

June 29, 1998  
7:00 PM

**Notice to Readers:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. 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 Recognizing the Honorable Philip F. Roan
  - B. Certificate of Appreciation to David Navarro
  - C. Presentation of 25 Years of Service Award - Michele Kelley
5. **Citizen Communication (5 minutes or Less in Length)**
  - A. Up With People - Daniele Koenig
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. Westminster Shelter Care, 4335 W 76th Ave, Special Use Permit
  - B. Colorado Locksmith College, 4991 W 80th Ave, Special Use Permit
  - C. Bid and Lease Purchase of Heritage Golf Course Mtnce Equip
  - D. Big Dry Creek Channel Improvements
  - E. CB No. 17 re Paragon Sys Assistance Agreement (Atchison-Smith)
  - F. CB No. 18 re Match Logic Assistance Agreement (Allen-Scott)
  - G. CB No. 21 re Supplemental Appropriations Salaries (Allen-Atchison)
  - H. CB No. 22 re Fiscal Year End Appropriations (Atchison-Dixion)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
  - A. Councillor's Bill No. 23 re Cascade Village Apts
  - B. Continued Public Hearing re Church Ranch Infill Annexation
  - C. TABLED 2nd Amended PDP for Church Ranch Home Place
  - D. Councillor's Bill No. 24 re Development Fee Changes
  - E. Resolution No. 36 re Jefferson County Transportation Plan
  - F. Resolution No. 37 re Ambulance Fee Schedule
  - G. Resolution No. 38 re Big Dry Creek Sewer Interceptor Easement
  - H. Councillor's Bill No. 25 re Budget Appropriate Amendments
  - I. Legal Services for R. Dean Hawn Interests Condemnation
  - J. Conference Center Lease Agreement
11. **Old Business and Passage of Ordinances on Second Reading**
  - A. CB No. 19 re Church Ranch Infill Annexation (Atchison-Allen)
  - B. CB No. 20 re Church Ranch Infill Zoning (Atchison-Allen)

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Financial Report for May, 1998
  - B. Request for Executive Session
    1. Open Space & Park Land Acquisition re JeffCo Bond Funds

### **13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JUNE 29, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Allen to accept the minutes of the meeting of June 8, 1998 with no additions or corrections. Mayor Heil requested to abstain as she was not present at the meeting. The motion carried with 6 aye votes and Mayor Heil abstaining.

PRESENTATIONS:

Mayor Heil presented a proclamation to the Honorable Philip Roan, his wife Betty and children, in recognition of his dedication, leadership and commitment to the community for the past 40 years.

Mayor Heil presented a \$2,500 check to City Clerk Michele Kelley in recognition of her 25 years of service to the City of Westminster.

CITIZEN COMMUNICATION:

Daniele Koenig, representing Up With People, addressed Council concerning the need for Host families during the upcoming Orientation and Staging for students from around the world that will take place at Ranum High School.

Dusty Richardson, 781 Jennie Drive, addressed Council regarding Westminster's ordinances pertaining to the parking of trailers and RV's on public streets, and suggested signage to advise residents.

CITY OFFICIALS REPORT:

City Manager Bill Christopher reminded Council and the audience of the July 4th concert and Fireworks display to be held at Lucent Technologies, 1200 W. 120th Avenue.

CITY COUNCIL COMMENTS:

Councillor Dixon commented on the League of Women Voters conference and Colorado Municipal League conference she recently attended.

CONSENT AGENDA:

The following item was considered as part of the Consent Agenda: **Special Use Permit renewal for Westminster Shelter care** - Approve the renewal of the residential care facility special use permit based on the current permit of a maximum of 13 adolescents and when the new building is occupied an expansion to a maximum of 16 adolescents for Human Services Inc., 4335 W. 76th Avenue for a one year period;

**Special Use Permit renewal for Colorado Locksmith College** - Approve the renewal of the school special use permit for Colorado Locksmith College, 4991 W. 80th Avenue for a one year period; **Bid and Lease Purchase of Heritage Golf Course Maintenance Equipment** - Award the bid to purchase golf maintenance equipment through Key Bank to the following vendors: Toro equipment for maintenance equipment to the low bidder, L.L. Johnson Distributing in the amount of \$401,281; John Deere equipment for maintenance equipment to the low bidder, Heritage Turf in the amount of \$118,947; and Club Car for utility vehicles to the low bidder, Colorado Golf & Turf, in the amount of \$57,204; and authorize the City Manager to execute a lease/purchase agreement with Key Bank for golf maintenance equipment in an amount not to exceed \$577,432, less the \$25,000 down payment, at 5.057% with a quarterly payment of \$23,565 for a total of 7 years beginning in 1998; **Big Dry Creek Channel Improvements** - Authorize the City Manager to execute a contract with The Sear-Brown Group in the amount of \$70,400 for professional services relating to the I-25 bridge and Big Dry Creek Channel Improvements project and find that it is in the best interest of the City, and charge the expense to the 1998 Utility Fund; **Councillor's Bill No. 17** re Paragon Systems Assistance Agreement; **Councillor's Bill No. 18** re Match Logic Assistance Agreement; **Councillor's Bill No. 21** re Supplemental Appropriation for Salaries; and **Councillor's Bill No. 22** re Fiscal Year End Appropriations.

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

A motion was made by Scott and seconded by Dixon to adopt the consent agenda items as presented. The motion carried unanimously.

ORDINANCE NO. 2594 - CASCADE VILLAGE APARTMENTS REFINANCING:

A motion was made by Atchison and seconded by Scott to adopt Councillor's Bill No. 23 as an emergency ordinance amending the Indenture of Trust for the Cascade Village Apartments Tax-Exempt Multi-Family Rental Housing Revenue Bonds in the amount of \$14,675,000 in order to authorize the private placement of these bonds with Merrill Lynch pursuant to a private placement agreement which includes a restriction on public sale of these bonds. Stan Raine of Sherman & Howard, Les Wilson of Hanifen Imhoff and Ron Beneke representing the Cascade Village ownership, were present to address Council. Upon roll call vote, the motion carried unanimously.

CONTINUED PUBLIC HEARING RE CHURCH RANCH IN-FILL ANNEXATION:

A motion was made by Merkel and seconded by Allen to re-open the public hearing on the Church Ranch In-fill Annexation. The motion carried unanimously.

At 7:45 P.M. the meeting was opened to continue the public hearing on the Church Ranch In-fill annexation and 2nd Amended Preliminary Development Plan. Charles McKay, 10050 Wadsworth Blvd, gave a brief presentation to Council. Mark Geyer, City Planner, entered a map as Exhibit A.

A motion was made by Atchison and seconded by Dixon to continue the public hearing and Table the 2nd Amended PDP, second reading of Councillor's Bill No. 19 re Church Ranch In-fill Annexation and Councillor's Bill No. 20 re Church Ranch In-fill Zoning until July 6, 1998 at 6:30 P.M. The motion carried unanimously. At 8:50 P.M. the public hearing was continued until the Special City Council meeting on July 6, 1998.

COUNCILLOR'S BILL NO. 24 - DEVELOPMENT FEE CHANGES:

A motion was made by Atchison and seconded by Smith to pass Councillor's Bill No. 24 on first reading amending the Westminster Municipal Code establishing new or revised fees for Planning Engineering Division development review and adopting a revised schedule of building permit fees. Steve Wilson, representing the Home Builders Association, was present to address Council. Mr. Wilson submitted papers showing revenue costs. Upon roll call vote, the motion carried with 6 aye votes and a dissenting vote by Dixon.

RESOLUTION NO. 36 - JEFFERSON COUNTY TRANSPORTATION PLAN:

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 36 which endorses the Jefferson County Transportation Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 37 - AMBULANCE FEE SCHEDULE:

A motion was made by Allen and seconded by Scott to adopt Resolution No. 37 establishing the new ambulance fee schedule, authorizing a treatment rendered/no transport charge, and authorizing the City Manager to adjust rates up to 10% annually. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 38 - BIG DRY CREEK SEWER INTERCEPTOR EASEMENT:

A motion was made by Smith and seconded by Atchison to adopt Resolution No. 38 authorizing the City Manager and the City Attorney to execute the necessary documents to acquire from Roger L. and Lynn M. Dobbs a 3,877 square foot permanent Utility Easement and an 11,416 square foot temporary Utility Easement for the construction of the Big Dry Creek Sewer Interceptor, Phase III, through eminent domain, if negotiations with the landowners fail. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 25 - 1998 BUDGET APPROPRIATIONS AMENDMENTS:

A motion was made by Merkel and seconded by Atchison to pass Councillor's Bill No. 25 on first reading amending the appropriations of the 1998 Budget. Upon roll call vote, the motion carried unanimously.

LEGAL SERVICES FOR R. DEAN HAWN INTERESTS CONDEMNATION:

A motion was made by Allen and seconded by Merkel to authorize the City Manager to execute a contract with the law firm of Gorsuch Kirgis L.L.C. up to a limit of \$75,000 to provide eminent domain litigation services in connection with the condemnation of the R. Dean Hawn Interests park and open space parcels. The motion carried unanimously.

WESTIN-WESTMINSTER CONFERENCE CENTER LEASE AGREEMENT:

A motion was made by Atchison and seconded by Allen to authorize the City Manager to sign a lease agreement with Inland Pacific Colorado regarding the Westin-Westminster Conference Center project in substantially the same form as that attached to the Agenda Memorandum conference center lease agreement, and further authorize the City Manager to sign any other document and/or agreement necessary to proceed with the Westin Hotel and Conference Center project including the transfer of land, cross parking easements, and other related documents. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for May, 1998.

The Mayor stated there would be an Executive Session regarding Jefferson County Open Space and Park Land, the Westminster Mall, an Economic Development Prospect and Church Ranch.

Dusty Richardson stated he was impressed with the expediency of Westminster's responding to the handicapped parking situation at City Hall.

ADJOURNMENT:

The meeting was adjourned at 9:25 P.M.

ATTEST:

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Mayor

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

**Date:** June 29, 1998

**Subject:** Proclamation Recognizing the Honorable Philip F. Roan

**Prepared by:** Bill Christopher, City Manager

### **Introduction**

City Council action is requested to adopt a Proclamation expressing affection, appreciation, and respect for the Honorable Philip F. Roan regarding his longstanding contributions to the citizens of the City of Westminster and Adams County.

### **Summary**

Philip F. Roan has announced his retirement from government after a long, fulfilling career that included being the City of Westminster's first City Manager from 1958 to 1961, serving as Adams County Administrator, being elected to Westminster City Council, practicing law including being the City's Assistant City Attorney and being a District Court Judge in Adams County.

### **Staff Recommendation**

Present the Proclamation to the Honorable Philip F. Roan and his wife Betty.

