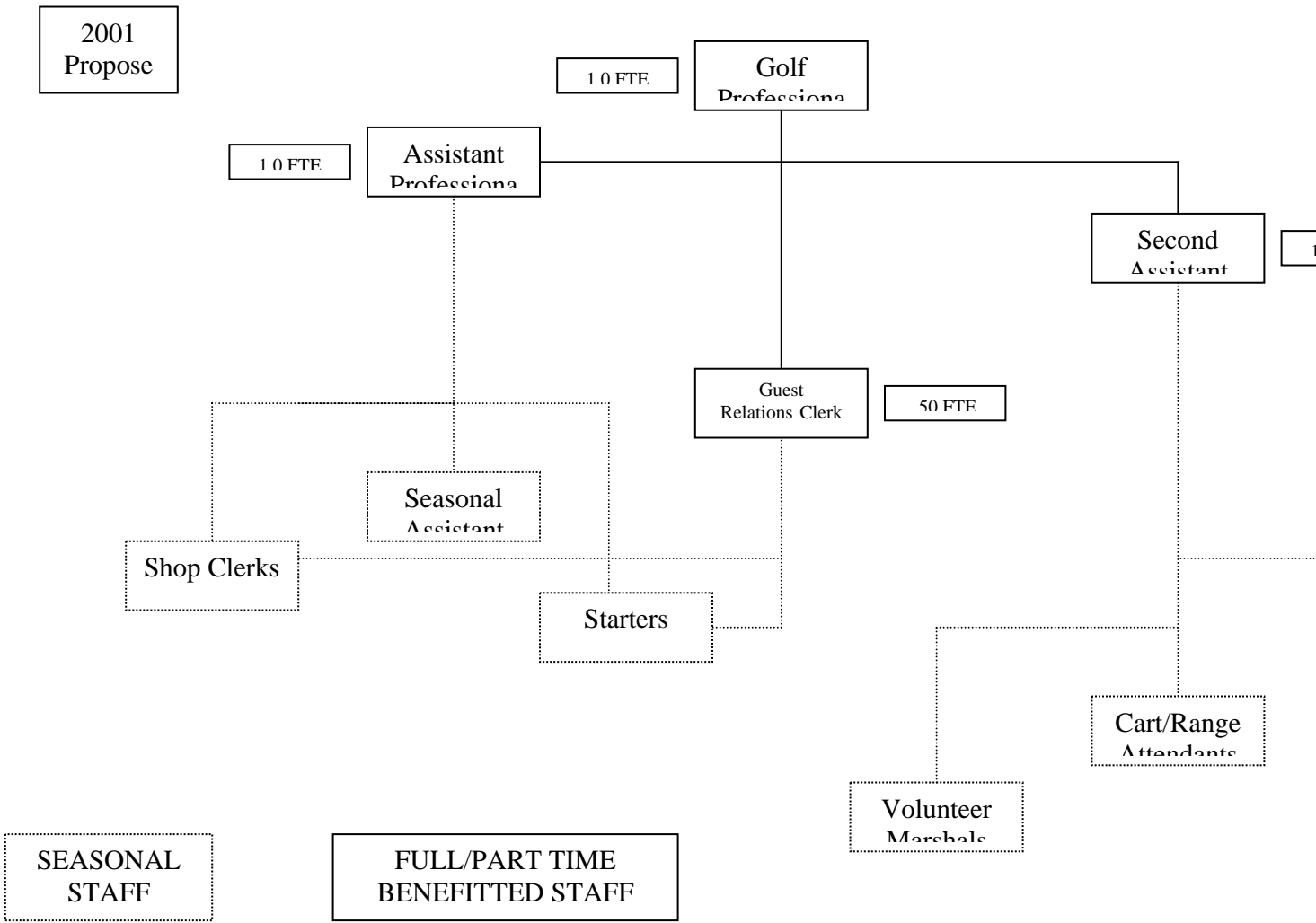
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Legacy Ridge Organizational Chart



V
M

**Legacy Ridge and Heritage At Westmoor
Organizational Chart**





WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 11, 2001
Subject: Design Contract for New Library Facility in South Westminster
Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Bennett, Wagner, & Grody Architects, PC, in the amount of \$126,515 for design services for a new library facility, which includes (\$100,515 for design services, \$17,000 for reimbursables and \$9,000 for geotech studies) and approve a 10% design contingency of \$12,652. City Council action is also requested to authorize the City Manager to sign a change order to the contract, contingent upon necessary funds being approved in the 2002 budget, in the amount of \$150,909 for construction documents, construction management and as-built drawings for the new facility.

City Council has allocated \$120,000 in 2001 Community Development Block Grant funds for this project. An additional \$50,000 is available in the General Capital Improvement Fund budget in 2001, and \$300,000 has been tentatively budgeted in 2002 in the five-year capital improvement program for this project. The design development phase of the project is scheduled for completion by December 31, 2001. Construction drawings are projected to be completed by December 31, 2002, and construction is scheduled to begin in 2003 or 2004. The total cost of the library project is estimated at \$3,725,000, including:

Library building construction (15,000 sf @ \$170)	\$2,550,000
Contractor's Fees @ 8%	\$ 204,000
Construction contingency @ 10%	\$ 275,400
Architect @ 8.7%	\$ 221,850 (library only, w/retail \$251,424)
Geotech studies	\$ 9,000
Reimbursable expenses	\$ 17,000
Furniture, tap fee, utilities, moving expenses	\$ 436,000
TOTAL	\$3,713,250

The total budget for design and construction of the 5.75 acre site, including the park, library site work and plaza area, is estimated at \$800,000. Staff is also evaluating the feasibility of building a small retail space adjacent to the library, which would add approximately \$184,750 to the project cost, bringing the total to \$3,898,000.

Summary

Staff sent out requests for proposals for design services to seven architectural firms, with five of those firms responding. The cost estimates received for basic design services including program planning, schematic design, and design development, based on a construction budget of \$3.1 million, were:

Klipp, Colussy, Jenks, Dubois,	\$141,005
BBB	\$126,754
Michael Brendle	\$104,997
Bennett, Wagner, & Grody	\$ 100,515
Humphries Poli Architects	\$ 78,827.

Staff also asked each of the responding firms to provide cost estimates for the following add alternates: preparation of construction documents, as-built drawings, and construction management services. The cost estimates submitted were:

Firm	Construction Documents	As-built Drawings	Construction Management	Total
Klipp, Colussy, Jenks, Dubois	\$ 80,954	\$5,668	\$50,574	\$137,196
BBB	\$117,348	\$2,214	\$62,128	\$181,690
Bennett, Wagner, & Grody	\$106,334	\$5,753	\$38,823	\$150,910
Michael Brendle	\$110,732	\$4,499	\$49,990	\$165,221
Humphries, Poli	\$ 74,400	\$0	\$37,200	\$111,600

Total design and all alternates:

BBB	\$308,444
Klipp, Colussy, Jenks, Dubois	\$278,201
Michael Brendle	\$270,218
Bennett, Wagner & Grody	\$251,425
Humphries, Poli	\$190,427

A committee of Parks, Recreation and Libraries Staff, the City’s Special Projects Director, and one Westminster Library Board member reviewed the proposals and interviewed all five firms, then narrowed the field to the following three firms: Bennett, Wagner, & Grody; Humphries, Poli, and Klipp, Colussy, Jenks, DuBois.

A second interview was conducted with those three firms. Staff evaluated each of the firms based on the following factors:

Design Approach	30%
Understanding of scope of work	25%
Previous experience w/similar projects	25%
Professional Fee	20%.

Based on the proposals, interviews, and after contacting references for each firm, Staff is recommending that the contract be awarded to Bennett, Wagner, & Grody Architects, P.C. (BWG) for the following reasons:

- BWG has familiarity with Westminster library patrons’ needs based on their previous experience in designing the College Hill Library. The Westminster community has responded with overwhelming enthusiasm to the College Hill Library. The innovative, award-winning design of the joint library has attracted the attention of other libraries and architects across Colorado and beyond. The project was constructed on time and within budget. Staff is confident that this firm will do the best job of designing a new library for south Westminster that is equal in quality to the College Hill Library.
- BWG provided the most comprehensive list of services for the amount quoted. Included were landscape architectural services for the library building, and technology and acoustical consulting services. They provided the most specific information about the number of hours their principals would be involved in the project, and about the total number of hours that would be devoted to the project.