### **Background Information**

In 1958, Philip F. Roan was appointed as Westminster's first City Manager under the City Charter which had been adopted by Westminster voters. Mr. Roan came to Westminster from Ponca City, Oklahoma where he served as Assistant City Manager. In 1961, Mr. Roan left the employment of the City to become County Administrator to the Adams County Commissioners. During his tenure at Adams County, he obtained his Juris Doctorate from the University of Denver. Upon passing the bar exam, Phil left the employment of the County to enter into private law practice with Jim Stitt and R.J. Wittenbrink. He practiced law in the Denver metropolitan area as a partner of Stitt, Wittenbrink and Roan up until the time he was appointed to the District Court Bench in Adams County where he has served over the past 18 years. His initial appointment to the Court in 1980 was the first step of a long successful career path serving the 17th Judicial District in Brighton, Colorado. He assumed the duties of Chief Judge of the 17th Judicial District on April 18, 1981 until 1991, when he returned to his regular assignment as a District Court Judge.

Phil has demonstrated his leadership capabilities in all of the governmental positions that he has held since coming to Westminster in 1958: in the executive branch; later the legislative branch and then the judicial branch. Also, his commitment and dedication to good government is certainly noted. As Westminster's first City Manager, Phil brought professional public management to the City organization and assured the success of implementing Home Rule under the newly enacted City Charter.

Proclamation Recognizing the Honorable Philip F. Roan  
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The attached Proclamation has been prepared to recognize and congratulate Phil Roan for his dedication, leadership and commitment to the community for the past 40 years.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



WHEREAS, Philip F. Roan was appointed the City of Westminster's first City Manager in 1958 after Westminster voters approved the City Charter which established the Council/Manager form of government; and

WHEREAS, Mr. Roan brought professional management to the City government and established the basic tenets of effective Council/Manager government; and

WHEREAS, Philip F. Roan moved on to become the County Administrator to the Adams County Commissioners from 1961 to 1965; and

WHEREAS, Philip F. Roan entered into private law practice with Jim Stitt and R.J. Wittenbrink after successfully obtaining his Juris Doctorate from the University of Denver and passing the bar exam; and

WHEREAS, Philip F. Roan returned to Adams County and became District Court Judge in September, 1980 and served as Chief Judge from April, 1981 to 1991, at which time he returned to regular judgeship; and

WHEREAS, Philip F. Roan served on the City of Westminster City Council as a representative of the citizens from November, 1965 to May, 1967; and

WHEREAS, Philip F. Roan served on the Hyland Hills Recreation District Board as a representative of the citizens from May, 1978 to May, 1980; and

WHEREAS, Philip F. Roan has announced his retirement after dedicating 40 years in serving the public; and

WHEREAS, Philip F. Roan and his wife Betty continue to reside in the City of Westminster as upstanding and contributing citizens;

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, Colorado on behalf of the entire City Council and Staff of the City of Westminster do hereby convey their respect and admiration to the Honorable Philip F. Roan for his many contributions to local government agencies and the citizens of the City of Westminster and Adams County; and

The City of Westminster further expresses its affection for the Honorable Philip F. Roan and all he has contributed to the Westminster community, its government, and citizens by adopting this Proclamation on this 29th day of June 1998.

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Nancy M. Heil, Mayor

**Date:** June 29, 1998  
**Subject:** Environmental Advisory Board Certificates of Appreciation  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Council is requested to present a Certificate of Appreciation in recognition of time dedicated to the City by David Navarro on the Environmental Advisory Board.

**Summary**

In May, David Navarro resigned from the Environmental Advisory Board. A Certificate of Appreciation recognizing the time and efforts of David Navarro has been prepared to be presented on behalf of the Mayor and entire Council.

David has indicated that he will be present at Monday night's meeting to accept this certificate.

**Staff Recommendation**

Present certificate of appreciation for dedicated service to David Navarro.

**Background Information**

David Navarro was appointed to the Environmental Advisory Board on March 6, 1995 when the Environmental Advisory Board was initially created and served continuously until his resignation due to his work schedule and time commitments.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 29, 1998

**Subject:** Bonus for 25 Years of Service to Michele Kelley

**Prepared by:** Matt Lutkus, Deputy City Manager for Administration

### **Introduction**

The Mayor is requested to present a bonus check to Michele Kelley, City Clerk, in recognition of her 25 years of service.

### **Summary**

City Clerk Michele Kelley recently completed 25 years as an employee of the City of Westminster. She was hired as Deputy City Clerk on June 4, 1973 and since 1978 has served as City Clerk. Over the years, Michele has been a tremendous asset to the organization. Consistent with City Council's current practice, the Mayor is being asked to present Michele with a bonus check in the amount of \$2,500 which represents \$100 for each year of service.

### **Staff Recommendation**

Mayor present a bonus check to Michele Kelley in recognition of her 25 years as an employee of the City of Westminster.

### **Background Information**

City Clerks are virtually an institution in every local government in the United States, serving as a focal point for citizens, businesses, elected officials, and employees. Michele Kelley provides one of the best examples of what a City Clerk should be. She has a wealth of knowledge of the City organization and its history; has the respect of business and community leaders and employees alike; keeps a very well organized records system; and is a key member of the Citywide Management Team.

Michele was hired as Deputy City Clerk for the City on June 4, 1973 and served in that capacity under City Clerk Kathryn Hermann and later for City Treasurer/Clerk Wilkie Miller. On January 1, 1978, Michele was promoted to City Clerk and has been in this position since then. She served as Deputy City Clerk under three Mayors and as City Clerk under four, and has seen the City and the organization expand significantly during that time.

Michele serves as the Chairperson for the Election Commission and the Staff liaison to the Special Permits and License Board. Both of these citizen boards have had a significant amount of activity within the last several years and they have benefitted by Michele's abilities, knowledge, and expertise. With regard to her work on City elections, it is especially noteworthy that during her tenure, no municipal election has been contested due to oversight in the administration of the election process.

The internal service areas which Michele oversees are: providing a clearinghouse for City departments on official actions of the City, particularly those involving City Council; switchboard operations; the City print shop; and document archiving for City departments. Michele and her Staff are to be commended for their efficiency and the quality of work in their twice monthly task of producing the City Council agenda packet. The prompt, courteous, and professional service that one receives from the City Clerk's office is always evident when they receive requests for any information related to City Council legislative history, City contracts, or any other official City documents. From electronically counted mail-in ballots to optical imaging systems, the technologies used by Michele are ever-changing. Michele maintains her proficiencies in all areas related to the City Clerk's Office function.

She has earned the Certified Municipal Clerk and Advanced Academy of Education designations from the International Institute of Municipal Clerks and has been active in the Colorado Municipal Clerks Association for over 20 years and served as President of this organization in 1984.

The City has truly benefitted from Michele Kelley's knowledge, expertise, and longevity with the organization. She is a valued employee and a tremendous asset to the City of Westminster.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 29, 1998

**Subject:** Citizen Communication - Daniele Koenig

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

**Introduction**

Daniele Koenig of Up With People has requested an opportunity to address City Council at Monday night's meeting.

**Summary**

Up With People will be bringing about 575 students from around the world for Orientation and Staging at Ranum High School. This is the first phase of the Up With People students' year.

Host families are needed for one or both of the three week sessions scheduled for July 19th through August 5th and August 5th through August 27.

**Staff Recommendation**

Listen to the presentation by Up With People representatives.

**Background Information**

Ms. Koenig has indicated that her presentation will be 5 minutes or less.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** June 29, 1998  
**Subject:** Special Use Permit Renewal for Human Services Inc  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested on the renewal of the current residential care facility special use permit for Human Services Inc, located at 4335 West 76th Avenue.

**Summary**

In January, 1995, Human Services Inc, located at 4335 West 76th Avenue applied for expansion of their current residential care facility special use permit. This expansion would allow an increase from 13 adolescents to 16. Although the application for expansion was applied for and approved by the Special Permit and License Board and City Council in 1995, and approved by Planning in late 1996, the expansion has not taken place at this time. Human Services Inc. is contemplating the expansion will not occur until probably 1999.

This organization is still trying to obtain capital funds through grants and fund raising efforts.

**Staff Recommendation**

Approve the renewal of the residential care facility special use permit based on the current permit of a maximum of 13 adolescents and when the new building is occupied an expansion to a maximum of 16 adolescents for Human Services Inc, located at 4335 West 76th Avenue for a one year period.

**Background Information**

As part of the City's review process, the Police Department activity and Code Enforcement activity are reviewed and during the past year, there has been no concerns or problems.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 29, 1998  
**Subject:** Colorado Locksmith College Special Use Permit Renewal  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council is requested to renew the special use permit for the Colorado Locksmith College.

**Summary**

Colorado Locksmith College, located at 4991 West 80th Avenue received a special use permit for a school facility in May, 1993. This facility is allowed to have a maximum of 10 students in each classroom.

In accordance with City Code requirements, an annual review of all Special Use Permits is required.

**Staff Recommendation**

Approve the renewal of the school special use permit for Colorado Locksmith College, located at 4991 West 80th Avenue for a one year period.

**Background Information**

As part of the City's review process, the Police Department activity and Code Enforcement activity are reviewed. During the past year, there have been no police calls or code enforcement violations at this location.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 29, 1998

**Subject:** Bid and Lease Purchase of Heritage Golf Course Maintenance Equipment

**Prepared by:** Richard Dahl, Park Services Manager  
Lance Johnson, Golf Superintendent

### **Introduction**

City Council action is requested to approve the lease/purchase of golf course maintenance equipment for \$577,432 through Key Bank. This method of lease/purchase financing has been specifically allocated in the Heritage Golf Course Construction Fund.

### **Summary**

Based on golf course cash flow projections prepared by the Department of Parks, Recreation and Libraries, a \$577,432 seven year lease purchase agreement for golf course equipment with a \$25,000 down payment (\$552,432 balance) is proposed. This proposal was reviewed by Finance Staff and deemed to be the most economical way to proceed for purchasing the Heritage Golf Course maintenance equipment. The yearly payment on this equipment would then be \$94,260 for the next seven years.

Key Bank has agreed to purchase the desired equipment per the City's specifications and bidding procedures for this lease/purchase. The City will then lease the equipment from Key Bank, which will retain title for the duration of the lease.

Recently, the Finance Department sent invitations to four financial institutions (KeyBank, Banc One Leasing Corp., Norwest Bank, and US Bancorp Leasing & Financial) to submit lease proposals for financing a piece of firefighting apparatus. Responses were received from KeyBank and Banc One. KeyBank offered a lease rate of 5.074%, while the Banc One proposal included a rate of 5.40%. Norwest and US Bancorp declined to bid.

On June 8, City Council approved the KeyBank proposal for the apparatus lease. KeyBank offered to extend the 5.074% rate for the golf course equipment package. The Finance Department recommends accepting this offer.