- BWG demonstrated excellent design skills in their approach to the project and in their preliminary ideas for site and building design. BWG has the necessary project experience and talent to provide the quality and creativity of work desired by the City to make the new park and library an exciting focal point for the community.

The selection committee did not select Humphries, Poli Architects for this project, although their cost estimate was lower than those submitted by other firms. Humphries Poli did not score as highly on their design approach or understanding of the scope of work as some of the other firms. They did not demonstrate the level of creativity and enthusiasm about the project that was exhibited by other firms. Staff visited three recently-constructed library facilities in Douglas County that were designed by Humphries Poli, and were not impressed at the level of creativity and innovation exhibited in those buildings, compared to College Hill Library. Humphries Poli did not provide the level of detail in their proposal requested in the RFP, which was provided in proposals submitted by other firms.

Policy Issue

Does City Council wish to have City Staff move forward with the design of a new library facility to be located at 74th Avenue and Irving Street?

Staff Recommendation

Authorize the City Manager to sign a contract with Bennett, Wagner, and Grody Architects in the amount of \$126,515, which includes \$100,515 for the design of the new south Westminster library facility, a topset of \$17,000 for reimbursable expenses, and \$9,000 for geotechnical studies of the site. Add a 10 percent contingency of \$12,652, which is based on a construction budget of \$3.1 million. In addition, authorize the City Manager to sign a change order to the contract, after initial design work is completed and subject to funds being approved in the 2002 budget, for \$150,909 for construction documents, construction management and as-built drawings.

Alternatives

1. Council could choose to award the contract to one of the other four firms who have submitted proposals.
2. Council could elect not to award a contract at this time and choose another method of selecting an architect for the project.

Background Information

In October 2000, the City was awarded \$120,000 in Community Development Block Grant funds for architectural services to develop designs for an improved 76th Avenue Library. After evaluating several options for improving the library, City Council selected the 74th Avenue and Irving Street site as the best option to improve the library and enhance the south Westminster area. Moving the library to the new site will complement the Westminster Plaza retail center and draw shoppers to the area, while providing more convenient library service. The park and library, along with the Senior Center and shopping center, will serve as a new focal point for the community.

Preliminary plans provide for a park of about 4.5 acres (about 4/5 of the site), and a 15,000 sq. ft. library, which will occupy about 1 to 1.25 acres. Improvements to the library include a greatly expanded children's area, more computers, more study spaces and a community meeting room. A small retail space, such as a coffee shop or bagel store, may be considered as a complement to the library building.

Staff has recently begun the process to select a landscape architecture firm that will work under the direction of the architect to design the park and plaza areas and to integrate these with the library design. Once the landscape architect has been selected, work will begin on site programming and master planning for both the park and library. Meetings will be scheduled this summer to present preliminary design plans to the surrounding neighborhood and to City Council and the Library Board.

Staff is excited about the prospect of working with Bennett, Wagner, & Grody and with the landscape architect to create a park/library complex, which will be a source of civic pride and community building for the south Westminster area.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: June 11, 2001

Subject: Resolution No. 40 re Determination on Mayor Pro Tem Dixon's Travel Expenses

Prepared by: Stephen P. Smithers, Assistant City Manager

Introduction

City Council is requested to adopt the attached Resolution to determine that Mayor Pro Tem Dixon is no longer in default of Section 5.1 of the City Charter. Mayor Pro Tem Dixon was found to be in default of this provision as spelled out in Resolution No. 30 dated May 14, 2001.

Summary

Section 5.1 of the Westminster City Charter addresses the situation when a member of City Council is believed to be in default of his or her obligations. The language is as follows:

“No person shall be eligible for any elective or appointive City office who is in default to the City or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.”

While the Charter does not define the word “default,” the common definition found in Webster's New World Dictionary is, “failure to do something or be somewhere when required or expected; failure to pay money due.” City Council determined at the May 14 City Council meeting that Ms. Dixon was in default of the Section 5.1 of the City Charter and was provided a 30 day period of time to correct the subject deficiency.

The Finance Department staff completed a review of Mayor Pro Tem Dixon's travel expense reports that were handed in at the May 7th Study Session. Staff found that of the nine trip reports submitted that six of them are found to be complete and three were found to be incomplete resulting in a net deficiency of \$643.03.

Mayor Pro Tem Dixon provided the missing receipts, the reports were reaudited by the Finance Department staff and a check in the amount of \$908.09 was issued to Ms. Dixon. The Department of Energy (DOE) travel expense reimbursement forms have been submitted on the three reimbursable trips taken by Ms. Dixon during the past 12 months. Staff anticipates that the DOE reimbursement check(s) will be received in the next 30 days.

Policy Issue

City Council should determine whether Mayor Pro Tem Dixon is no longer in default at this point in time based on the completion of the outstanding travel expense reports.

Staff Recommendation

Adopt Resolution No. 40 that concludes that Mayor Pro Tem Dixon is no longer in default of her obligations to the City of Westminster pertaining to her City travel over the past 12 months.

Alternatives

No alternative was identified for this item.

Background Information

City Council has discussed the matter of Mayor Pro Tem Dixon's travel expense reports at two recent Study Sessions. City Staff previously provided a summary of the trips in question dating back to May 23, 2000 which included three trips where the Department of Energy (DOE) would reimburse the City for front ending Ms. Dixon's expenses if proper documentation would be submitted to DOE. At the May 7th Study Session, Ms. Dixon submitted all of her travel expense reports that were outstanding covering nine different trips during the subject period of time from May 23, 2000 through March 13, 2001.

City Council directed the City Manager to have appropriate City Staff review the travel expense reports that Ms. Dixon provided. Karen Creager, Internal Auditor in the Finance Department, has completed a review of the document submitted including monthly City credit card invoices from Wells Fargo Bank. Karen has provided a summary of her findings involving the nine trips in her memorandum dated May 9th addressed to City Manager Bill Christopher.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **40**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY COUNCIL DETERMINATION ON MAYOR PRO TEM DIXION'S TRAVEL EXPENSE REPORTS

WHEREAS, Mayor Pro Tem Sam Dixon has traveled on behalf of the City on nine different occasions since May 23, 2000, and the City Council policy requires the timely submittals of the travel expense reports within two weeks upon returning from each trip; and

WHEREAS, Mayor Pro Tem Dixon submitted her remaining delinquent travel expense reports at the May 7th Study Session and the Mayor directed the City Manager to have appropriate staff review the travel expense reports to determine compliance; and

WHEREAS, the Finance Department staff determined on each report whether Mayor Pro Tem Dixon is owed a reimbursement from the City or whether Ms. Dixon owes the City for undocumented expenditures; and

WHEREAS, the City owes and has issued a check to Mayor Pro Tem Dixon in the amount of \$908.09; and

WHEREAS, the City has sent to the Department of Energy (DOE) a request for reimbursement in the amount of \$1027.46 on the three trips that are deemed to be reimbursable; and

WHEREAS, it is the City Council's determination that Ms. Dixon is no longer in default of her obligations according to Section 5.1 of the Westminster City Charter due to the completion of the outstanding expense reports.

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

1. City Council finds that Mayor Pro Tem Dixon is no longer in default of her travel expense obligations.

Passed and adopted this 11th day of June 2001.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, June 11, 2001.

Present at roll call were Mayor Heil, Mayor Pro-Tem Dixon, Councillors Atchison, Hicks, Kauffman, Moss, and Merkel.

Mayor presented a proclamation honoring Youlon Savage.

The minutes of the May 21, 2001 meeting were approved.

Council approved the following: Purchase of Patrol Cars; Semper Clearwell Reconstruction Legal Services For Condemnation; Butterfly Pavilion Relocation Special Legal Counsel; IGA with Thornton and United Power for the Relocation of the Substation at the 136th Avenue ; Harlan Street Privacy Fencing Contract to Fence Consultants, Inc. for \$194,500; 2000 Comprehensive Annual Financial Report and Management Report; Web site Evaluation Contract with Immedient for \$35,772; established a deadline of September 30 2001 for applications for the Boards and Commissions "Pool"; authorized Design Contract for new library in South Westminster.