In accordance with City Charter bidding requirements, formal equipment bids were received as follows (detail bid information attached):



Lease Purchase of Heritage Golf Course Maintenance Equipment

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<b>Equipment</b>	<b>Quantity</b>	
<b>Toro Equipment</b>		
<b>LL Johnson, Denver, Colorado (low bidder)</b>		
Lightweight Fairway Mower	8	
Walk Behind Greensmower & Trlr	4	
Triplex Greensmower & Attchmnts	2	
Walk Behind Tee Mower & Trlr	2	
Triplex Tee Mower & Attchmnts	1	
Rotary Contour Rough Mower	2	
Rotary Deck Mower	2	
Rotary Walk Behind Mower	2	
Chemical Spray Unit & Attchmnts	1	
Heavy Duty Utility Vehicle and Attachments	3	
Mechanical Trap Rake & Attchmnt	1	
Greens Injector	1	
<b>TOTAL</b>		<b>\$401,281</b>
 <b>John Deere Equipment</b>		
<b>Heritage Equipment, Denver, Colorado (low bidder)</b>		
Greens Aerator and Attachments	3	
Utility Tractor & Attachments	1	
Tractor & Backhoe/Loader	1	
Triplex Rough Mower	2	
Fairway Aerify & Attachments	1	
<b>TOTAL</b>		<b>\$118,947</b>
 <b>Club Car Carryalls</b>		
<b>Colorado Golf and Turf, Englewood, Colorado (low bidder)</b>		
Carry All II Utility Cart Gas	8	
Carry All II Utility Cart Elec	2	
<b>TOTAL</b>		<b>\$ 57,204</b>
 <b>GRAND TOTAL ALL BIDS</b>		 <b>\$577,432</b>

Alternatives

- 1) Accept Staff recommendation and authorize the lease purchase of golf course maintenance equipment through Key Bank in an amount not to exceed \$577,432.
- 2) Require staff to explore other options to finance the equipment purchases.
- 3) Take no Action. Staff does not recommend this approach as it will jeopardize the construction schedule of the golf course and affect the City's ability to open the facility in a timely manner. Such action would impact the revenue recovery to begin payments on the Golf Course Sales Tax Revenue Bonds.

**Staff Recommendation**

Award the bid to purchase golf maintenance equipment through Key Bank to the following vendors: Toro equipment for maintenance equipment to the low bidder, L.L. Johnson Distributing in the amount of \$401,281; John Deere equipment for maintenance equipment to the low bidder, Heritage Turf in the amount of \$118,947; and Club Car for utility vehicles to the low bidder, Colorado Golf & Turf, in the amount of \$57,204; and authorize the City Manager to execute a

lease/purchase agreement with Key Bank for golf maintenance equipment in an amount not to exceed \$577,432, less the \$25,000 down payment, at 5.057% with a quarterly payment of \$23,565 for a total of 7 years beginning in 1998.

### **Background Information**

The golf course, as designed by Michael Hurdzan, uses existing land grades, man-made forms and environmental areas to create a course that is both challenging and interesting while still being fun for all users. To maintain a championship course at levels consistent with such a design, will require equipment specifically made for golf operations and not available within the City's current equipment inventory.

The contract with Niebur Golf requires installation of all landscape improvements for the golf course including the seeding of grass on the site. As seeding in one area is completed, it becomes the responsibility of the City to "grow-in" the grass which includes watering, fertilizing and mowing. Niebur Golf will begin seeding during the next month with immediate turn over for the grow-in phase to the City. This process requires close supervision, monitoring and a seven day work week for all staff involved. Mowing operations, which commence in as little as four weeks after seeding, begins the maturation phase of the maintenance program thereby allowing the course to be opened in 1999 in the best possible playing condition.

Staff will present one more fleet acquisition request to Council before the course opens and that is the lease/purchase of a golf cart fleet. Presently, Staff is evaluating electric carts due to their efficient, non-polluting operation and the close proximity of the cart path to the surrounding business park. Staff is anticipating bringing the golf cart fleet acquisition to City Council for their consideration in early 1999.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 29, 1998

**Subject:** Big Dry Creek Channel Improvements

**Prepared by:** Sheila Beissel, Senior Civil Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to execute a contract with The Sear-Brown Group in the amount of \$70,400 for the completion of required environmental surveys, the acquisition of all required permits, construction staking and the construction inspection of improvements to the Big Dry Creek between I-25 and the Big Dry Creek Water Reclamation Facility (BDCWRF). Funds for the expense are available in the 1998 Utility Fund.

### **Summary**

Portions of the BDCWRF are currently located within the 100-year floodplain and floodway as defined by the Federal Emergency Management Agency (FEMA), thus exposing the buildings and treatment facilities to potential damage due to flooding. As a participant in the National Flood Insurance Program (NFIP), the City should not allow the construction of new buildings within the floodway. To continue the City's participation in FEMA's Flood Insurance Program and minimize the potential for flood damage to the BDCWRF, the Big Dry Creek floodplain and floodway must be modified by a combination of channel improvements and improvements to the crossing of the creek underneath Interstate 25.

An alternative analysis report was completed in January 1997 by The Sear-Brown Group to determine the most effective and economical solutions to the floodplain situation. The preferred solution is to improve the Interstate 25 bridge to increase its hydraulic efficiency and widen Big Dry Creek along the south edge of the BDCWRF. The result of the combined projects will be the removal of the BDCWRF from the floodway and the floodplain except for the parking lot adjacent to Huron Street. The Sear-Brown Group is now doing the final design of these two drainage projects with design completion anticipated in August 1998.

The 1998 Utility Fund budget included funding for the construction of the improvements to the crossing underneath I-25. Construction for this project is anticipated to begin in November 1998. At this time, Staff anticipates requesting funding in 1999 for the necessary Big Dry Creek channel improvements. If funding for the Big Dry Creek channel improvement project is adopted by City Council in the 1999 budget, construction of this drainage project will begin in January 1999.

The permitting and construction services contract includes acquisition of all permits necessary for the construction of both drainage projects including a "wetland" survey, a Preble's Meadow Jumping Mouse survey, the Ute Ladies' Tresses Orchid survey as well as the construction staking and construction inspection. The Ute Ladies' Tresses Orchid survey can only be completed between July 20 and August 31, so it is important that a consultant be selected quickly in order to perform this work.

Due to their previous design work on the subject projects, The Sear-Brown Group is best qualified to provide the desired services in a timely manner. The proposed contract amount of \$70,400 is reasonable for the scope of work defined by Staff.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with The Sear-Brown Group in the amount of \$70,400 for professional services relating to the I-25 bridge and Big Dry Creek Channel Improvements project and find that it is in the best interest of the City, and charge the expense to the 1998 Utility Fund.

### **Background Information**

The Big Dry Creek Water Reclamation Facility (BDCWRF) is currently within the 100-year floodplain and floodway as defined by the Federal Emergency Management Agency (FEMA) and the Flood Hazard Area Delineation Study (FHAD). The BDCWRF buildings and facilities are at risk of being damaged by flooding from Big Dry Creek. In 1996, staff initiated a study to investigate the necessary drainage improvements that would remove the BDCWRF from the Big Dry Creek floodplain and floodway. The alternative evaluation analysis was conducted by The Sear-Brown Group and completed in January 1997.

The alternative analysis investigated several alternatives including modifications to the Interstate-25 crossing and modifying the Big Dry Creek channel. Based on the results of the analysis, the selected approach is to modify the Interstate 25 bridge and widen the Big Dry Creek channel along the south side of the BDCWRF.

The Interstate 25 bridge improvements involve constructing a concrete acceleration chute upstream of the bridge to increase its flow capacity, lowering the bridge invert by three feet, paving the bridge invert to reduce erosion and increase the flow capacity of the crossing. Downstream channel improvements will provide a transition for the new stream bed and banks to the existing topography and prevent erosion, and construction of a bike path. The project would increase the hydraulic efficiency of the existing Interstate-25 bridge by 35% and reduce the upstream ponding which inundates a portion of the BDCWRF.

The improvements to the Big Dry Creek channel extend along the south side of the BDCWRF from Huron Street to the east side of the BDCWRF. The channel would be widened to contain the 100-year flow within its banks. A trail corridor will be provided adjacent to the channel improvements as well as a low flow crossing connecting the new Water Reclamation Facility to the BDCWRF. The combination of the two drainage projects would remove the BDCWRF from the Big Dry Creek floodplain except for the parking lot adjacent to Huron Street. The parking lot would be flooded due to road overtopping of Huron Street and will continue to be flooded until Huron Street is widened and improved in the future.

The Interstate-25 Bridge Improvement project is funded in the 1998 Utility Fund. Staff anticipates starting construction of this project in November 1998. At this time, funding is not available for the Big Dry Creek Channel project; however, Staff anticipates requesting funding in 1999 for this project. Due to other drainage improvement priorities within the Adams County portion of the City (e.g., lower Little Dry Creek), the Urban Drainage & Flood Control District (UDFCD) has been unable to supply funding for this particular project. If funding for this channel project is approved in the 1999 Budget, Staff anticipates construction of the channel project to begin in January 1999 and be completed by April 1999.

The Sear-Brown Group has been involved with both drainage projects from the initial alternative evaluation process to the final design. They are currently completing the final design for both drainage projects. Thus, they are extremely familiar with the projects and the required results. They have the expertise needed for the construction inspection, construction staking, environmental surveys and permitting process. They are very familiar with the time constraints for completing the environmental surveys. Due to the complexity of the Interstate-25 bridge improvements, their intimate knowledge of the project's design will limit problems with staking and inspection. Since potentially both drainage projects could begin construction within several months of each other, obtaining the environmental surveys and permitting for both areas simultaneously is time efficient and more cost effective.

In conclusion, to continue to provide continuity, Staff is recommending that The Sear-Brown Group be contracted for the permitting and construction inspection of the drainage projects.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** June 29, 1998

**Subject:** Councillor's Bill No. re Cascade Village Apartments Refinancing

**Prepared by:** Martin R. McCullough, City Attorney

### **Introduction**

City Council is requested to pass the attached emergency ordinance amending the Indenture of Trust for the Cascade Village Multi-Family Housing Revenue Bonds to allow this bond issue to be privately placed with Merrill Lynch pursuant to a sophisticated investment agreement.

### **Summary**

- > In December of 1985, City Council authorized the issuance of \$14,675,000 in Tax-Exempt Multi-Family Housing Revenue Bonds for the Cascade Village Apartments Project. This Project is located at the southwest corner of 92nd Avenue and Pierce Street in the City of Westminster.
- > In October of 1997, City Council authorized this bond issue to be refunded in order to replace the expiring letter of credit originally issued by Homestead Savings with a new letter of credit issued by the Bank of New York. Throughout the term of this financing, the bonds have satisfied the City's "AA or better" rating requirement.
- > The owners of the Project, LBK 3, Ltd. Partnership, are now requesting authorization to privately place this bond issue with Merrill Lynch in order to lower the financing costs by eliminating the letter of credit requirements. Staff supports this request.
- > In a private placement, the bonds are sold to an institutional investor pursuant to what is termed a "sophisticated investment agreement." The bond purchaser waives all rights against the City for any defaults or other problems with the bonds so purchased, broadly indemnifies the City against any claims related to the bonds, and agrees to hold the bonds for its own investment portfolio and not transfer any of the bonds to the public.
- > The purpose of the City's "AA or better" rating requirement is to require the presence of a surety or other form of credit enhancement in connection with any public sale of the City's bonds. The surety comes into play in the event of any default in the debt service. However, the City's "AA" rating and surety requirements are intended primarily to protect the City's reputation in the public market and the potential harm to that reputation, and possibly the City's rating, in the event of an unsecured and unprotected default in a City-approved bond issue. With a private placement, such concerns do not exist and credit enhancement is unnecessary.

### **Staff Recommendation**

Adopt Councillors Bill No. \_\_\_\_\_ as an emergency ordinance amending the Indenture of Trust for the Cascade Village Apartments Tax-Exempt Multi-Family Rental Housing Revenue Bonds in the amount of \$14,675,000 in order to authorize the private placement of these bonds with Merrill Lynch pursuant to a private placement agreement which includes a restriction on public sale of these bonds.

### **Background Information**

In 1997, the current refunding bonds were authorized and were secured by a letter of credit issued by the Bank of New York. At that time, the bonds achieved the City's "AA or better" rating requirement from Standard & Poors.

Under the proposed Supplemental Indenture of Trust, the bonds will be privately placed with Merrill Lynch at a fixed rate of interest for a 6 1/2 year period. Transfer of the bonds to the public would be prohibited. The only allowed transfer would be a transfer of not less than 100% of the outstanding bonds to another qualified, sophisticated investor who must agree to be bound by the same indemnities and other restrictions contained in the agreement with Merrill Lynch.

Staff supports this request for a number of reasons. First, with any public ownership of municipal bonds, even with the very best credit enhancement, there is still some risk of a default. Although the "AA" rating assures that the credit enhancement is among the best available, there is still no guarantee that the credit enhancement will be available and will perform. The private placement of a municipal bond allocates all risk of loss to the purchaser and the City's reputation in the public marketplace is not put at any risk whatsoever.

Secondly, the private placement is proceeding at no cost to the City. The Project owners have agreed to cover all of the City's expenses and costs associated with this refinancing, including the cost of bond and special issuer's counsel, and the City's costs for the financial advisors' review of this transaction. In addition, pursuant to the City's industrial development bond ordinance, the City will be receiving an issuer fee of 0.25 percent, which translates to \$36,687.50.

The City's financial advisor, Hanifen Imhoff, has reviewed this proposed transaction and is recommending it to Council as indicated in the letter attached to this Agenda Memorandum. Mr. Stan Raine, of the law firm of Sherman & Howard, has been serving as bond counsel and special issuer's counsel for this transaction.

Also attached to this Agenda Memorandum is a copy of the Supplemental Indenture of Trust. Council's attention would be directed to the various exhibits which show that the current bondholder, the borrower, and the credit facility provider have all consented to this conversion. In addition, Exhibit "D" to the Supplemental Indenture of Trust includes the sophisticated investor letter to be executed by Merrill Lynch as a condition to closing this refinancing.



Representatives of Cascade Village, Hanifen Imhoff, Sherman & Howard, and the City Attorney's Office will all be on hand Monday evening to answer any questions City Council may have concerning this matter.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** June 29 1998

**Subject:** Continued Public Hearing re Church Ranch In-Fill Second Amended PDP

**Prepared by:** Mark E. Geyer, Planner

### **Introduction**

City Council is requested to continue the public hearing to consider the annexation of property and an amendment to the Church Ranch Preliminary Development Plan (PDP). The request involves the annexation and zoning of 6.04 acres of land adjacent to existing Parcels 5 & 6 (see attached vicinity map and site plans), at the southwest corner of 103rd Avenue and Church Ranch Boulevard.

The request for annexation was approved on first reading at the June 8th Council hearing. The request for Preliminary Development Plan amendment was tabled until June 29th in order to give the applicant and Staff additional time to discuss an issue involving right-of-way dedication for Church Ranch Boulevard.

### **Summary**

The applicant, Church Ranch Corporate Center, has purchased an additional 6.04 acres of land adjacent to the existing boundaries of the Church Ranch Preliminary Development Plan. This parcel is referred to as the Church Ranch In-fill property. The applicant wishes to incorporate this new acreage into the existing PDP and to develop it as part of the remaining portions of Parcels 5 and 6. The development plan is similar to the Church Ranch Business Center on the northside of West 103rd Avenue, west of Church Ranch Boulevard, as single-story office/research and development/light warehousing. The applicant is proposing to build the project in one construction phase beginning in 1998.

The Church Ranch In-Fill property requires annexation and zoning. The zoning proposed is a continuation of uses already approved for Parcels 5 and 6. A slight modification of these uses is required to conform with the City's Comprehensive Land Use Plan and the Northeast Comprehensive Development Plan. This limitation involves restricting the amount and intensity of retail uses within business parks.

Applicant/Property Owner Church Ranch Home Place, 10050 Wadsworth Boulevard, Westminster, CO 80021. Contact Person: Charles McKay

Location Southwest corner of 103rd Avenue and Church Ranch Boulevard

Size of site Church Ranch In-Fill Area - 6.04 acres

Total of In-Fill area and Parcels 5 & 6 - 24.86 acres

Total for All of the Church Ranch Corporate Center - 103 acres.

Description of Proposed Use The applicant proposes to continue the existing uses of commercial/office/research and development that are currently on surrounding parcels. The commercial use would be modified on the Church Ranch In-Fill property to account for the Comprehensive Land Use Plan's limitations.

Major Issues -

The major issue involves dedication of additional right-of-way along Church Ranch Boulevard.

**Planning Commission Recommendation**

Recommend to the City Council approval of the annexation of the 6.04 acre "Church Ranch In-Fill" property.

Recommend to the City Council approval of the proposed Second Amended Preliminary Development Plan for the Church Ranch Home Place Planned Unit Development to include the new Church Ranch In-Fill property, conditioned upon annexation of the Church Ranch In-Fill property.

This recommendation was approved with a 5-1 vote. The one vote in opposition was made by commission member Greg Mann. He stated that the Church Ranch development should be held to a higher standard in design and density given its proximity to the US 36 corridor and to the Promenade project. He would have preferred to require a multi-storied project to take advantage of this location.

**Staff Recommendation**

Staff has met with the applicant regarding the right-of-way issue. An agreement has not been reached with the applicant and further discussions are needed. At this time, Staff recommends that either the applicant dedicate the right-of-way as previously discussed, or request additional continuance until this issue is resolved. If the applicant wishes to proceed with dedication of right-of-way via the ODP and Plat, then Staff's recommendation is as follows:

1. Re-open the Public Hearing.
2. Remove this item from the Table and approve the Second Amended Preliminary Development Plan for the Church Ranch Home Place Planned Unit Development to include the new Church Ranch In-Fill property, conditioned upon annexation of the Church Ranch In-Fill property, and the revision of the Right-of-way dedication note on sheet three to read, "R.O.W. to be dedicated by the Official Development Plan and Plat."
3. Pass Councillor's Bill No. on second reading annexing the Church Ranch In-Fill property.
4. Pass Councillor's Bill No. on second reading zoning the Church Ranch In-Fill property.

**Background Information**

Church Ranch Corporate Center was first established as a Planned Unit Development in 1988. Taking advantage of the location at the interchange of U.S. 36 and 104th Avenue, the vision was to create a high-end business park which encouraged, office, research and development, light manufacturing, high density housing, and hotels.

To date, the center has developed a high density residential community (Eagle's Landing), a three-story hotel (Country Inn), a business center, a manufacturing operation (soon to be converted into a high-tech office facility), a bank (Citizen's Bank), a child care facility (Kinder Care), and an assisted living facility (The Retreat). The addition of the Church Ranch In-Fill property expands on the previously approved concept plan and, if approved, will allow four, single-story office buildings.

#### Discussion of Major Issues

Official Development Plan Design: The applicant has proposed a complex of four, single-story buildings to be used primarily as office and research and development space. Staff had stressed the desire to have a multi-storied building located in this development. This desire came from the existing plan to develop this park in a "high-tech, high image" style as originally envisioned from the park's conception in 1988.

The applicant does not wish to add any multi-story buildings in this particular project. He believes that the market is not here for this kind of product, and that the eastern side of Church Ranch Boulevard is already reserved for these multi-storied buildings.

Staff and the applicant have reached a compromise in that the applicant will construct the two buildings fronting Church Ranch Boulevard (proposed buildings 2 and 4) with 22 foot high walls which will include higher roof/tower elements at the corners of these buildings. The applicant would also include a smaller version of this tower element on the corner of building 3 at the Westcliff Parkway entrance. These tower elements will include spandrel glass features to give the impression of a two-story building. The applicant has included language on the amendment document referencing a future raised building and corner element that must be agreed upon by the City. The details of the design will be finalized in the ODP.

Allowed Uses: The existing PDP allows for commercial uses on Parcels 5 and 6. The Comprehensive Land Use Plan identifies this area as Business Park and restricts the type and total size of commercial uses. That applicant has included language in the amendment to account for the Comprehensive Land Use Plan's limitations for the Church Ranch In-Fill area. These restrictions limit the amount of retail uses to between 10 and 25% of the total square footage of the buildings and allow no more than 50% of the ground floor to be used for retail uses. While it is not the intent of the owner to develop the property with retail or commercial uses, the Business Park category of the Comprehensive Land Use Plan does allow for these uses. At the time of ODP review, Staff may recommend restricting the allowed uses in order to tailor them to the specific development proposed.

Mini-storage warehousing is prohibited.

Right-of-Way Dedication (This item was not discussed at the Planning Commission.) An additional 27.5 feet of right-of-way is needed along the west side of Church Ranch Boulevard, just south of 103rd Avenue. The applicant has placed a note on the P.D.P. amendment that indicates this dedication will be by separate agreement. In the original P.D.P., the applicant agreed to a 100' wide R.O.W. for Church Ranch Boulevard. Since that time, the City's street standards have changed and a total of 155' is needed for Church Ranch Boulevard, thus requiring an additional 27.5' on both sides of the street alignment.

Prior to this annexation, the City acquired necessary additional R.O.W. through either purchase or credit given to the owner based on value owed to the City. This was done based on the previous annexation agreement which limited the right-of-way donation to 100 feet and guaranteed a minimum of 100 developable acres to the applicant. Now that annexation of new property is involved, Staff believes that this additional R.O.W. should be dedicated as part of the Official Development Plan and Plat for this development. The 100 acres of developable land is in dispute. When factoring in the right of way dedication for streets which are fundamental to achieving development of land, the 100 acres is realized. If Council believes that the applicant should be entitled to 100 acres plus the required acreage for right of way dedication, then the 100 acres has not been realized.

Additional discussion with the applicant has occurred since the June 8th Council hearing but no conclusions have been reached. If an agreement is reached between Staff and the applicant prior to the June 29th hearing, Staff will present this agreement in an addendum to this report.

Public Land Dedication, Parks/Trails Public lands were dedicated by the applicant as part of the original PDP. The proposed commercial uses for the Church Ranch In-Fill property do not generate the requirement for additional dedication.

Access and Circulation The site will be accessed from 103rd Avenue, directly across the street from the existing business center, from Church Ranch Boulevard at the Westcliff Parkway intersection, and from a right-in/right-out driveway at the mid-point between Westcliff Parkway and 103rd Avenue.

Site Design Site design will be presented at the City Council in order to give an accurate representation of the project. However, the site plan is not under consideration by City Council at this time.

Service Commitment Category Service Commitments would come from the Category "C" pool.

Referral Agency Responses Jefferson County responded to our referral with no adverse comments.

Public Comments None to date.

Surrounding Zoning North, south, and east - PUD (Church Ranch Corporate Center including commercial, multi-family residential, office, hotel, and research and development); West - Jefferson County A-1 (current use as a commercial nursery, and a single family detached home).

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** June 29, 1998

**Subject:** Councillor's Bill No. re Proposed Development Fees

**Prepared by:** Dave Horras, Chief Building Official

### **Introduction**

City Council action is requested to pass on first reading the attached Councillor's Bill establishing revised schedules of fees associated with the development process for projects in the City of Westminster. These proposed fee schedules include fees for development plan review, construction plan review, and building permit issuance performed at various stages of a project's development.

### **Summary**

Staff has developed proposed schedules of fees in an attempt to recover most of the costs associated with reviewing and approving development within the City. Staff has prepared a proposed schedule of fees that is estimated to recover 90% of development related expenses based on the current level of development activity while keeping the fees charged for processing development comparable with fee schedules currently used by many other north metropolitan jurisdictions. The proposed schedule of development fees includes the following:

- > Establishing new or revised fees for Planning and Engineering Division development review as shown in Attachment #A of the attached Staff Report.
- > Adopting a revised building permit fee schedule increasing building permit fees by approximately 14%.
- > Establish a 20% reduction in the Building permit fee for projects within the boundaries of the Urban Renewal Area of the City.
- > Establish a minimum fee for work started without a required building permit.
- > Establish an effective date of September 1, 1998 for the revisions.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading re changes to the Westminster Municipal Code establishing new or revised fees for Planning Engineering Division development review and adopting a revised schedule of building permit fees.

## **Background Information**

In 1996, Staff began looking at the costs incurred by the City to process development. An analysis of the costs and revenues reflected that development related costs are not being recouped by the fees currently being charged. The analysis looked at the development process as a whole and not as an individual Division's expenses or revenues. The expected shortfall for 1998 based on the existing fee schedules is projected to be about \$673,000. In an effort to address the revenue disparity, Staff began working with a subcommittee of builders and developers on a proposal to increase the building permit fees. The recommendation of the subcommittee was to increase, or in some cases, establish fees for the planning and engineering review process before any offsetting revenue deficiencies with a building permit fee increase.

Based on the subcommittee's recommendations, Staff prepared a schedule of fees for the development review process, as well as a revised fee schedule increasing building permit fees and building construction plan review, which were last increased in 1989.

Staff presented a recommendation to increase development related fees to City Council at two different study sessions, the latest on June 1, 1998. The Staff Report from the June 1, 1998 City Council Study Session is attached and details the methodology used in developing the Staff recommendation, as well as provides alternatives based on different percentage of expense recovery.

The Staff recommendation was supported by the majority of City Council at the June 1, 1998 Study Session, and if approved, Staff is recommending an effective date of September 1, 1998 for implementation of any fee increases to allow contractors and developers time to plan for the increases and make any necessary adjustments.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1998

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE ADDING AND AMENDING FEES FOR PLANNING AND ENGINEERING DEVELOPMENT REVIEWS AND FOR BUILDING PERMITS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Paragraph 11-9-3(E)8 is amended to read as follows:

8. **Fee Schedule.** The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

BUILDING PERMIT FEE SCHEDULE:

Value

\$1 to \$500	\$15
\$501 to \$2,000	\$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof
\$2,001 to \$25,000	\$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000	\$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000:	\$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof
\$100,001 to \$500,000	\$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof
\$500,001 to \$1,000,000:	\$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof
\$1,000,000 and up	\$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof
Miscellaneous Permit Fees:	Misc. Residential Permit Fees:
Mobile Home Set ups	\$15.00
Re Siding	\$15.00
Mobile Home Elec.	\$15.00
Re roofing	\$15.00
Banners	\$12.50
Water Heater Replace	\$15.00
Election Sign	\$10.00
Evaporative Cooler*	\$15.00
Permanent Sign Per Fee Schedule	
Demolition	\$25.00
Furnace Replacement*	\$15.00
Air Conditioner*	\$15.00
Lawn Irr. Sprinkler	\$15.00
Fence	\$15.00
Pool	\$37.00
Spa/Hot Tub*	\$15.00
Storage Shed	\$15.00
Gas Log**	\$15.00

Other Inspections and Fees:

1. Inspection outside of normal business hours (minimum charge of two hours) \$30 per hour
2. Reinspection fees \$30
3. Inspections for which no fee is specifically indicated \$30
4. Additional plan review required due to changes additions, or other revisions to plans \$30
5. For use of outside consultants for plan and/or inspections actual costs



~~\*May also require an electrical permit fee~~

~~\*\*See Section 11-9-3(E)1 for exceptions.~~

~~Actual cost are those above and beyond the plan review fee as established by Section 11-9-3(E)4.~~

**BUILDING PERMIT FEES**  
(Effective September 1, 1998)

<u>TOTAL VALUATION</u>	<u>FEE</u>
1.00 to \$500.00	\$17.00
\$501.00 to \$2,000.00	\$17.00 for the first \$500.00 plus \$2.30 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$51.50 for the first \$2,000.00 plus \$10.35 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$289.55 for the first \$25,000.00 plus \$7.45 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$475.80 for the first \$50,000.00 plus \$5.15 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$733.30 for the first \$100,000.00 plus \$4.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,333.30 for the first \$500,000.00 plus \$3.45 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$4,058.30 for the first \$1,000,000.00 plus \$2.30 for each additional \$1,000.00, or fraction thereof

**Miscellaneous Permit Fees:**

**Miscellaneous Residential  
Permit Fees:**

Mobile Home Set-up	\$17.00	Storage Shed	\$17.00
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Mobile Home Electrical	\$17.00	Re-Siding	\$17.00
Re-Roofing	\$17.00	Water Heater Replacement	\$17.00
Banners	\$12.50	Air Conditioner*	\$17.00
Bus Bench	\$10.00	Furnace Replcmnt.*	\$17.00
Election Sign	\$10.00	Evaporative Cooler*	\$17.00
Permanent Sign	Per fee schedule	Lawn Irrigation Sprinkler	\$17.00
		Pool	\$37.00
		Spas/Hot Tub*	\$17.00
		Gas Log	\$17.00 **

**Other Inspections and Fees:**

1. Inspections outside of normal business hours (minimum charge of two hours) \$35.00 per hr.
2. Reinspection fees \$35.00
3. Inspections for which no fee is specifically indicated \$35.00 per hr.
4. Additional plan review required by changes, additions, or other revisions to plans. \$35.00 per hr.
5. For use of outside consultants for plan checking and inspection, or both actual costs\*\*\*

\* May also require an electrical permit fee.

\*\* See Section 11-9-3(E)1 for exceptions.

\*\*\* Actual costs are those above and beyond the plan review fee as established by Section 11-9-3(E)4.

FEEs SHALL BE REDUCED BY TWENTY PERCENT (20%) FOR BUILDING PERMITS ISSUED FOR WORK WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA OF THE CITY.

Section 2. Paragraph 11-9-3(E)5 is amended to read as follows:

5. Work Commenced without a Permit. When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall double the prescribed permit fee as set forth in subsection (E)8 of this section BUT NOT LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) provided, however, that this provision shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of a double permit fee. Payment of such ~~double~~ INCREASED permit fee shall not relieve any person from fully complying with the requirements of the Building Codes in the execution of the work nor from any other penalties prescribed herein.

Section 3. A new section, 11-1-6, is hereby adopted as the "Planning and Engineering Development Review Fee Schedule":

**PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE**

**PLANNING**

**Fees**

Review:	
PDP or amendment	\$350 (x) sq. rt. of acres (\$350 min.)
ODP or amendment	\$400 (x) sq. rt. of acres (\$400 min.)
Combined PDP/ODP (including amendments)	\$550 (x) sq. rt. of acres (\$550 min.)
Planning	\$500
Location	\$300
Comprehensive Land Use	\$500
Amendment	
Administrative	\$200
Hearing	\$350
Waiver	\$250
Final Use Permit	\$300
Temporary Use Permit	\$100
Conditional Use	\$250
Sign Verification	\$25
Right of Correction	\$100

**ENGINEERING**

**Fees**

Construction Drawing Review*	\$750 + \$75 times the sq. rt. of acres (\$1125 max)
Replat	\$300
Line Adjustment)	
Conditions	\$300
W. and Easements)	
Disturbance	\$250
Utility/Street Cut	\$50
Plain Information (Residents only)	\$20

Construction Drawing Review includes: Final Plat, Address Plat, Construction Drawings, and Public Improvements Agreements (PIA)

Section 4. Paragraph 11-5-7(A)5 is hereby amended to read as follows:

11-5-7: FORMAT AND APPROVAL PROCESS FOR PRELIMINARY DEVELOPMENT PLANS (PDP'S):

Application Procedures for PDP'S.

5. A non-refundable application fee of \$250 AS SPECIFIED IN THE "PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE" SET FORTH IN SECTION 11-1-6 shall be paid at the time of application for approval of any proposed PDP. In addition, a printing fee of \$20 per sheet shall also be paid for all plans and plats that have been approved by the City prior to their recording.

Section 5. Subparagraph 11-5-8(A)4(c) is hereby amended to read as follows:

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS (ODP'S):

(A) Application Procedures for ODP's.

4. Prior to any technical review of a proposed ODP, the applicant shall provide:

(c) A non-refundable application fee of ~~\$250~~ AS SPECIFIED IN THE "PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE" SET FORTH IN SECTION 11-1-6 shall be paid at the time of application for approval of any proposed ODP. In addition, a recording fee of \$20 per sheet shall also be paid for all plans and plats that have been approved by the City prior to their recording.

Section 6. Subsection 11-5-2(C) is hereby amended to read as follows:

11-5-2: REZONING REQUIREMENT:

(C) A non-refundable application fee of ~~\$500~~ AS SPECIFIED IN THE "PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE" SET FORTH IN SECTION 11-1-6 shall be paid at the time of application for any rezoning from one classification to another.

Section 7. Subsection 11-5-6(D) is hereby amended to read as follows:

11-5-6: OFFICIAL DEVELOPMENT PLAN (ODP) WAIVER:

(D) An application fee of ~~\$75~~ AS SPECIFIED IN THE "PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE" SET FORTH IN SECTION 11-1-6 shall be paid at the time of application for an ODP waiver.

Section 8. Paragraph 11-5-11(A)2 is hereby amended to read as follows:

11-5-11: FORMAT AND APPROVAL PROCESS FOR FINAL PLATS:

(A) Application Procedure for Final Plats.

2. A non-refundable application fee of ~~\$500~~ AS SPECIFIED IN THE "PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE" SET FORTH IN SECTION 11-1-6 shall be paid at the time of application for a Final Plat. In addition, a recording fee of \$20 per sheet shall also be paid for any plat that has been approved by the City prior to their recording.

Section 9. Subparagraph 11-7-7(C)3(c) is hereby amended to read as follows:

11-7-7: SOIL EROSION AND SEDIMENT CONTROL REGULATIONS:

(C) Process and Requirements for Obtaining a Land Disturbance Permit.

3. The application for a land disturbance permit shall include the following:

(c) Application Fee. ~~\$25 per acre with a \$25.00 minimum fee and a maximum of \$500.00.~~ A FEE AS SPECIFIED IN THE "PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE" SET FORTH IN SECTION 11-1-6. This fee is non-refundable.

Section 10. Subsection 9-2-1(C) is hereby amended to read as follows:

9-2-1 PERMIT REQUIRED:

(C) Applications for a permit shall indicate exact location, depth, extent, nature, and purpose of the work, including a sketch or plan as necessary, and time required for the work. Applicants shall also pay a fee to the City before the issuance of a right-of-way permit. The amount of the fee shall be established by the City Manager pursuant to Section 1-12-2(L), W.M.C AS SPECIFIED IN THE "PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE" SET FORTH IN SECTION 11-1-6.

Section 11. This ordinance shall take effect upon its passage after second reading.

Section 12. 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 29th day of June, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

**Date:** June 29, 1998

**Subject:** Resolution No. re Jefferson County Transportation Plan

**Prepared by:** Mike Normandin, Transportation Engineer

### **Introduction**

City Council action is requested to adopt the attached Resolution which endorses the Jefferson County Transportation Plan.

### **Summary**

In late 1995, Jefferson County initiated an effort to develop a County-wide, multi-modal, transportation plan. Policy and technical committee members from each governmental jurisdiction of the County as well as representatives from the Denver Region Council of Governments (DRCOG), the Regional Transportation District (RTD), the Colorado Department of Transportation (CDOT), the State Senate and House of Representatives, various Chamber of Commerce groups, various Homeowners Association Groups within unincorporated Jefferson County, the Home Builders Association (HBA), the Sierra Club, the Senior Resource Center, and representatives from the business community met monthly throughout the planning process to provide input. Mayor Pro Tem Ann Merkel, City Manager Bill Christopher and Transportation Engineer Mike Normandin provided representation for the City of Westminster. In July of 1997, a draft plan was presented to the public for comment. A final version of the plan was adopted by the Jefferson County Planning Commission on April 15 and action by the Jefferson County Commissioners is anticipated by mid-July. The Commissioners are asking that each jurisdiction consider endorsement of the County-wide Transportation Plan (CWTP) to demonstrate that the plan is, indeed, a coordinated effort.

The CWTP was initiated to develop a more coordinated approach to transportation issues in the County. Preparation of the CWTP was accomplished in a four step planning process which consisted of the development of the following:

- \* A vision statement and goals to accomplish the vision;
- \* A "needs based" plan to meet the needs of the County to the year 2015;
- \* A fiscally constrained plan based on a forecast of future revenues; and
- \* An implementation strategy.

If historic funding patterns continue, it is estimated that approximately \$347,000,000 would be available for transportation projects across Jefferson County from the year 2003 through the year 2015. This would not be sufficient to fund all of the projects and programs identified in the "needs based" plan as approximately \$740,000,000 to \$1.1 billion are needed for this plan.

The key components of the plan which directly affect the City of Westminster are proposed improvements to major roadways which include: US 36, Sheridan Boulevard, Wadsworth Parkway, 104th Avenue/Church Ranch Boulevard, and 88th Avenue, as well as improvements to bicycle/pedestrian trails and expansion of mass transit opportunities.

### **Staff Recommendation**

Adopt Resolution No.     which endorses the Jefferson County Transportation Plan.

### **Background Information**

Currently, Jefferson County generates approximately 1.8 million vehicle trips per day. This is forecast to increase by 39% to 2.5 million vehicle trips per day in the year 2015. The impact of this additional demand on the existing and committed (funded) transportation network would be extreme congestion on the transportation system. In fact, 61% of the system would experience a high level peak hour congestion if additional facilities are not provided. Currently, 17% of the system is congested.

In late 1995, a County-wide Transportation Plan (CWTP) was initiated to develop a more coordinated approach to address transportation issues in Jefferson County. The process included a Policy Committee and a Technical Committee and extensive public input to obtain information on transportation issues and possible solutions.

To provide a framework for planning, the following vision statement was adopted: "The Jefferson County Transportation Plan will be a unified, multi-modal transportation plan which will provide for the efficient, cost effective movement of people and goods, protecting and enhancing the quality of life in Jefferson County".

Seven goals were adopted to accomplish the Vision Statement based on the vision and goals, the forecast travel demand, and the identified system deficiencies, a "needs-based" transportation plan was prepared. Cornerstones of the "needs-based" plan are:

1. A target of 7% of trips made by the use of transportation modes other than one driver and one automobile. This would be partially accomplished through establishment of a County-wide Transportation Management Organization, employer based transportation demand, management and trip-reduction programs, arterial street management programs, and initiation of a county wide transit planning process.
2. Support of future regional plans for transit.
3. A commitment from individual jurisdictions to consult with each other prior to implementing transportation projects.
4. Incorporation of bicycle and pedestrian projects into any major roadway improvement project.
5. Completion of key bicycle, pedestrian, and paratransit projects.
6. Completion of a roadway network that concentrates on principal arterial streets, completes missing links, and/or enhances intersection/interchange movements.

7. Establishment of a process that provides for additional revenue sources, and allows additional projects and programs to be included and prioritized when these funds are made available.

The County wide Transportation Plan (CWTP) consists of several travel modes that are integrated into one comprehensive transportation system. The elements of the CWTP include:

- \* Roadway -- A network of streets and highways that supports motor vehicle travel, mass transit, and pedestrian travel.
- \* Transportation Congestion Management (TCM) -- A set of strategies and programs that helps to maximize the effectiveness of the transportation system including: travel reduction, use of alternate modes and congestion relief.
- \* Transit -- A system that utilizes and enhances the existing and planned transit services provided by RTD.
- \* Bicycle/pedestrian -- An integrated system of pedestrian and bicycle facilities that offers travel choices and connections to other modes.
- \* Paratransit -- A plan that concentrates on meeting the needs of county residents and able to access other means of transportation.

These five elements are the building blocks of the CWTP. Each works in concert with the others, and they must be balanced in order to maximize efficiency of the overall transportation system.

The CWTP represents an important beginning for coordination and collaboration between Jefferson County and its communities. The plan is premised on the proposition that by working together for the overall good, more can be achieved for all. The next steps include a broad range of implementation strategies as follows:

- > coordination on projects to be submitted for state and federal funding;
- > support for future regional transit planning efforts;
- > development of action plans for accomplishing TCM projects, pursuit of additional revenues for transportation improvements; and,
- > incorporation of policy recommendations into the development review processes of the local jurisdictions.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

A Resolution by the City Council of the City of Westminster to endorse the Jefferson County Transportation Plan

WHEREAS, the substantial growth that Jefferson County has experienced during the last decade has driven the need to develop a County-wide Multi-modal Transportation Plan, and;

WHEREAS, the purpose of the Jefferson County Transportation Plan is to guide the implementation of transportation expansion and upgrades through the Year 2015 and beyond, and;

WHEREAS, a Policy and Technical Committee were formed to provide input throughout the planning process, and;

WHEREAS, an extensive public input process was initiated to gain public opinion on the Transportation Plan, and;

WHEREAS, the Jefferson County Transportation Plan contains goals and policies that were used as the basis for the transportation planning.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the Jefferson County Transportation Plan is hereby endorsed.

Passed and adopted this 29th day of June, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** June 29, 1998  
**Subject:** Resolution No. re Ambulance Fee Schedule  
**Prepared By:** Jim Cloud, Fire Chief  
Doug Hall, Emergency Medical Coordinator

### **Introduction**

City Council action is requested on the attached resolution amending the City of Westminster ambulance fee structure to take effect August 1, 1998.

### **Summary**

Staff completed and presented to City Council on June 15, 1998, a study of ambulance fees in the Metro Denver area. A copy of the Staff Report used in this presentation is attached. As a result of this presentation, Council directed Staff to process a mid range increase in the ambulance fee schedule which maintains Westminster ambulance fees at approximately the metro area average. Approval of this mid range increase will maintain the user fee philosophy adopted by City Council in 1991 when the City started ambulance operations. These ambulance user fees are used to offset the costs for the provision of emergency medical services. A comparison of the current and proposed ambulance fees is as follows:

<u>Service</u>	<u>Current</u>	<u>Proposed</u>
Basic Life Support Care	\$270	\$330
Advanced Life support Care	\$350	\$400
Mileage Charge	\$7.50	\$7.50
Oxygen Charge	\$30	\$35
Ortho/Spinal Immobilization Fee	\$45	\$45
Standby/Assist Helicopter	\$35	\$35
Care Rendered/No Treatment	\$75	\$75

Additionally, the resolution will authorize the City Manager to make up to a 10% annual adjustment to these fees based on an annual survey of fees used by local metro area providers.

### **Staff Recommendation**

Adopt Resolution No. establishing the new ambulance fee schedule, authorizing a treatment rendered/no transport charge, and authorizing the City Manager to adjust rates up to 10% annually.

### **Background Information**

The proposed fee increase for ambulance services will bring the City's rates in line with the Metro-Denver area average, resulting in an estimated revenue increase of \$76,000. Projected annual ambulance revenues for 1998 is estimated to be \$750,000, with approval of the new fee structure and projected ambulance transport activity.

The annual revenue projection is based on a 75 percent collection rate for ambulance services billed. This collection rate exceeds the average metro area collection rate of between 60 and 65 percent.

The proposed ambulance fee increase does not impact on the Westy Med ambulance membership program provided for Westminster residents. The single and family membership price for this program will remain at \$15 and \$30 respectfully.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Resolution, Staff Report

RESOLUTION

RESOLUTION NO. \_\_\_\_

INTRODUCED BY COUNCILORS

SERIES OF 1998

A RESOLUTION MODIFYING THE WESTMINSTER FIRE DEPARTMENT AMBULANCE SERVICE

WHEREAS, the Westminster Fire Department staffs and operates an Advanced Life Support ambulance transport service; and

WHEREAS, in 1995 the City adopted a fee schedule after a review of the metro area ambulance fee structures was completed and;

WHEREAS, City Council has directed staff to develop and maintain an ambulance membership program as a means to provide City residents preferential treatment with regard to ambulance billing; and

WHEREAS, the City's needs and philosophies in establishing an ambulance fee structure have been identified, and;

WHEREAS, City Staff has completed another review of metro area ambulance fee structures in 1998,

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

1. Residents and nonresidents shall be billed according to an itemized rate structure for all emergency medical calls where a Westminster Fire Department ambulance is used to transport a patient to a hospital as follows: \$330 for Basic Life Support (BLS) level care or \$400 for Advanced Life Support (ALS) level care; \$7.50 per mile or portion of a mile transported; \$35 for oxygen therapy if received; \$45 for ortho/spinal immobilization if received; and the cost of disposable medical supplies that cannot be replaced at the destination hospital. If active ALS resuscitative efforts are undertaken that are ceased by a base station physician order and the patient is not transported, the patient shall be assessed any charge for ALS level care.

2. On emergency calls where the Fire Department is required to assist or stand by for emergency helicopter transportation of the patient or client, a \$35 charge shall be assessed.

3. On emergency calls where advanced medical procedures are performed and the patient, patient's family or guardian then refuses ambulance transport to an area hospital, a \$75 charge shall be assessed.

4. If more than one patient is transported to a hospital by the Westminster Fire Department ambulance, all patients shall be assessed individually according to the fee structure listed above.

5. The Finance Director and the Fire Chief in mutual agreement may allow exceptions to this fee structure and forgive portions of an ambulance bill based solely on the documented ability to pay of the person responsible for paying the ambulance bill.

6. Uncollected portions of ambulance bills that are more than 60 days past due shall be subject to the following collection measure:

> consignment to an outside collection agency.

7. The City may enter into contractual agreements with health care insurance provider organizations that set different rates than those listed above. Such agreements shall conform to all insurance laws and regulations recognized by the State of Colorado.

8. A City ambulance membership program (Westminster MED) shall be continued. The annual membership fee shall be \$15 for an individual and \$30 for a family. The annual fee shall represent the pre-payment of the uninsured portion of any City ambulance transport bill for an emergency medical condition. The City shall retain the right to bill and expect payment of benefits covered by the individual's insurance companies.

9. The City Manager shall have the authority to adjust ambulance fees up to 10% annually to address market conditions and/or operating costs.

PASSED AND ADOPTED this 29th day of June, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** June 29, 1998

**Subject:** Resolution No. re Big Dry Creek Sewer Interceptor Easement Acquisition Dobb's Property

**Prepared by:** Diane M. Phillips, Capital Improvement Projects Coordinator

### **Introduction**

City Council action is requested to adopt the attached Resolution authorizing the acquisition of a Utility Easement through eminent domain proceedings, if necessary. The Utility Easement is located on the Roger L. and Lynn M. Dobbs' property at 4505 West 112th Avenue and will be used for the installation of the Big Dry Creek Sewer Interceptor, Phase III (see attached legal description and location map). Funds for the acquisition are available in the Utilities Capital Improvement Projects Account in the Utility Fund.

### **Summary**

The proposed easement acquisition consists of approximately 3,877 square feet (10-foot wide) of permanent easement and 11,416 square feet (35-foot wide) of temporary construction easement. The property is located at 4505 West 112th Avenue, which is just west of Front Range Community College and immediately east of the Big Dry Creek and is owned by Roger L. and Lynn M. Dobbs.

The 3,877 square feet of permanent easement is required to construct and provide future maintenance service to the Big Dry Creek Sewer Interceptor, Phase III, which is a 30-inch sewer interceptor line that is being installed. The 11,416 square feet of temporary construction easement is required during the construction portion of the project only.

The Dobbs' property contains an existing 30-foot wide permanent Utility Easement for the existing Big Dry Creek Sewer Interceptor, and Staff has been in contact with the landowner to ascertain the best location for the new Interceptor, which will parallel the existing line on the northwest side and require an additional 10-foot wide permanent easement that abuts the existing 30-foot wide easement.

Staff has begun negotiations with the landowners and they have expressed an attitude of cooperation. Staff will continue to negotiate and to consider any options that the landowners may propose, but Staff is recommending the authorization for eminent domain if negotiations should fail. The construction of the Big Dry Creek Sewer Interceptor is scheduled to begin in September of 1998.

The estimated cost to acquire the permanent and temporary easements is budgeted and available in the Utility Fund.

## Big Dry Creek Sewer Interceptor Easement Acquisition Dobb's Property

### **Staff Recommendation**

Adopt Resolution No. \_\_\_\_\_ authorizing the City Manager and the City Attorney to execute the necessary documents to acquire from Roger L. and Lynn M. Dobbs a 3,877 square foot permanent Utility Easement and an 11,416 square foot temporary Utility Easement for the construction of the Big Dry Creek Sewer Interceptor, Phase III, through eminent domain, if negotiations with the landowners fail.

### **Background Information**

On January 12, City Council action authorized the City Manager to sign a contract with Black and Veatch Consulting Engineers for the design of the Big Dry Creek Sewer Interceptor, Phase III. This Phase III will be constructed from 112th Avenue and Sheridan Boulevard, running north and east along the Big Dry Creek to approximately 120th Avenue and Federal Boulevard. The area served by the Big Dry Creek Water Reclamation Facility was evaluated for existing and future flow conditions, and it was determined that additional capacity would be required to meet further demands.

The proposed acquisition for the Phase III Interceptor is necessary to provide current and future sewer service to the Big Dry Creek Basin area for proper operation of City Utilities services.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety, and welfare to obtain the land described in the attached legal description and map to accommodate the construction of an sewer interceptor; and

WHEREAS, an appraisal has been made by a professional company experienced in performing appraisals to determine the fair market value for these parcels; and

WHEREAS, the City will make an earnest good faith offer of purchase for each of the subject parcels; and

WHEREAS, a municipal public purpose exists to acquire the property; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this Resolution is commenced, immediate possession by the City will be necessary for the public health, safety, and welfare due to bidding and construction deadlines.

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property.

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interests identified in the attached legal description and map on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete these purchases.

3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the properties.

4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property.



The costs shall be charged to the Utilities Capital Improvement Projects Account of the Utilities Fund; and

5. The City Engineer is hereby authorized to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of construction.

PASSED AND ADOPTED this 29th day of June 1998.

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Mayor

ATTEST:

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City Clerk

**Date:** June 29, 1998  
**Subject:** Councillor's Bill No. re 1998 Budget Appropriations Amendments  
**Prepared by:** Karen Creager, Accountant

### **Introduction**

City Council action is required to pass the attached Councillor's Bill on first reading amending the 1998 budget appropriations in the Fleet, Golf Course, and General Capital Improvements Funds. These changes are housekeeping in nature.

### **Summary**

The 1998 City budget included projects that were being funded by outside funding sources and/or financing to be obtained at a later date. The funding sources were anticipated to be received at various times during 1998. The 1998 appropriations approved by City Council on November 24, 1997 included these outside funding sources. Typically, appropriation of outside funding and financing is not done until the funds are actually received.

The Jefferson County loan for the Heritage at Westmoor Golf Course needs to be budgeted in the Golf Course Fund rather than the General Capital Improvement Fund where it currently is reflected.

In the Fleet, Workers Compensation and Property/Liability Funds, the expense reimbursements from the Utility Fund were included in both the Utility Fund budget and these respective fund budgets. Therefore, the Fleet, Workers Compensation and Property/Liability Funds need to be decreased by the amount included in the Utility Fund.

This recommended 1998 Budget housekeeping action will modify the original budgeted appropriations and provide the desired results.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading amending the appropriations of the 1998 Budget.

### **Background Information**

In the 1998 budget process, the City anticipated receipt of funds from the Countrydale Metropolitan District for additional financing of the Spine Road. This project is in conjunction with the Heritage Golf Course. This funding was included as part of the 1998 Capital Improvement Program. However, it is City policy not to appropriate outside and/or additional financing until received. This allows the City to have more accurate information. This appropriation amendment will unappropriate this project. The project will be reappropriated at the time of receiving the additional funds.

The Jefferson County loan for the Heritage at Westmoor Golf Course was budgeted in the General Capital Improvement Fund rather than the Golf Course Fund. This needs to be moved to the Golf Course Fund.

In 1997, the City created a new fund to track the Utility Fund Reserve. As part of the 1998 budget process, additional funding was added to this reserve. However it was not budgeted in the correct accounts within the Utility Reserve Fund. This correction needs to be made,

The Fleet, Workers Compensation and Property/Liability Funds pay all expenses related to the City including the City's Utility Fund.

The Utility Fund pays its appropriate share of these expenses by a monthly accounting entry that reimburses the respective funds. The 1998 budgets for Fleet, Workers Compensation and Property/Liability Funds were not reduced by the Utility Fund reimbursements. Therefore, budgets in these funds are overstated. The Workers Compensation and Property/Liability Funds are not appropriated by ordinance. However, the Fleet Fund is appropriated by ordinance. The attached ordinance unappropriates the Fleet Fund overstatement.

The other changes will be made in the City's financial management system.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1998

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO DECREASE THE 1998 BUDGET OF THE FLEET, GENERAL CAPITAL IMPROVEMENTS AND UTILITY RESERVE FUNDS, AND INCREASE THE 1998 BUDGET OF THE GOLF COURSE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the Fleet Fund, initially appropriated by Ordinance No. 2566 in the amount of \$1,343,999 is hereby decreased by \$286,468 which, when added to the fund balance as of the City Council action on June 29, 1998, will equal \$1,057,531. The actual amount in the Fleet 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 decrease is due to the correction of 1998 budget appropriations.

Section 2. The \$286,468 decrease in the Fleet Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 30-0090-000	\$286,468	<u>\$(286,468)</u>	\$-0-
<u>EXPENSES</u>			
Salaries 30-12-46-100-000	\$479,709	\$(132,647)	\$347,062
Tires 30-12-46-351-000	\$83,000	(23,241)	\$59,759
Parts 30-12-46-352-000	\$230,690	(57,260)	\$173,430
Fuel 30-12-46-353-000	\$250,000	<u>(73,320)</u>	\$176,680
Total Change to Expenses		<u>\$(286,468)</u>	

Section 3. The 1998 appropriation for the Utility Reserve Fund, initially appropriated by Ordinance No. 2566 in the amount of \$3,650,000 is hereby decreased by \$2,900,000 which, when added to the fund balance as of the City Council action on June 29, 1998, will equal \$750,000. The actual amount in the Utility Reserve Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This decrease is due to the correction of 1998 budget appropriations.

Section 4. The \$2,900,000 decrease in the Utility Reserve Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Transfer from Utility Fund 19-9999-400	\$3,650,000	\$(3,050,000)	\$600,000
Interest 19-0751-000	\$-0-	<u>150,000</u>	\$150,000
Total Change to Revenues		<u>\$(2,900,000)</u>	
<u>EXPENSES</u>			
Contingency 19-10-99-999-000	\$3,650,000	\$(3,650,000)	\$-0-
Stabilization Fund 19-35-88-555-079	\$2,900,520	<u>750,000</u>	\$3,650,520
Total change to Expenses		<u>\$(2,900,000)</u>	

Section 5. The 1998 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2566 in the amount of \$17,405,000 is hereby decreased by \$1,500,000 which, when added to the fund balance as of the City Council action on June 29, 1998, will equal \$12,525,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This decrease is due to the correction of 1998 budget appropriations.

Section 6. The \$1,500,000 decrease in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u> <u>\$(Decrease)</u>
<u>REVENUES</u>		
Intergovernmental Miscellaneous Jefferson County 75-0472-020 \$50,000	\$1,550,000	<u>\$(1,500,000)</u>
<u>EXPENSES</u>		
Capital Projects Reserve 75-30-88-555-475 \$-0-	\$1,500,000	<u>\$(1,500,000)</u>

Section 7. The 1998 appropriation for the Golf Course Fund initially appropriated by Ordinance No. 2566 in the amount of \$1,783,723 is hereby increased by \$1,500,000 which, when added to the fund balance as of the City Council action on June 29, 1998, will equal \$6,983,723. The actual amount in the Golf Course 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 correction of 1998 budget appropriations.

Section 8. The \$1,500,000 increase in the Golf Course Fund shall be allocated to City Revenue accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Note Proceeds 22-1484-000 \$1,500,000	\$-0-	<u>\$1,500,000</u>
<u>EXPENSES</u>		
Heritage at Westmoor 22-50-88-555-227 \$5,990,794	\$4,490,794	<u>\$1,500,000</u>

Section 9. - 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 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. 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 29th day of June, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this        day of July, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** June 29, 1998

**Subject:** Legal Services for R. Dean Hawn Interests Condemnation

**Prepared by:** Vicky Bunsen, Assistant City Attorney

### **Introduction**

City Council action is requested to authorize a contract with Gorsuch Kirgis L.L.C. to provide legal services in connection with the condemnation of parks, open space and utilities parcels from R. Dean Hawn Interests. Funds are available in the appropriate project account in the General Capital Improvement Fund and in the Open Space Fund for this expense.

### **Summary**

On September 22, 1997, City Council authorized the acquisition of 6 parcels of land totaling 55 acres, and on May 18, 1998, City Council authorized the acquisition of 1 parcel totaling 35 acres, by condemnation if necessary, totalling 90 acres for park, utility and open space purposes (see attached map). Staff has been negotiating with the owners' representative and will make a formal offer soon. Condemnation may be necessary in order to obtain possession of trail and utility easements to meet construction schedules. It is recommended that the case be handled by outside legal counsel. Staff is recommending that Malcolm Murray, Esq., of Gorsuch Kirgis L.L.C. be retained to provide these services.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with the law firm of Gorsuch Kirgis L.L.C. up to a limit of \$75,000 to provide eminent domain litigation services in connection with the condemnation of the R. Dean Hawn Interests park and open space parcels.

### **Background Information**

On September 22, 1997, City Council authorized the acquisition of 6 parcels of land totaling 55 acres, and on May 18, 1998, City Council authorized the acquisition of 1 parcel totalling 35 acres, by condemnation if necessary, of parcels of land totalling 90 acres for park and open space purposes. Negotiations have been ongoing since last fall with the property owner, R. Dean Hawn Interests.

The City Attorney's Office handles most condemnation matters, which have included a number of right-of-way cases in the past few years.

Recently, two condemnation matters have involved a complexity and volume of work that justify the hiring of outside legal counsel. The condemnation of the Westminster Plaza is one such project and the Westcliff park site is the other.

In the recent past, proposals have been solicited from three top experts in eminent domain law for other cases, including Malcolm Murray of Gorsuch Kirgis L.L.C., Marlin Opperman of Opperman & Associates, and Patricia Tisdale of Holme Roberts & Owen. This information was reviewed in connection with the Plaza redevelopment project and defense of the Anderson civil suit that was filed against various staff members in connection with the pawn shop condemnation at 72nd Avenue and Lowell Boulevard. Because fee information and qualifications were solicited recently, Staff thought that it was not necessary to ask the same firms to go to the trouble of making another submittal.

City Staff has experience working with the condemnation experts at each firm and all are highly qualified. The hourly rates of Gorsuch Kirgis are lower than the other two firms as noted below:

	<u>Gorsuch</u>	<u>Opperman &amp;</u>	<u>Holme, Roberts &amp;</u>
	<u>Kirgis</u>	<u>Associates</u>	<u>Owen</u>
Lead Attorney	\$150	\$185	\$172
Assisting Attorney	\$140	\$150	\$(20% discount
Assisting Attorney	\$110	\$105, 95	\$ from regular
Office Staff	\$ 0	\$ 30	\$ rates.)

Due to Mr. Murray's prior extensive experience with land use issues and condemnation, Staff believes that he is best qualified to address the valuation issues in a competent and efficient manner. Because of his lower fees and prior experience, it appears that Mr. Murray would be the best choice for this particular case.

It should be noted that Mr. Murray has also been retained by WEDA to handle the condemnation case with the Colorado and Santa Fe Land Company. His work thus far with the appraisers and negotiating with the landowner in the Plaza case has been very efficient and productive.

A cap of \$75,000 is suggested at this time, which should be adequate for pretrial discovery and possibly for the trial. If litigation becomes protracted, the contract will be brought back to City Council for further review and authority to incur further fees.

Respectfully submitted,

William Christopher  
City Manager

Attachment: Contract for Legal Services



**CONTRACT FOR LEGAL SERVICES**

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 1998, by and between GORSUCH KIRGIS LLP, Attorneys at Law (the "Firm") and the CITY OF WESTMINSTER, COLORADO (the "City").

**RECITALS**

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

**AGREEMENT**

1. The Firm shall furnish the following special legal services to the City (the "Services"): see Exhibit "A."
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 rates set forth in Exhibit "A."
5. This Contract may be terminated by the City with or without cause.
6. No payments to the Firm shall be made prior to the approval of this Contract by the Westminster City Council.
7. Payments pursuant to this Contract shall not exceed \$75,000 without further written authorization by the City.
8. This Agreement is expressly contingent upon the approval of the City of Westminster's City Council of all of the terms set forth herein. In the event this Agreement is not approved in its entirety by City Council, neither Party shall be bound to the terms of this Agreement.

**GORSUCH KIRGIS LLP**

**CITY OF WESTMINSTER, COLORADO**

By \_\_\_\_\_  
Malcolm. M. Murray

By \_\_\_\_\_  
William Christopher  
City Manager

**Date:** June 29, 1998

**Subject:** The Westin-Westminster Conference Center Lease Agreement

**Prepared by:** Alan Miller, Assistant City Manager

### **Introduction**

City Council action is requested to authorize the City Manager to sign the Westin-Westminster Conference Center Lease Agreement and documents related to achieving the Promenade East project.

### **Summary**

City Staff has finalized negotiations with Inland Pacific regarding the lease agreement on the new 50,000 square foot Westin-Westminster Conference Center as contemplated in the original Business Assistance Agreement. This approximate 25-page document contains the business arrangements between the City and Inland Pacific Colorado as it relates to the conference center construction, financing, lease payments, operation, maintenance, and other related topics. The operation and management of the conference center is to be handled by Westin Hotels under a management agreement with Inland Pacific. The lease agreement is for an initial term of 25-years with another 25-year renewal. As part of the arrangement, the City will be receiving annual lease payments starting at approximately \$200,000 and increasing after about 10 years to approximately \$2 million after which it will remain constant at about \$2.1 million. In addition, the City will be receiving 10 percent of the net profits of the combined hotel and conference center business. This lease agreement is the final major hurdle in achieving the Westin Hotel and Conference Center project. The successful completion of this lease agreement means that the financing can now proceed with construction financing to proceed, as well as permanent financing since the lease agreement is the major legal hurdle to complete to allow closing on the property by Inland Pacific with its financing banks.

### **Staff Recommendation**

Authorize the City Manager to sign a lease agreement with Inland Pacific Colorado regarding the Westin-Westminster Conference Center project in substantially the same form as the attached conference center lease agreement, and further authorize the City Manager to sign any other document and/or agreement necessary to proceed with the Westin Hotel and Conference Center project including the transfer of land, cross parking easements, and other related documents.

### **Background Information**

The conference center lease agreement is the culmination of the steps necessary to complete and allow the Westin Hotel and Conference Center project to proceed as contemplated in the original Business Assistance Agreement signed in April of 1997. City Staff has been working diligently in cooperation with Inland Pacific and Westin Hotels to plan and design the Promenade East project whose major anchor will be the 360-room Westin Hotel and 50,000 square foot conference center. Market studies have shown that the conference center will bring an estimated \$42 million of extra spending into the area economy annually.

In addition, the lease payments and percentage of the hotel/conference center profits will also benefit the City financially and help to diversify the City's tax base.

City Staff has a very cordial and professional business relationship with Inland Pacific and the Westin Hotels that has enabled this project to proceed and overcome a variety of difficulties that have arisen since the business agreement was signed. This Westin Hotel marks the first time that they have entered a suburban business market and it is viewed by many as a prototype for future expansions into the suburban business market. The City's emphasis on quality City projects, as well as quality services is being given a substantial amount of credit in attracting the Westin Hotel to the City of Westminster. It was the Legacy Ridge Golf Course and residential project, the Westminster City Hall and Westminster City Park Recreation Center that all played a part in demonstrating to Inland Pacific and the Westin Hotels that they had quality partner to work with that upholds the Westin Hotel standards of high quality and service recognized throughout the hotel industry.

The fact that a Westin Hotel is locating within the City of Westminster is having additional ripple effects in attracting other quality businesses to look at the City of Westminster as a place to do business. Certainly the Promenade project concept, high quality design and amenities was also a major factor in attracting the Westin Hotel to the City of Westminster. The high quality design with the associated amenities is very important to Westin Hotels in attracting both the business and vacation traveler. Market studies show that this hotel and conference center should be a great success and provide a wonderful community focal point at the Promenade, as well as enhance the City's fiscal viability.

The City received a substantial amount of assistance from Barbara Banks from Banks & Imatani P.C. law firm in the negotiation of the lease agreement. Staff believes her assistance was invaluable in assuring that all the important points that is expected in a document of this type are covered. Marty McCullough, City Attorney, was also instrumental in coordinating the lease agreement effort, spending considerable hours in reviewing various provisions and crafting appropriate language that created a win-win situation for all participants.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** June 29, 1998  
**Subject:** Financial Report for May 1998  
**Prepared by:** Mary Ann Parrot, Finance Director

### **Introduction**

City Council is requested to review the attached financial statements which reflect 1998 transactions through May, 1998.

### **Summary**

There are three sections to the attached report:

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

General Fund revenues represent 42% of the total budget estimate while General Fund expenditures and encumbrances represent 40% of the 1998 appropriation.

Utility Fund revenues represent 37% of the total budget estimate. Utility Fund expenditures and encumbrances represent 44% of the 1998 appropriation.

The Sales and Use Tax Fund revenues represent 45% of the total budget estimate, while expenditures and encumbrances in that fund represent 42% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 23% from the same period last year and increased 15% year-to-date.

The Open Space Fund revenues represent 51% of the total budget estimate while expenditures and encumbrances in that fund represent 38% of the 1998 appropriation.

The Golf Course Fund operating revenues represent 8% of the total budget estimate while operating expenditures represent 23% and encumbrances represent 10% of the 1998 appropriation. This year's budget increased \$3.7 million due to borrowing POST bond proceeds while financing is being arranged. Last year's figures reflect the issuance of the \$4.8M refunding bonds.

The Reserve Fund increased over \$800,000 primarily due to the repayment of the McKay Lake down payment from the General Capital Improvement Fund and repayment of \$200,000 of money fronted for the Ice Centre design.

Theoretically, 42% of revenues and expenditures should be realized after five months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

### **Staff Recommendation**

Accept the report as presented.

**Background Information**

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

Respectfully submitted,

William M. Christopher  
City Manager

Attachments