A public meeting was held on the 2002 City Budget with the following citizens speaking: Pat Crossen, Dan Vriesman, Cliff Shoemaker, and Carl Walzak.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE ASSISTANCE AGREEMENT WITH VILLAGE AT PARK CENTRE, LLC purpose: amendment will change the size requirement for the core retail building from 60,000 s.f. to 40,000 s.f. and two (2) pad sites

A BILL FOR AN ORDINANCE VACATING A UTILITY EASEMENT WITHIN STANDLEY LAKE MARKETPLACE purpose: the City no longer needs the existing easement

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND purpose: to re-finance reducing the financing from 5.9% to 5.1%

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT FUND purpose: appropriating additional revenues and offsetting expenditures that result from increased activity or events

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

A BILL FOR AN ORDINANCE AMENDING THE SIGN CODE, BY THE ADDITION OF A NEW SECTION REGULATING INSTITUTION MONUMENT SIGNS

A BILL FOR AN ORDINANCE ENACTING TITLE XI, CHAPTER 6, SECTION 8(E) OF THE WESTMINSTER MUNICIPAL CODE RELATING TO DEDICATION OF LAND FOR PUBLIC SCHOOL SITES

A BILL FOR AN ORDINANCE APPROVING AN AGREEMENT FOR THE ANNEXATION OF THE PROPERTIES KNOWN AS 1805 AND 1891 WEST 144th AVENUE

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 16, 20 AND 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

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 SECTIONS 16, 20 and 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

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

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

The following Resolutions were adopted:

Resolution No. 38 Resignation and Appointment to Environmental Advisory Board and Parks and
Recreation Advisory Board

Resolution No. 39 Approving Golf Course Staff reorganization and pay plan adjustment

Resolution No. 40 Mayor Pro-Tem Dixon's Travel Expenses

Resolution No. 41 Amendment to City Council Rules and Regulations

Resolution No. 42 Appointment to Adams County Economic Development Council.

At 8:25 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on June 21, 2001

RESOLUTION

RESOLUTION NO. 41

INTRODUCED BY COUNCILLORS

SERIES OF 2001

Atchison – Hicks

NOW, THEREFORE, the City Council of the City of Westminster does hereby amend the Council Rules as follows:

PART VI - COMMITTEES

1. **COMMITTEES - HOW APPOINTED:** The Mayor shall appoint from time to time such special or select committees as in his/her discretion deems desirable, or as may be desired by the Council to expedite the handling of the business and affairs of the City. The Mayor shall appoint the member who is to serve as Chairperson of the committee.

2. **REPORTS:** Whenever possible upon request of Council, committee reports shall be in writing. Documents referred to the committee shall be returned with the report.

3. **SECRETARY TO COMMITTEES:** The Clerk or a designated assistant shall act as secretary to special committees as directed by the Mayor.

4. THE COUNCIL SHALL APPOINT FROM TIME TO TIME SUCH REPRESENTATIVES AS IT DEEMS APPROPRIATE TO ANY BOARDS, COMMITTEES, TASK FORCE, COMMISSIONS, INTERGOVERNMENTAL ORGANIZATIONS OR OTHER BODIES, INCLUDING THE CITY'S BOARDS AND COMMISSIONS, TO SERVE AS LIAISON BETWEEN SUCH BODY AND THE CITY COUNCIL AND TO REPRESENT THE CITY COUNCIL'S POSITION AS MAY BE REQUIRED. NO PERSON SHALL ACT OR SERVE AS A REPRESENTATIVE OF THE CITY WITHOUT COUNCIL APPROVAL.

PASSED AND ADOPTED this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **42**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

Atchison - Hicks

WHEREAS, City of Westminster appoints a representative to the Adams County Economic Development Council (ACEDC); and

WHEREAS, the representative for many years has been Mayor Pro Tem Sam Dixon; and

WHEREAS, previously, it was requested that municipalities that participate in the ACEDC appoint their respective mayors to be their representative; and

WHEREAS, In response to that request, Mayor Nancy Heil was selected to be the representative of the City of Westminster; and

WHEREAS, Mayor Heil has indicated a desire to discontinue her designation as the City of Westminster representative, and the ACEDC no longer requires mayoral level representation only.

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint Mayor Pro Tem Samantha Dixon as the City of Westminster representative to the Adams County Economic Development Council.

PASSED AND ADOPTED this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk