

September 23, 1996  
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. Certificate of Appreciation to Richard Douglass
  - B. Proclamation re National Literacy Week
  - C. Proclamation re Mental Health Awareness Week
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
  - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
  - A. Castilleja Group Home Finding of Facts
  - B. Amended Contract re Westminster Mall Master Plan
  - C. Bids re Hydropillar Landscaping
  - D. CB No. 60 re Xavier Street Vacation (Allen-Scott)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
  - A. Public Hearing re Cheyenne Ridge ODP
  - B. Cheyenne Ridge ODP
  - C. Public Hearing re Megas Annexation
  - D. Resolution No. 44 re Megas Annexation Findings
  - E. Councillor's Bill No. 61 re Megas Annexation
  - F. Councillor's Bill No. 62 re Megas Zoning
  - G. 11th Amended PDP and 3rd Amended ODP re Silo PUD
  - H. Acquisition of Open Space Parcel
  - I. Councillor's Bill No. 63 re Contingency Transfer
  - J. Resolution No. 45 re Open Space Parcel
  - K. Councillor's Bill No. 64 re Urban Renewal Plan Amendments
  - L. Resolution No. 46 re Urban Renewal Plan Modifications
  - M. Councillor's Bill No. 65 re Legacy Ridge Sewer Vacation
  - N. Wolff Run Park Playground Renovations
  - O. Councillor's Bill No. 66 re Wolff Run Park Renovation
  - P. Extension of Water Rights Acquisition Option
  - Q. Semper Water Treatment Plant Expansion Project
  - R. Resolution No. 47 re Water Conservation Plan
11. **Old Business and Passage of Ordinances on Second Reading**
  - A. CB No. 57 re Sheridan Crossing Assistance (Allen-Dixon)
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Financial Report for August, 1995
  - B. City Council
  - C. Request for Executive Session
    1. Negotiations with School District #50

### **13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, SEPTEMBER 23, 1996 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 Dixon and Councillors Allen, Harris, Merkel, 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 Allen and seconded by Merkel to accept the minutes of the meeting of September 9, 1996 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

The Mayor recognized Richard Douglas's time dedicated as a City Representative on the Jefferson County Corrections Board.

Mayor Heil and Councillor Merkel presented a proclamation to Literacy Program Manager Jan Brandner, Teddi Sue Walters and Steve Platte proclaiming the week of September 23 as Literacy Week in the City of Westminster.

Mayor Heil presented a proclamation to Marge Ball, Vice President of the Alliance for the Mentally Ill of Adams County and Matt Lutkus, Adams County Mental Health Center President, proclaiming the week of October 6 as Mental Illness Awareness Week in the City of Westminster.

The Mayor recognized Standley Lake High School students who were in attendance at the meeting.

CITIZEN COMMUNICATION:

Bill Hayes, 6969 W. 90th Avenue #712, of Executive Intelligence Review, addressed Council concerning the serious drug problems in America.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Finding of Facts for Castilleja Group Home, 9364 W. 98th Avenue; Westminster Mall Master Plan Amended Contract; Hydropillar Landscaping Project Bid Award; and Councillor's Bill No. 60 re Xavier Street Vacation. 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 Harris and seconded by Allen to adopt the consent agenda items as presented with the recommendation stated on the Council Agenda Memorandums. The motion carried unanimously.

At 7:38 P.M. the Mayor called a recess. At 7:45 P.M. the meeting reconvened.

PUBLIC HEARING ON CHEYENNE RIDGE OFFICIAL DEVELOPMENT PLAN:

At 7:46 P.M. the meeting was opened to a public hearing for the Cheyenne Ridge ODP, generally located at 144th Avenue and Huron Street, which was remanded back to Council by Adams County District Court. Mayor Heil gave a brief statement concerning the procedures to be followed for the public hearing. Councillor Scott stated for the record that he has read all of the transcripts from previous public hearings and Council actions regarding this issue. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum and other related items as exhibits. Jon Lee, Community Development Group of Westminster, gave a brief presentation to Council. The following citizens addressed Council with questions and concerns: David Buehmann, 14757 Osage Ct; and Charlene Baker, 14761 Kalamath Ct. Randy Sedegren, 14602 Kalamath Ct. The following citizens spoke in opposition: Ted Rossi, President of the Quail Hill Home Owners Association and submitted a petition with 247 signatures in opposition to the development of this property and requests the City to acquire the property for a park; Les Roos, 14891 Mariposa Ct, attorney representing the Quail Hill Home Owners Association; David Buehmann, 14757 Osage Ct; Glenda Fowler, 14711 Kalamath Ct; Tammy and Larry Zimbelman, 14501 Lipan St; Melody Rodriquez, 14501 Lipan St; Randy and Theresa Sedergren, 14602 Kalamath Ct; and Michael Gray, 14652 Kalamath Ct. City Engineer David Downing gave a breakdown of cost recovery estimates as of November, 1994. At 10:10 P.M. the Mayor called for an Executive Session. Council reconvened at 10:37 P.M. At 11:01 P.M. the public hearing was declared closed.

CHEYENNE RIDGE OFFICIAL DEVELOPMENT PLAN:

A motion was made by Dixon and seconded by Allen to approve the Official Development Plan for Cheyenne Ridge based on the following findings: (a) The Official Development Plan meets the requirements of 11-2-5 and 12-2-2 of the City Code and all other applicable requirements of City Code and City policies; (b) The proposed Official Development Plan is compatible with existing and proposed future development in the area; (c) The ODP is consistent with the PDP and there is no apparent reason, based on the considerations set forth in City Code section 11-2-3, to justify a reduction to the density previously reviewed and approved in the PDP for this project; (d) The overall density of 2.33 dwelling units per acre and 86 total lots represents a marked reduction in density for this property compared to that previously approved by the City, and is more in keeping with existing land uses than that which was approved previously; (e) The proposed Official Development Plan incorporates all of the conditions previously adopted by City Council at its hearing on June 26, 1995; (f) The proposed units will meet high architectural standards and will conform to or exceed the City's Single Family Detached Residential Design Guidelines; (g) The proposed Official Development Plan provides adequate park land for the nearby residents; and (h) the reduced cost recoveries and public improvement obligations are justified in light of the reduced density initiated by the property owner and good cause exists for such reductions and waivers. Such reductions and waivers will not substantially affect the City's ability to provide such facilities for the benefit of the general public.

A friendly amendment was made by Smith and accepted by the makers of the motion to add the following: (i) Up to 4 acres of land within this development will be acquired by the City by negotiation or condemnation if necessary, for park and/or green space, to be planned between the appropriate Staff and the developer with appropriate input from the Home Owner Associations. A motion was made by Dixon to add to this friendly amendment the following: The negotiations to proceed on the basis that the negotiated price will take into account any loss of profit to the developer or extra cost for replatting and to the extent permitted by City Code any resulting amendment of the ODP to be administratively approved by the City Manager. The friendly amendment carried unanimously.

A motion was made by Smith and seconded by Merkel to amend the main motion to set a timeframe of two weeks for the negotiations on the green space issue. The amendment passed with a dissenting vote from Dixon.

The main motion as amended carried unanimously.

PUBLIC HEARING ON THE MEGAS PROPERTY ANNEXATION:

At 11:32 P.M. the meeting was opened to a public hearing on the Megas Property, generally located north of 92nd Avenue, west of Wadsworth Parkway. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Greg Markling, representing the developer, was present to address Council. No one spoke in opposition. At 11:40 P.M. the public hearing was declared closed.

RESOLUTION NO. 44 - MEGAS PROPERTY ANNEXATION FINDINGS:

A motion was made by Harris and seconded by Dixon to adopt Resolution No. 44 making certain findings of fact as required under Section 31-12-110, C.R.S. for the proposed Megas Parcel Annexation.

Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 61 - MEGAS PROPERTY ANNEXATION:

A motion was made by Harris and seconded by Dixon to pass Councillor's Bill No. 61 on first reading annexing the Megas property into the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 62 - MEGAS PROPERTY ZONING:

A motion was made by Harris and seconded by Dixon to pass Councillor's Bill No. 62 on first reading zoning the Megas Property Planned Unit Development. Upon roll call vote, the motion carried unanimously.

11TH AMENDED PDP AND 3RD AMENDED ODP FOR SILO PUD:

A motion was made by Harris and seconded by Dixon to approve the Eleventh Amended Preliminary Development Plan for The Silo Planned Unit Development and Approve the Third Amended Official Development Plan for the The Silo North subdivision as submitted, based on the following findings: (a) That the request is compatible with existing and future planned development in the area; and (b) That the proposed ODP meets with the requirements of Section 11-2-2 of the Westminster Municipal Code. The motion carried unanimously.

OPEN SPACE PURCHASE FROM ROSE CREEK PROPERTIES:

A motion was made by Allen and seconded by Dixon to authorize the City Manager to execute the necessary documents to purchase for the Open Space Program approximately 18 acres of land at a cost of \$672,675 from Rose Creek Properties, to purchase an option/first right of refusal for approximately nine acres from Axtell and Associates for five years at a cost of \$20,000, charge the Rose Creek Property purchase expense to the Open Space Fund, and the Axtell Property option to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

COUNCILLOR'S BILL NO. 63 - CONTINGENCY TRANSFER FOR LAND OPTION:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 63 on first reading transferring \$20,000 from the General Fund Contingency Account to the General Capital Improvement Fund to purchase an option/first right of refusal for property owned by Axtell & Associates. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 45 - JEFFERSON COUNTY OPEN SPACE REIMBURSEMENT:

A motion was made by Allen and seconded by Merkel to adopt Resolution No. 45 authorizing Staff to seek reimbursement from Jefferson County Open Space for the Rose Creek Properties open space purchase. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 64 - URBAN RENEWAL PLAN AMENDMENTS:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 64 on first reading pertaining to sign and parking code amendments to the Urban Renewal Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 46 - URBAN RENEWAL PLAN MODIFICATIONS:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 46 approving an Urban Renewal Plan Amendment regarding signage and parking requirements and incorporating the amendment into the the 1996 Amended Urban Renewal Plan. These amendments to the Urban Renewal Plan will not substantially change the current 1996 Amended Urban Renewal Plan in land area, design, building requirements, timing or procedure, and therefore are not subject to the procedural requirements of section 31-25-107, C.R.S.  
Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 65 - LEGACY RIDGE SEWER VACATION:

A motion was made by Dixon and seconded by Scott to pass Councillor's Bill No. 65 on first reading vacating a portion of a 50-foot wide utility/access easement in the Legacy Ridge No. 3 Subdivision. Upon roll call vote, the motion carried unanimously.

WOLFF RUN PARK PLAYGROUND RENOVATIONS:

A motion was made by Harris and seconded by Dixon to authorize the City Manager to sign a contract with the low bidder, General Concrete Contractors, in the amount of \$254,700 for the purpose of constructing the Wolff Run Park II Playground renovation; establish a \$25,500 project contingency, and charge these amounts to the appropriate accounts in the 1996 Budget. The motion carried unanimously.

COUNCILLOR'S BILL NO. 66 - CONTINGENCY TRANSFER FOR WOLFF RUN PARK:

A motion was made by Harris and seconded by Dixon to pass Councillor's Bill No. 66 on first reading authorizing the transfer of \$50,000 from the General Fund Contingency to the Park Improvement Project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

EXTENSION OF WATER RIGHTS ACQUISITION OPTION:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to sign an agreement with ING Resources, Inc., extending the option for the City to purchase the Sylvan Reservoir and associated water rights and the Lyman Ditch water rights and authorize the expenditure of \$50,000 upon closing and up to two additional option payments not to exceed \$25,000 each from the appropriate Utility Fund Capital Improvement Account pursuant to the Agreement. The motion carried unanimously.

SEMPER WATER TREATMENT PLANT EXPANSION PROJECT:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to sign Change Order No. 1 to the consulting engineering services contract with HDR Engineering, Inc., for \$82,900. The motion carried unanimously.

RESOLUTION NO. 47 - WATER CONSERVATION PLAN:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 47 which adopts the City of Westminster Water Conservation Plan. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2451 - SHERIDAN CROSSING ASSISTANCE PACKAGE:

A motion was made by Scott and seconded by Dixon to adopt Councillor's Bill No. 57, as amended, on seconded reading approving the Sheridan Crossing Assistance Agreement. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for August, 1996.

The Mayor stated there would be an Executive Session concerning negotiations with School District #50, an update on El Fugitivo and an update on Urban Renewal.

ADJOURNMENT:

The meeting was adjourned at 11:50 P.M.

ATTEST:

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Mayor

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

**Date:** September 23, 1996  
**Subject:** Certificate of Appreciation  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Council is requested to present a Certificate of Appreciation to Richard Douglass in recognition of time dedicated as a City representative on the Jefferson County Corrections Board.

**Summary**

Recently Richard Douglass resigned as the City of Westminster representative to the Jefferson County Corrections Board. A Certificate of Appreciation has been prepared to be presented on behalf of the Mayor and entire Council to recognize his time and efforts serving on this Board and representing the City of Westminster.

**Staff Recommendation**

Present a Certificate of Appreciation for dedicated service to Richard Douglass.

**Background Information**

Richard Douglass was recommended by Westminster City Council to be appointed to the Jefferson County Corrections Board in August, 1995 and this appointment was confirmed by the Jefferson County Commissioners. In June of 1996, Mr. Douglass resigned from this Board due to health problems.

The Jefferson County Community Corrections Board is responsible for approving the placement of felony offenders in the community, contracting with firms which provide community corrections services, and setting standards for the provision of those services. The Board meets monthly, in addition, each Board member must participate in two or three screening committee meetings during the year.

Richard Douglass will be present at Monday night's Council meeting to accept this certificate.

Respectfully submitted,

William M. Christopher  
City Manager



Date: September 23, 1996

Subject: Proclamation re National Literacy Week

Prepared by: Jan Brandner, Literacy Program Manager

#### Introduction

City Council action is requested to proclaim the week of September 23 as Literacy Week in the City of Westminster, in recognition of National Literacy Month in September. Jan Brandner, Literacy Program Manager, Teddy Sue Walters, and Steve Platte, Literacy Program Volunteers, will be at the City Council meeting to accept the proclamation.

#### Summary

National Literacy Month focuses on the importance of eliminating illiteracy in our country. The objective of this month is to educate and inform the public of the importance of providing literacy services to those in need and to encourage each citizen to become involved by volunteering at their local literacy program. Westminster's recognition of Literacy Week encourages involvement in the Literacy Program sponsored through the Library Services Division.

#### Staff Recommendation

Mayor proclaim the week of September 23 as Literacy Week in the City of Westminster, in recognition of National Literacy Month in September.

#### Background Information

Since the Westminster Adult Literacy Program began, over 250 students have received tutoring by community volunteers. The volunteers have logged in excess of 13,500 hours preparing materials, tutoring students, and updating their skills. In April of this year, the Westminster Adult Literacy Boosters sponsored their 2nd Annual Buzz-A-Thon to benefit the literacy program. Thirteen community teams competed in this corporate spelling bee, raising approximately \$2,000.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Proclamation

WHEREAS, The problems created by illiteracy affect all Westminster residents through lower productivity and higher social costs; and

WHEREAS, Project Learn, Emily Griffith Opportunity School, the Denver Indian Center, the Adult Learning Source, Westminster Public Library Literacy Program, and others help metro area residents become informed participants in the democratic process, and

WHEREAS, The tireless efforts of many local groups, including the Westminster Public Library Literacy Program, have actively contributed to the success of literacy programs through volunteerism; and

WHEREAS, Volunteers in the metro area have enabled many residents to reach their goals by providing free classes and tutoring in GED, Literacy, and English as a second language; and

WHEREAS, Community programs throughout our nation are observing September as National Literacy Month.

NOW, THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim the week of September 23, 1996 as

LITERACY WEEK IN THE CITY OF WESTMINSTER

and urge all citizens to consider becoming volunteer tutors in a Literacy Program.

Signed this 23rd day of September, 1996

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**Date:** September 23, 1996  
**Subject:** Proclamation re Mental Illness Awareness Week  
**Prepared by:** Michele Kelley, City Clerk  
**Introduction**

The Mayor is requested to proclaim October 6 through October 12, 1996 as Mental Illness Awareness Week in Westminster.

### **Summary**

Adams Community Mental Health Center, the Colorado Alliance for Mentally Ill, and the Alliance for Mentally Ill of Adams County have requested that the Mayor proclaim October 6 through October 12 as Mental Illness Awareness Week in Westminster. Marge Ball, Vice President of the Alliance for the Mentally Ill of Adams County and Matt Lutkus, President of the Adams County Mental Health Center will be in attendance Monday evening to accept the proclamation.

### **Staff Recommendation**

Mayor proclaim the week of October 6 as Mental Illness Awareness Week in the City of Westminster.

### **Background Information**

The Alliance for Mentally Ill of Adams County (AAMI), Colorado Alliance for Mentally Ill (CAMI) and Adams Community Mental Health Center have requested that the week of October 6 through October 12, 1996 be designated as Mental Illness Awareness Week in Westminster. The Alliances are composed of family members of clients who suffer from severe and persistent mental illness. Adams Community Mental Health Center is a private nonprofit organization which provides the full continuum of mental health services to Adams County residents through contracts with the Colorado Division of Mental Health.

One of the main goals that Adams Community Mental Health, CAMI and AAMI share is helping increase community awareness of the need for mental health care. The Center served approximately 750 Westminster residents in 1995 and expect that total to increase in 1996. Mental Illness Awareness Week is intended to increase community awareness that persons with mental illness can be treated and can be productive citizens.

Volunteers from the mental health organizations listed above will be in attendance to accept the Proclamation.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Proclamation

WHEREAS, the week of October 6 through October 12, 1996 is being declared across the United States as Mental Illness Awareness Week; and

WHEREAS, the Alliance for the Mentally Ill of Adams County and the Adams Community Mental Health Center have joined together to co-sponsor the observance of this week in Adams County; and

WHEREAS, one out of every four Colorado families is impacted by mental illness; and

WHEREAS, one out of every fourteen citizens will develop a serious mental illness during their lifetime; and

WHEREAS, the sponsoring groups believe that greater awareness about mental illness will lead to more understanding, eliminate the stigma concerning mental illness, help persons with mental illness to live more productive lives in their communities, and aid people in realizing that mental illness is a neurobiological disease; and

NOW THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim October 6 through October 12, 1996 as

**MENTAL ILLNESS AWARENESS WEEK**

In the City of Westminster.

Signed this 23rd day of September, 1996.

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**Date:** September 23, 1996  
**Subject:** Finding of Facts re Castilleja Group Home, 9364 West 98th Avenue  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested on the Finding of Facts for a foster care group home application for 5 foster children, to be located at 9364 West 98th Avenue.

**Summary**

Edward and Marlyce Castilleja has applied for a foster care group home to be located at 9364 West 98th Avenue.

The Special Permit and License Board conducted a public hearing on Wednesday, September 18, on this group home facility application. The Board voted unanimously to recommend to City Council approval of this foster care facility.

**Staff Recommendation**

Adopt the Finding of Facts and approve the foster care group home facility application for Edward and Marlyce Castilleja, to be located at 9364 West 98th Avenue.

**Background Information**

A copy of the memorandum to the Special Permit and License Board, survey results and the Finding of Facts is attached for Council to review.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** September 23, 1996

**Subject:** Amended Contract re Westminster Mall Master Plan

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

### **Introduction**

City Council action is requested to authorize the City Manager to execute an amended consulting services contract with Barton-Aschman Associates, Inc. in the amount of \$16,800 bringing the total contract amount for the Westminster Mall Planning Services contract to \$41,050. The Westminster Mall Planning Services contract includes the development of a ring-road plan for the Westminster Mall parking area as well as the evaluation of various roadway improvement alternatives for the roadways surrounding the Westminster Mall. Funds for this expense are available in the U.S. 36/92nd Avenue/Sheridan Boulevard Intersection Project of the General Capital Improvement Fund.

### **Summary**

In October 1995, Barton-Aschman Associates, Inc. commenced an effort to evaluate the internal circulation within the Westminster Mall parking area and provide a "second opinion" on the proposed roadway improvements for the roadways adjacent to the Westminster Mall.

As a result of these planning efforts conducted by Barton-Aschman Associates, Inc., a master plan was prepared for the parking area of the Westminster Mall which includes the re-configuration of the parking layout and the recommended construction of a "ring-road." This master plan was presented to City Council in February 1996 as part of the "symphony of strategies" for improvements within the Westminster Center area.

City Staff and Barton-Aschman Staff have initiated discussions pertaining to the Westminster Mall Master Plan with the owner of the Westminster Mall. Due to the complexity of the Westminster Mall Master Plan and the number of players involved (i.e., major department stores) in the review of the master plan, additional meetings and revisions to the plan require additional support from Barton-Aschman.

The costs of the additional work is \$16,800, which when added to the original contract amount of \$24,250, brings the total contract amount to \$41,050.

### **Staff Recommendation**

Authorize the City Manager to execute an amended consulting services contract with Barton-Aschman Associates, Inc. in the amount of \$16,800 for planning services related to the Westminster Mall Master Plan, thus establishing a total contract amount not to exceed \$41,050; and charge the expense to the appropriate project in the General Capital Improvement Fund.

### **Background Information**

In October 1995, Barton-Aschman Associates, Inc. was hired by the City to prepare a master plan for the re-configuration of the Westminster Mall parking area. The study effort included data collection, analysis of parking demands, improving the efficiency of the parking layout and improving on-site circulation through the creation of a ring-road system that would better distribute traffic throughout the site and reduce or eliminate specific congestion areas. Barton-Aschman also reviewed the proposed roadway improvements for the roadways adjacent to the Westminster Mall. The purpose of this effort was to provide a second opinion to City Staff to insure that the recommended roadway improvements were valid.

The traffic mitigation/roadway improvement projects in the master plan for traffic circulation and parking improvements within the Westminster Mall property were presented to City Council in February 1996 as part of the symphony of strategies for improvements to the Westminster City Center area.

Staff believes that the additional consulting fees are appropriate as the process of reconciling the concerns of the Westminster Mall owner, the affected tenants and the major department stores are paramount to the eventual implementation of the parking and circulation master plan.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 23, 1996  
**Subject:** Bid Award re Hydropillar Landscaping Project  
**Prepared by:** Alex Iacovetta, Utilities Operations Manager  
Abel Moreno, Utilities Management Intern

**Introduction**

City Council action is requested to award the bid for construction of the Hydropillar Landscaping Project to Western States Reclamation, Inc.; authorize the City Manager to execute a contract between the City and Western States; and authorize a budget of \$66,886 for construction and \$5,017 for a contingency budget. Funds are available for these expenditures in the 1996 Water and Wastewater Fund Capital Improvements Project Budget.

**Summary**

The design for the Hydropillar Landscaping Project was completed by Terrasan Planning and Landscape Architecture in June 1996. The City solicited seven bidders for construction, five submitted bids. One Addenda was issued and a pre-bid meeting was held on August 22. Five bids were opened and read publicly on September 5, in City Council Chambers. The bid results presented Western States Reclamation, Inc., as the apparent low bidder.

<u>BIDDER</u>	<u>BID AMOUNT</u>
Western States Reclamation, Inc.	\$66,885
Randall & Blake, Inc.	\$67,260
T2 Construction, Inc.	\$67,800
Arrow J. Landscape	\$70,251
GH Daniels & Associates	<u>\$72,650</u>
Engineer's Estimate	\$71,706

Western States Reclamation, Inc., is the low responsive bidder.  
This firm is qualified, skilled, and capable of completing this project.

**Staff Recommendation**

Award a construction contract to the low bidder, Western States Reclamation, Inc., in the amount of \$66,886 for the Hydropillar Landscaping Project; authorize the City Manager to execute a contract between the City and Western States Reclamation, Inc.; authorize a budget of \$66,886 with a contingency account of \$5,017; and charge the appropriate project accounts in the 1996 Water and Wastewater Fund Capital Improvements Project Budget.

**Background Information**

The landscaping of this City facility will allow the site to blend with the surrounding community. During recent years, citizens had voiced concerns that landscaping at the Hydropillar should be upgraded to enhance rather than detract from the surrounding community.



In an attempt to maintain positive citizen relations within the community, City Staff has met periodically with representatives from the Environs subdivision to update them on the status of the project. These meetings have worked quite effectively and their input was greatly appreciated.

City Staff has been negotiating with The Writer Corporation (NorthPark) and Public Service Company of Colorado to obtain a License Agreement for landscaping of the property.

The Writer Corporation's privacy fence was placed approximately ten feet north of their property line; therefore, the City is attempting to work out an agreement that would allow for landscaping to be placed on the property with the City maintaining the property. There is a 75-foot Public Service easement located at the edge of the property line which requires their authorization for use. The purpose of this is to provide those residents who live in the NorthPark Subdivision a buffer between their property and the City's property.

If the City chooses not to award the project, landscaping at the Hydropillar would remain below City specifications, and the City would not address the concerns of local residents.

Construction of this project is expected to begin the first week of October and the work completed by November 15.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 23, 1996  
**Subject:** Cheyenne Ridge Official Development Plan  
**Prepared By:** David Falconieri, Planner III

### **Introduction**

City Council action is requested on the Official Development Plan (ODP) for Cheyenne Ridge. Consideration of the ODP was remanded back to Council by District Court Judge Marshall as a result of recent litigation brought against the City by the Quail Hill Homeowners Association (HOA).

### **Summary**

The Third Amended PDP and the ODP for this project have been the subject of several previous public hearings. The first hearing started on May 8, 1995. After several continuances, the public hearing was completed on June 12, 1995.

On June 12, a majority of Council approved the Amended PDP. The ODP was continued until at which time the ODP was unanimously approved by City Council with conditions. At the owner's request, those conditions were reconsidered on July 24, 1995, and a majority of Council gave final approval to the ODP with certain modifications to those conditions. The PDP that was approved authorizes a total number of 86 lots, resulting in a net density of 2.33 units per acre.

After having been reviewed by the Court, it was found that the ODP requirement for including a section pertaining to recoveries was not met. These recoveries were listed on the version of the ODP that was recorded, but not on the version that was reviewed by the Council at the last hearing because they had not been finalized at that time. The only recoveries that were waived by the City Council were those due on the existing water and sanitary sewer lines in Huron Street. As an additional incentive for reducing the density that was permitted on the original PDP (50 dwelling units per acre), City Council also agreed to participate in the cost of enlarging the required water and sewer lines in 144th Avenue from 8 inch lines to 12 inch lines, and to pay for all street widening expenses for the frontages of 144th Avenue and Huron Street, including the signalization of the intersection. Finally, City Council also agreed that the public land dedication fee would be satisfied by the amount of park land shown on the plan, which includes the park and detention area long with the lineal drainage area that will include a trail and fence, totaling 3.34 acres, which is approximately .6 acre less than what would normally be required.

It is important to note that the 2.33 density and 86 lots approved in the PDP were affirmed by the Court.

All of the development standards that were required by the City Council at the last hearing remain on the ODP as submitted. The attached ODP is the same as the one approved by City Council in all respects except for the fact that a section has been added to page one pertaining to the recoveries and development conditions. That section enumerates the standards that were approved by Council at their last hearing on this development.

The Quail Hill HOA has requested that the City purchase the entire 40 acre site for park and open space purposes. In the entire City, only City Park is 40 acres or larger. Staff believes that parks of this size should be supported by substantial population which does not exist north of 144th Avenue within the City. Staff prefers the possibility of using McKay Lake as a community sized park for the northeast Westminster area which would include the area south of 144th Avenue as well as, the Lexington Subdivision and the undeveloped areas around that subdivision. At such time as McKay Lake area would be developed as a park and open space area, it is also planned that a grade separated pedestrian crossing under 144th Avenue would be constructed to provide Quail Hill and Cheyenne Ridge residents easy and safe access to the park. The Quail Hill residents have also mentioned the possibility that the Cheyenne Ridge area be purchased simply as Open Space. Staff's recommendation could be to use the McKay Lake area as both park and open space because, as a combined approach, it affords better overall amenities to the whole area due to the many existing natural features at the site such as a lake and mature trees.

The Cheyenne Ridge plan does require the dedication of a 1.4 acre park near Quail Hill which will serve as a play area for children of the subdivisions north of 144th Avenue. This area is to be owned by the City but maintained by the HOA.

**Staff Recommendation:**

1. Hold a public hearing.
2. Approve the Official Development Plan for Cheyenne Ridge based on the following findings:
  - a. The Official Development Plan meets the requirements of 11-2-5 and 12-2-2 of the City Code and all other applicable requirements of City Code and City policies.
  - b. The proposed Official Development Plan is compatible with existing and proposed future development in the area.
  - c. The ODP is consistent with the PDP and there is no apparent reason, based on the considerations set forth in City Code section 11-2-3, to justify a reduction to the density previously reviewed and approved in the PDP for this project.
  - d. The overall density of 2.33 dwelling units per acre and 86 total lots represents a marked reduction in density for this property compared to that previously approved by the City, and is more in keeping with existing land uses than that which was approved previously.
  - e. The proposed Official Development Plan incorporates all of the conditions previously adopted by City Council at its hearing on June 26, 1995.
  - f. The proposed units will meet high architectural standards and will conform to or exceed the City's Single Family Detached Residential Design Guidelines.
  - g. The proposed Official Development Plan provides adequate park land for the nearby residents.
  - h. The reduced cost recoveries and public improvement obligations are justified in light of the reduced density initiated by the property owner and good cause exists for such reductions and waivers. Such reductions and waivers will not substantially affect the City's ability to provide such facilities for the benefit of the general public.

**Background Information:**

At the June 12, 1995, public hearing, City Council expressed the desire that Cheyenne Ridge be held to the same site development and architectural requirements that were applied to Lexington, Quail Hill and the surrounding neighborhoods. After extensive discussion, several architectural standards and development requirements were required to be added to the ODP prior to the document being recorded. Those requirements have been incorporated into the attached ODP, which has been submitted by the applicant. Because of the litigation concerning this case, the previously approved ODP was never recorded.

At that same public hearing, the idea of developing a park within this property was discussed by Council. It had been previously suggested by Staff that some land be set aside in the northwest corner of the site for such a purpose, but the testimony from the Quail Hill neighbors indicated that there was little support for such a concept. The Parks, Recreation and Library Department has also indicated that the area in question would not be cost effective for a large park due to the lack of supporting residential density.

Westminster's Park and Recreation master plan is currently being revised and the guidelines that the City has used in the past for both park acquisition and development will likely be changed. However, some of the guidelines that the City has used in the past are as follows:

- Acquire 10 acres/1,000 persons
- Neighborhood parks range in size 10-20 acres
- Pocket parks/mini parks 1-9 acres
- Population base to justify park development is 2,000-2,500 for a community park.

Cost to develop a park: \$75,000 - \$110,000 per acre  
Waiting list to develop neighborhood parks is 5+ years.

In the case of the Quail Hill area, the very low population density would not justify the acquisition of land and development of a small park as an immediate priority within the next 5-7 years.

The population of the area at buildout in the City limits, north of 144th Avenue will be approximately 240 persons, which includes Silver Oaks and Quail Hill subdivisions. If the areas currently outside of the City limits, north of 144th Avenue, south of 148th Avenue, and east of Zuni Street, were to be annexed by the City and develop at the low densities projected in the Draft Comprehensive Land Use Plan, the population would be approximately 750 persons. The best location for a park to serve this area is to the south of 144th Avenue, most likely at McKay Lake. Access to the park from the area north of 144th Avenue, including Cheyenne Ridge would be enhanced through the construction of an underpass as has been done at several other locations within the City.

An alternative to the McKay Lake park site that has been raised among Councilmembers is for the City to purchase a portion of Cheyenne Ridge property, i.e. 10 acres, and configure the open space in such a manner to achieve an appearance of the remaining lots being bigger. While the intent would have a positive visual affect, it is doubtful that this purchase would meet City Open Space criteria.

### Architecture/Building Materials

The proposed units will meet the architectural requirements of the City's Single Family Detached Residential Design Guidelines. Additionally, City Council required that all front elevations contain 50% brick or masonry and all other elevations contain 30%. No two similar models will be permitted next to each other and upgraded roofing materials will be required. There are concerns among the neighborhood as to the quality of the housing being proposed. The housing ranges from 1,720 square feet to 2,950 square feet and the pricing is anticipated to be in the \$170,000 to \$290,000 range. Specific builders have not been selected at this time.

### Public Land Dedication, Parks/Trails

A private trail would be constructed through the drainage swale that runs diagonally through the property from the proposed park to the detention area in the southeast corner of the development. Irrigated grass will be installed by the developer in Outlot A and in the linear park which runs through the development. The detention pond in the southeast corner will be seeded and kept in a natural state. All of these areas will be maintained by the HOA.

### Access and Circulation

The development is bounded by 144th Avenue on the south and by Huron Street on the east. Both are classified as major arterials. Access will be provided by one full turn access point from each of those streets. The traffic report recommends that a left turn lane be constructed for north bound traffic on Huron Street at the entrance of the site. Also, the report recommends that a right turn deceleration lane be constructed at the entrance on 144th Avenue. All of these improvements will be constructed by the City.

### Site Design

The site plan has been designed with 86 lots, the largest lot being 23,818 square feet located at the northeast corner, and the smallest being 10,022 square feet. The average lot size is 14,059 square feet. Public park areas are generally located at the southeast corner, near 144th Avenue and Huron Street.

The development will be fenced along Huron Street and 144th Avenue by a six foot high PVC fence with columns every 100 feet as previously required by City Council. The north and west perimeter will be fenced with a five foot cedar privacy fence.

The right of way area between the fence and the arterial streets, Huron Street and 144th Avenue, will be landscaped and include a detached walk.

The interior streets will be constructed using the "rural" type of street cross section with sidewalks only in certain areas and not along all streets. The appearance of the streets would be similar to Quail Hill, with no curb and gutter, but concrete pans to control drainage.

### Signage

Signage will conform to all City sign code specifications. There will be one sign at each entrance to the development.

Service Commitment Category

This development falls into the Category A-1. Commitments are still available as allocated by the City Council for 1996.

Public Comments

The City Staff has had one meeting with two residents since the Court's decision was delivered. The Quail Hill residents reiterated many of the concerns that were discussed during the previous hearings, including continual concern with the approved density.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** September 23, 1996  
**Subject:** Megas Parcel Annexation and Zoning  
**Prepared by:** David Falconieri, Planner III

## **Introduction**

City Council action is requested to hold a public hearing, and later on the agenda take action on annexing the Megas Property, as well as the 11th Amended Silo Preliminary Development Plan (PDP), and the Third Amended Silo North Official Development Plan (ODP) which would allow a second phase of the existing Covenant Retirement complex to be built.

## **Summary**

Applicant/Property Owner Covenant Retirement Community

Location Located between Ammons Street and Wadsworth Parkway, between 92nd Avenue and the Boulevard Plaza subdivision.

Size of site Total area, 5.3 acres. Parcel to be annexed is 2.5 acres.

Description of Proposed Use Phase Two of the Covenant Retirement community will consist of 51 assisted care units, and 60 beds for skilled nursing care.

Major Issues A large utility easement crosses the center of the proposed building location. This easement includes two large raw water mains, a sanitary sewer main and a storm sewer line. The applicant is proposing to relocate all of the lines to the south of the property, or to other existing easements in the vicinity of the site. As a result of these relocations, the easement through the site must be vacated by the City Council by ordinance as a separate action.

## **Planning Commission Recommendation**

After a public hearing on September 10th, Planning Commission voted unanimously to make a recommendation to City Council to that the Megas property be annexed to the City, that the proposed Eleventh Amended Preliminary Development Plan for The Silo (which includes the zoning of the Megas property to Planned Unit Development) be approved, and that the proposed Third Amended Official Development Plan for the The Silo North subdivision be approved as submitted, based on the following findings:

- a. That the request is compatible with existing and future planned development in the area; and
- b. That the proposed ODP meets with the requirements of Section 11-2-2 of the Westminster Municipal Code.

There was no testimony opposed to the request presented at the public hearing. During the deliberations, the Commission members requested several minor amendments to the Official Development Plan.

The applicants agreed to the changes and they are all included in the plan that has been distributed to Council members.

### **Staff Recommendation**

1. Hold a public hearing.
2. Adopt Resolution No. making certain findings of fact as required under Section 31-12-110, C.R.S.
3. Pass Councillor's Bill No. on first reading, annexing the Megas property into the City.
4. Pass Councillor's Bill No. on first reading zoning the Megas Property Planned Unit Development.
5. Approve the Eleventh Amended Preliminary Development Plan for The Silo Planned Unit Development and Approve the Third Amended Official Development Plan for the The Silo North subdivision as submitted, based on the following findings: (a) That the request is compatible with existing and future planned development in the area; and (b) That the proposed ODP meets with the requirements of Section 11-2-2 of the Westminster Municipal Code.

### **Background Information**

Discussion of Major Issues The relocation of the various utility lines that traverse this site has been reviewed and approved by the City Engineer. A separate ordinance will be brought before the City Council at a future date vacating the old easements and creating new easements where needed.

Architectural/Building Materials The proposed building will be a wood or vinyl sided structure with a brick wainscot and accents. The pitched roof will be covered with rusticated asphalt shingles to convey a residential character. The skilled nursing wing and common area which is located to the north, nearest to the adjacent single family development, will be single story, while the assisted living area will be two stories.

Public Land Dedication, Parks/Trails A trail easement will be dedicated along the west side of the property to provide a possible future trail connection for the Farmers' High Line Canal trail. The public land dedication requirement will be met through the payment of cash-in-lieu of land.

Access and Circulation Access to the site is provided from the south off of Ammons Street. Additional access is provided by a right in/right out access to Wadsworth Parkway. This access has been approved by the Colorado Department of Transportation.

This is illustrated on page two of the proposed ODP.

Site Design The building covers 40,686 square feet with the entryway facing Wadsworth Parkway. One wing of the building will be constructed to within 26 feet of the western property line and will be well buffered with landscaping from the nearby single family homes in the Boulevard Plaza Subdivision.

At the south end of the site is a parcel which is slightly larger than .5 acre and will be available for future development with the approval of an amended ODP. Only offices and recreational facilities associated with the Covenant Retirement Community will be permitted on this site.



Signage One monument sign will be located at the Wadsworth Parkway entrance which will identify the project. The dimensions of the sign will be in conformance with the City Code.

Service Commitment Category Service commitments would be allocated from Category E, a miscellaneous category that includes non-profit senior housing. The service commitments needs are estimated to be 39 for this project.

Referral Agency Responses The Colorado Department of Transportation responded favorably to the access point on to Wadsworth Parkway. Jefferson County responded without concerns. No other responses were received.

Public Comments Two neighborhood meetings were held regarding this application. The first occurred prior to the application being submitted to the City, in April of this year. Three neighbors attended and had no objections to the proposal. On August 21, another meeting was held. One person attended and had no adverse comments.

Surrounding Zoning The proposed site is surrounded by properties which are zoned PUD. To the south is a Texaco gas station, to the southwest is the existing phase one of the Covenant Retirement Community; To the west is a detention facility owned by the City, and to the northwest is the Boulevard Plaza single family subdivision.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments:

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

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A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 36 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER THAT the City Council finds:

1. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
2. A community of interest exists between the area proposed to be annexed and the City;
3. The area is urban or will be urbanized in the near future; and
4. The area is integrated with or is capable of being integrated with the City.

The City Council further finds:

1. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and

2. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

The City Council further finds:

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

PASSED AND ADOPTED this 23rd day of September, 1996

ATTEST:

\_\_\_\_\_  
Mayor

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

Megas

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 16 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

That part of the following described parcel of land located in Section 23, Township 2 South, Range 69 West of the Sixth Principal Meridian, Lying west of State Highway 121 as described in instrument recorded May 3, 1968 in Book 2015 at Page 583:

Beginning at the center of said Section 23; Thence west along the east-west center line, 1320 feet; Thence north 330 feet; Thence east 1320 feet, to the north-south center line of said Section; Thence south 330 feet to the point of beginning; County of Jefferson, state of Colorado. Being more particularly described as follows:

A parcel of land located in the northwest quarter of Section 23, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being described as follows:

Commencing at the southeast corner of the said northwest quarter of Section 23; Thence S89°13'26"W along the south line of said northwest quarter a distance of 883.94 feet to a point on the southwest right-of-way line of Colorado Highway 121 recorded in Book 2015 at Page 583, said point being the True Point of Beginning; Thence continuing S89°13'26"W along said south line a distance of 439.39 feet to a point on the easterly boundary line of Boulevard Plaza Subdivision recorded at plat Book 52 at Page 40;

Thence along the easterly and southerly line of said Boulevard Subdivision the following 2 courses, 1) N00°19'35"E a distance of 330.06 feet; 2) Thence N89°13'47"E a distance of 225.43 feet to a point on the southwesterly right-of-way line of said Colorado Highway 121; Thence S32°57'08"E along said southwesterly right-of-way a distance of 389.85 feet to the true point of beginning. Parcel contains 2.518 acres, more or less.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of 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 23th day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this      day of October, 1996.

TEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
y Clerk

gas

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Sections 11-2-1, 12-2-1, 12-2-2 and 12-8-7.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County A-1 to City of Westminster PUD--Planned Unit Development.

That part of the following described parcel of land located in Section 23, Township 2 South, Range 69 West of the Sixth Principal Meridian, Lying west of State Highway 121 as described in instrument recorded May 3, 1968 in Book 2015 at Page 583:

Beginning at the center of said Section 23; Thence west along the east-west center line, 1320 feet; Thence north 330 feet; Thence east 1320 feet, to the north-south center line of said Section; Thence south 330 feet to the point of beginning; County of Jefferson, state of Colorado. Being more particularly described as follows:

A parcel of land located in the northwest quarter of Section 23, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being described as follows:

Commencing at the southeast corner of the said northwest quarter of Section 23; Thence S89°13'26"W along the south line of said northwest quarter a distance of 883.94 feet to a point on the southwest right-of-way line of Colorado Highway 121 recorded in Book 2015 at Page 583, said point being the True Point of Beginning; Thence continuing S89°13'26"W along said south line a distance of 439.39 feet to a point on the easterly boundary line of Boulevard Plaza Subdivision recorded at plat Book 52 at Page 40;

Thence along the easterly and southerly line of said Boulevard Subdivision the following 2 courses, 1) N00°19'35"E a distance of 330.06 feet; 2) Thence N89°13'47"E a distance of 225.43 feet to a point on the southwesterly right-of-way line of said Colorado Highway 121; Thence S32°57'08"E along said southwesterly right-of-way a distance of 389.85 feet to the true point of beginning. Parcel contains 2.518 acres, more or less.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of 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 23th day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this      day of October, 1996.

TEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
y Clerk

gas

**Date:** September 23, 1996  
**Subject:** Purchase of Open Space  
**Prepared by:** Bob Lienemann

## **Introduction**

City Council action is requested to authorize the City Manager to execute closing documents to purchase approximately 18 acres of land from Rose Creek Properties, and to purchase an option/first right of refusal (FROR) on approximately nine acres of adjacent land owned by Axtell & Associates. Council action is also requested to adopt the attached Resolution requesting that Jefferson County Open Space consider reimbursement of part of the cost of this acquisition. Funds for this purchase are available within the Open Space Fund land acquisition account and the General Fund Contingency.

## **Summary**

This property is highly visible from both Sheridan Boulevard and from US36, is adjacent to the existing Hyland Ponds Open Space, and includes the remaining portion of one of these ponds (see attached map). The land has been a high priority for preservation since the first Open Space Advisory Board was formed in 1989.

The eastern 18 acres (the purchase property) was purchased by Rose Creek Properties in 1994, when the developer intended to construct a residential development. However, the developer recently approached Staff to propose a sale of this land to the City for open space. The negotiated price for the approximate 18 acres is \$672,675, or \$37,500 per acre. This is the same price that the developer paid for the property in 1994, and a new appraisal confirms this property value.

The western nine acres (the option/FROR property) abuts US 36, and is within the pathway of the proposed future Harlan Street flyover at US 36. Any remainders beyond the proposed Harlan Street flyover are a priority for Open Space, as this land would extend the views and open feeling from US 36 to Sheridan Boulevard. For these reasons, a five-year option and first right of refusal to acquire this property was negotiated, at a cost of \$20,000, to be paid from the General Fund. This should allow the City time to finalize the Harlan Street flyover design to determine exactly what portion of the property would be needed for Harlan Street and what, if any, property would be appropriate for open space or other uses.

Jefferson County Open Space is aware that the City proposes to move forward with this acquisition, and JCOS Staff has suggested that the City request reimbursement of a portion (up to 50%) of the cost of the 18 acre purchase from JCOS. The attached Resolution is required to begin this process. While there is no "guarantee" that JCOS's Advisory Committee and the Board of County Commissioners will approve reimbursement, "it doesn't hurt to ask". At the minimum, JCOS will see that the City is moving ahead to preserve Open Space with City funds, and may look favorably on this or other future funding requests.



The City of Westminster's Open Space Advisory Board members are very supportive of this acquisition for open space, as they and previous Board members have been for many years. OSAB members expressed a desire to acquire property that would allow for additional trails connections in the future, and this property would improve trails access. OSAB also expressed their desire that this property remain Open Space, and that it not be developed as a golf course, which would restrict public access.

Funds are available for this purchase in the Open Space Land Acquisition account, and for the option from the General Fund Contingency Account.

### **Staff Recommendation**

1. Authorize the City Manager to execute the necessary documents to purchase for the Open Space Program approximately 18 acres of land at a cost of \$672,675 from Rose Creek Properties, to purchase an option/first right of refusal for approximately nine acres from Axtell and Associates for five years at a cost of \$20,000, charge the Rose Creek Property purchase expense to the Open Space Fund, and the Axtell Property option to the appropriate project account in the General Capital Improvement Fund.
2. Pass Councillor's Bill No.     on first reading transferring \$20,000 from the General Fund Contingency Account to the General Capital Improvement Fund and;
3. Adopt Resolution No.     authorizing Staff to seek reimbursement from Jefferson County Open Space.

### **Alternatives to the Proposed Action**

An alternative to the Staff Recommendation would be to not approve the purchase of this property now. No Official Development Plan (ODP) is being processed right now for immediate development of the property - though the developer wishes to either sell or move forward with development as soon as new ODP's are again accepted by the City.

With development of this property, it is likely that the remainder of the pond could be preserved. However, the panoramic, open views from Sheridan Boulevard and from US 36 would be lost with such development, along with natural and wildlife values and trails connections. Such development would be very visible and intrude into the existing open space area.

### **Background Information**

This property is unique in that it is very visible from both Sheridan Boulevard and US36, and would complete a continuous open space and view corridor between these two travel routes. This land would add value to the existing Hyland Ponds Open Space. The open feeling would extend farther east across the Hyland Hills Golf Course, in approximately the geographic center of the City. This larger open space assemblage would also contrast strongly with the considerable commercial development along Sheridan Boulevard between 86th and 96th Avenues.

This proposed open space has been a high priority for preservation since the City's first Open Space Advisory Board was formed in 1989. A previous joint effort with Jefferson County Open Space to acquire this and several adjacent properties was attempted in 1991.

Approximately 50 acres were intended for a combination of Open Space and a proposed expansion of Hyland Hills Golf Course. Because of rapid increases in property value, changing expectations of the landowner during the course of negotiations, the failure of several Hyland Hills bond issues and an unwillingness by Jefferson County to endorse the joint venture with Hyland Hills Metro P&R District, this property and the adjacent properties were not acquired.

Contacts have continued from time to time, as this has remained a priority site for preservation. The property was sold to a developer several years ago, who intended to build a residential development at this location. Recently this developer approached the City, and expressed a desire to sell the property to the City for Open Space. The proposed purchase is the result of patience and on-going contacts over a number of years.

In addition to requesting partial reimbursement from Jefferson County Open Space, Staff will also review this acquisition with Great Outdoors Colorado grant programs and any other available grants, and will pursue any promising leads.

The proposed purchase would allow the City to acquire this key open space and view corridor between Sheridan Boulevard and US 36, protect the excellent wildlife, fishing and open space values of the remainder of the pond, and allow for additional trail access to this property. This 18 acre addition to the "Hyland Ponds Open Space" would increase the size of this open space to over 55 acres, adding significantly to the diversity of wildlife and the number of citizens who can enjoy this open space.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 1996

COUNCILLOR'S BILL NO. \_\_\_\_\_  
INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2385 in the amount of \$14,590,129 is hereby increased by \$20,000 which, when added to the fund balance as of the City Council action on September 23, 1996, will equal \$19,415,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a transfer from the General Fund for Open Space purchase.

Section 2. The \$20,000 increase 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>REVENUES</u>		
Transfer from General Fund		
75-9999-360	\$3,525,373	<u>\$20,000</u>
\$3,545,373		
<u>EXPENSES</u>		
Residential Street Maint		
75-30-88-555-171	\$1,546,486	<u>\$20,000</u>
\$1,566,486		

Section 3. The General Fund budget will not change as a result of this ordinance but is included here for clarification purposes only.

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>EXPENSES</u>		
Contingency		
10-10-99-999-000	\$806,104	\$(20,000)      \$786,104
Transfer to GCIF		
10-10-95-990-975	\$3,761,373	<u>\$20,000</u> \$3,781,373
Total Expenses		<u>\$0</u>

Section 4 - 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. 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 23rd day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

WHEREAS, the City of Westminster is pursuing the acquisition of approximately 18 acres of land, located along 98th Avenue west of Sheridan Boulevard, in Jefferson County, for open space and trail purposes, and hopes to complete said acquisition in the near future using Westminster Open Space funds; and

WHEREAS, Jefferson County Open Space has established a process for joint acquisition with Cities, including reimbursement of key land purchases for open space and trails; and

WHEREAS, the acquisition of open space and trail corridor land will result in significant benefits to citizens of both Jefferson County and the City of Westminster,

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Staff shall submit a proposal to Jefferson County Open Space requesting reimbursement which would result in a joint acquisition matching up to 50% Jefferson County Open Space shares with Westminster's Open Space Program funds for the purchase of this land.

Passed and adopted this 23rd day of September, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 23, 1996

**Subject:** Urban Renewal District Signage & Parking Amendments

**Prepared By:** Larry Hulse, Planning Manager

### **Introduction**

City Council action is requested to adopt the attached Councillor's Bill amending Chapters 6 (Off-Street Parking Requirements) and Chapter 7 (Sign Regulations) of Title XII of the Westminster Municipal Code and to adopt a Resolution authorizing an Urban Renewal Plan Amendment for parking and signage modifications.

### **Summary**

During discussions about possible amendments to the City's Urban Renewal Plan at the July 22 meeting and as a post-Council meeting discussion item on August 12, City Council members expressed interest in modifying some of the City Code requirements for the Urban Renewal Area. The primary areas of concern were the provisions for parking and elements of the City's sign code.

Staff is recommending three changes for parking and signage requirements for adoption under an amendment to the Urban Renewal Plan. These are:

- > **(1) Parking** - If off-street parking cannot be accommodated on a particular property as required by the City Code in the Urban Renewal District, parking requirements may be adjusted in the following manner:
  - a. The amount of parking required by the City code would be reduced to take into account any parking spaces lost by the property as a result of the current street widening project on 72nd Avenue.
  - b. Shared parking and off-site parking facilities would be allowed as long as those parking lots are within 600 feet of the primary use. Off-site parking must either be owned by the ultimate user; or, if shared with another use, must be guaranteed to be available with a written agreement drawn to the satisfaction of the City Attorney. The agreement would assure the continued availability of the off-site parking for the uses they are intended, such as is done with permanent cross-access or parking easements.
- > **(2) Signage Setbacks** - In the Urban Renewal Area, the required setbacks for new signage meeting the City's Sign Code could be reduced, or waived along 72nd Avenue, unless the sign is located in a sight triangle at an intersection or driveway. The City would require a greater setback if necessary to ensure that proper sight triangles are maintained.

> **(3) Signage Requirements** - Any new sign in the Urban Renewal Area would be required to meet the City's Sign Code. However, regulations for shopping center identification signage at retail shopping centers in the Urban Renewal Plan Area would differ from the City Code in that up to six tenants could be listed on each sign face rather than the current limit of two tenants. Where this provision is granted, the tenant signage shall be of a uniform lettering style in size and color. The maximum size of the allowable for shopping center identification signage would not be increased.

### **Staff Recommendation**

1. Pass Councillor's Bill No. on first reading pertaining to sign and parking code amendments to the Urban Renewal Plan.

2. Adopt Resolution No. approving an Urban Renewal Plan Amendment regarding signage and parking requirements and incorporating the amendment into the the 1996 Amended Urban Renewal Plan. These amendments to the Urban Renewal Plan will not substantially change the current 1996 Amended Urban Renewal Plan in land area, design, building requirements, timing or procedure, and therefore are not subject to the procedural requirements of section 31-25-107, C.R.S.

### **Background Information**

With the 72nd Avenue Street Improvements project currently under construction, some area businesses have expressed concern with the parking requirements and sign provisions outlined in the City Code. Some business owners have lost property frontage along 72nd Avenue in order to accommodate the widening of the street. These issues were recently discussed by the City Council during the Study Session in July relating to Urban Renewal Plan Amendments. Additionally, at a public hearing on Urban Renewal Plan amendments, 72nd Avenue property owner Joe Lombardi commented on the need to allow shared parking in the older areas of the City.

Under Colorado Law, the City's Urban Renewal Plan may have requirements that are different than the standard Citywide code requirements. This is the case with the land use restrictions which are applicable only in the City's Urban Renewal Area.

In order to accomplish the amendments, the City Code must first be amended to refer to the special provisions of the Urban Renewal Plan related to the provision of parking and signage. Second, a resolution will amend the Plan outlining the provisions and procedures for these special Urban Renewal District exceptions to the parking and signage provisions of the Westminster Municipal Code.

Staff generally believes that parking and signage requirements should be consistent throughout the City. However, due to the property ownership configurations and the effect of the 72nd Avenue project on the Urban Renewal Area, Staff believes that variations within the Urban Renewal Area for required parking and signage should be considered. Staff supports these special exceptions only in the Urban Renewal area.

### **Parking**

The Urban Renewal Plan now calls for all uses to meet the parking requirements stated in the Westminster Municipal Code.



Due to the fact that the property lines are already set and all the businesses for the most part are built, it is very difficult for most uses to meet the modern parking requirements based on the type of use and occupancy of their space. Plus, many of these buildings were constructed 20 - 30 years ago when parking standards were different from today's code requirements. In addition, the 72nd Avenue Street widening has also affected parking availability. Therefore, Staff recommends an Urban Renewal Plan amendment to address parking needs.

**Parking Requirement Reductions** - Parking requirements for a particular business could be reduced by the number of spaces removed as a result of a public improvement, such as the widening of 72nd Avenue. For example, if a business has a code requirement of ten spaces and two are removed due to a street widening, the requirement by the Code in the Urban Renewal District for that business would be reduced by two to a requirement of eight. Therefore, the business would not be nonconforming under the code requirements for parking because of the City's actions.

**Off-Site Parking** - "Off-site" parking is currently not allowed by the Westminster Municipal Code. Currently, all parking must be on the same site as the use it is serving. In the Urban Renewal Plan, a variance could allow off-of-the-site parking in the adjacent areas within 600 feet of where the property is located, if owned by the same person. The additional off-site parking would be used to fulfill the basic parking requirements of a business.

**Shared Parking** - Shared parking is a concept that is not currently allowed by the Code for conventional zoning districts. However, it is practiced in many of the Planned Unit Developments, such as shopping centers where the whole center shares in the available parking. In the older part of the City which is subject to the Urban Renewal Plan, Staff recommends a Plan amendment which would allow off-site parking on a separately-owned parcel. Required parking could be shared with an adjacent user within 600 feet. Staff will approve shared parking after reviewing any potential conflicts with the parking, such as where both uses would be using the parking lot at the same time. The City would also require proof that the parking will be available for use into the future, and that the shared parking arrangement could not be terminated due to the sale of a property. This concept is being used in other jurisdictions in the metro area and is supported in an American Planning Association publication on flexible parking.

## **Signage**

There are two signage concerns that warrant consideration of modification of signage requirements in the Urban Renewal Area.

**1) Setbacks** - Currently, the City Code requires that any new sign be setback ten feet or more from a street or right-of-way, depending on the size of the sign. In the older part of the City, it is often difficult to meet the ten foot setback requirements due to the parking lot configurations which already exist and building placements. There are currently signs that were built prior to the street widening that at one time had a ten foot setback. Due to the widening of 72nd Avenue, the setbacks on many properties have been reduced, sometimes to a zero foot setback. The proposed amendment to the Urban Renewal Plan would permit signs to have a zero foot setback depending on Staff's review. The setback reduction would not be allowed in areas that would compromise the traffic sight triangles at major intersections.

**2) Signage Use and Tenant Listings** - The City sign code now allows free-standing signs in retail shopping centers to state only the name of the shopping center and two major tenants. For example, the shopping center across 88th Avenue from the Westminster Mall currently notes the name of the shopping center and two tenants, Toys R Us and McDonalds. The reason for this is that in many new developments, the centers are often very large. In order to have effective signage at the street level, the signage lettering and message must to be simple so that people will recognize the name of the center and the major tenants. Listing numerous tenants on a directory sign near the street is often confusing and adds to signage clutter along right-of-ways.

Currently, in the Urban Renewal Area there are few shopping centers of the same magnitude as the newer centers built since these code requirements were established. In fact, many of the old signs in the older part of the City list all of the tenants. Staff recommends an Urban Renewal Plan Amendment which would allow up to six tenants listed on free standing signs only in the Urban Renewal District. This may encourage more of the older businesses to reconfigure their signage to meet the intent of the City sign codes, which require low level signs with a monument type of base. Staff also recommends that identification signage be required to have consistent colors and letter type style to improve the aesthetics and readability.

Staff believes that this amendment to the Urban Renewal Plan would not compromise the general intent of either the parking code or the sign code. The modification would allow some changes from City-wide standards to better meet some of the particular needs of the older area. These amendments may also encourage businesses to find either additional parking or to replace old signage with more modern signage that meets the general goals and intent of the Urban Renewal Plan.

These amendments would be incorporated into the 1996 Amended Urban Renewal Plan which was adopted by Council on July 22nd. Staff will then reproduce the Plan in its entirety for distribution to the public.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1996

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

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 12-6-2 AND 12-7-6 OF THE WESTMINSTER MUNICIPAL CODE REGARDING PARKING REGULATIONS AND PERMITTED SIGNAGE SPECIFIED IN THE WESTMINSTER URBAN RENEWAL PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 12-6-2 of the Westminster Municipal Code is hereby amended as follows:

**12-6-2: DUTY TO PROVIDE, MAINTAIN OFF-STREET PARKING:**

(G) THE OFF-STREET PARKING REGULATIONS IN THIS CHAPTER SHALL APPLY TO THE AREA INCLUDED IN THE "WESTMINSTER URBAN RENEWAL PLAN" EXCEPT AS OTHERWISE SPECIFIED IN THE PLAN.

Section 2. Section 12-7-6 of the Westminster Municipal Code is hereby amended as follows:

**12-7-6: GENERAL SIGN PROVISIONS:**

(G) THESE CONDITIONS AND PROHIBITIONS SHALL APPLY TO THE AREA INCLUDED IN THE "WESTMINSTER URBAN RENEWAL PLAN" EXCEPT AS OTHERWISE SPECIFIED IN THE PLAN.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. 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 23rd day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of October, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILMEMBERS

SERIES OF 1996

RESOLUTION APPROVING CERTAIN PROPOSED MODIFICATIONS, REGARDING PARKING AND SIGNAGE REQUIREMENTS, TO THE WESTMINSTER URBAN RENEWAL PLAN AND MAKING CERTAIN FINDINGS RELATIVE TO THE PLAN AS MODIFIED

WHEREAS, the City of Westminster City Council has previously adopted the Westminster Urban Renewal Plan (the "Plan") for the Westminster Urban Renewal Area; and

WHEREAS, as a result of the City's 72nd Avenue Capital Improvement Project (the "Project") and existing property ownership configurations within the Urban Renewal Area, some businesses may be unable to meet minimum parking and signage requirements specified in the Westminster Municipal Code; and

WHEREAS, pursuant to City Council's direction, City Staff has proposed certain modifications to the Urban Renewal Plan regarding parking and signage requirements, as set forth in the amendment attached to this Resolution as Exhibit A; and

WHEREAS, said modifications are intended to avoid undue hardship as a result of the Project and to recognize the unique physical and economic constraints of this older section of the City relative to parking and signage.

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

1. The proposed modifications to the Westminster Urban Renewal Plan set forth in Exhibit "A" will not substantially change the current Urban Renewal Plan, and therefore, the approval of these amendments is not subject to the procedural requirements of section 31-25-107, C.R.S.

2. Colorado state law expressly authorizes municipalities to cooperate with urban renewal authorities in the planning and implementation of urban renewal projects, and to adopt special building and zoning regulations to facilitate such projects.

3. These proposed Urban Renewal Plan amendments will not compromise the general intent of Chapter 6 (Off Street Parking Requirements) and Chapter 7 (Sign Regulations) of Title XII of the Westminster Municipal Code.

4. The Westminster Urban Renewal Plan, as amended pursuant to Exhibit "A," shall hereinafter be deemed controlling with respect to all property within the Urban Renewal Area.

5. This Resolution shall be deemed effective as of the date of adoption on second reading of Councillor's Bill Nos. , Series of 1996.

PASSED AND ADOPTED this 23rd day of September, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 23, 1996  
**Subject:** Councillor's Bill No. re Legacy Ridge Easement Vacation  
**Prepared by:** Richard G. Borchardt, Civil Engineer

### **Introduction**

City Council action is requested on the attached Councillor's Bill to vacate a portion of an existing 50-foot wide sanitary sewer easement in the Legacy Ridge Filing No. 3 Subdivision at the east side of 110th Place and Legacy Ridge Parkway.

### **Summary**

The development of Legacy Ridge Subdivision, Filing No. 3 necessitates the vacation of the existing 50-foot sanitary sewer easement. The existing easement will be replaced by a fee simple public right-of-way (ROW) for 110th Place which will overlay the existing sanitary sewer easement. The public ROW will provide the necessary means for the maintenance of the existing sanitary sewer. Vacation of the existing sanitary sewer easement eliminates fringes on both sides of the proposed street which would conflict with public utility easements necessary for the installation of gas, electric, phone and cable.

City Staff is in agreement with the owner's request that the subject portion of the easement be vacated. Naturally, this vacation will be conditional upon the City's receipt of right-of-way for 110th Place. The City Charter mandates that Council must approve vacations via ordinance, and the attached ordinance includes language to make the subject easement vacation conditioned upon the receipt of right-of-way for 110th Place.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading vacating a portion of a 50-foot wide utility/access easement in the Legacy Ridge No. 3 Subdivision.

### **Background Information**

In 1996, the development of Legacy Ridge Filing No. 2 necessitated a sanitary sewer connection be made across a future filing (Legacy Ridge Filing No. 3). Since in 1996 Legacy Ridge Filing No. 3 was only in the concept stage, a sanitary sewer easement was required to enable the City access and to maintain the sanitary sewer. In 1996, with the development of Legacy Ridge Filing No. 3 and the dedication of right-of-way for 110th Place, the previously dedicated sanitary sewer easement is no longer needed and is in conflict with a public utility easement for the installation of gas, electric, phone and cable; thus, the existing sanitary sewer easement should be vacated.

**Respectfully submitted,**

William M. Christopher, City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1996

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

A BILL

FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT WITHIN THE LEGACY RIDGE GOLF COURSE COMMUNITY P.U.D.

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain 50-foot wide utility and access easement located with Legacy Ridge Filing No. 3 Subdivision was previously dedicated to the public by Sanitary Sewer Easement Agreement recorded in Adams County Clerk and Recorder's Office in Reception No. B1099364, File No. 17, Map No. 97; and

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the eastment parcel described in Section 2 hereof.

Section 2. A portion of a 50-foot wide sanitary sewer easement being more particularly described as follows:

A parcel of land being a portion of Tract MM of the Westminster Golf Course Community P.U.D. as deposited in the Adams County Clerk and Recorder's Office at File Number 17, Map Number 97, Reception Number B1098364, also being a portion of the northwest quarter of Section 8, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as:

Commencing at the northwest corner of said northwest quarter; thence N89°16'21"E along the northerly line of said northwest quarter, a distance of 508.50 feet to a point on the centerline of Tract ZZ as shown on the deposited Westminster Golf Course Community P.U.D.; thence along said centerline the following four (4) courses:

1. Thence S00°43'28"E, a distance of 51.85 feet to a point of curvature; 2. Thence along a curve to the right having a central angle of 26°45'36", a radius of 650.00 feet, and an arc length of 303.58 feet; 3. Thence S26°11'45"W, a distance of 219.86 feet to a point of curvature; 4. Thence along a curve to the left having a central angle of 55°07'05", a radius of 650.00 feet, and an arc length of 625.30 feet;

Thence N60°41'39"E, a distance of 40.00 feet to a point on the easterly boundary of said Tract ZZ, said point being the Point of Beginning; thence along a curve to the right having a central angle of 73°58'28", a radius of 91.00 feet, a chord bearing N86°06'52"E, and an arc length of 117.49 feet to a point of compound curvature; thence along a curve to the right having a central angle of 17°54'06", a radius of 123.00 feet, a chord bearing S47°56'51"E, and arc length of 38.43 feet; thence S38°59'48"E, a distance of 38.09 feet to a point of curvature; thence along a curve to the left having a central angle of 56°26'01", a radius of 187.0 feet, and an arc length of 184.19 feet; thence N84°34'11"E, a distance of 84.82 feet to a point of curvature; thence along a curve to the right having a central angle of 36°30'35", a radius of 252.00 feet, and an arc length of 160.58 feet; thence S58°55'14"E, a distance of 171.20 feet to a point on the southerly line of said Tract LL; thence S83°00'25"E, along said southerly line a distance of 86.47 feet; thence N06°59'35"E, a distance of 58.11 feet to a point of curvature;

thence along a curve to the left having a central angle of 104°54'23", a radius of 55.00 feet, and an arc length of 100.70 feet to a point of reverse curvature; thence along a curve to the right having a central angle of 37°37'26", a radius of 246.00 feet, and an arc length of 161.54 feet to a point of reverse curvature; thence along a curve to the left having a central angle of 35°08'27", a radius of 306.00 feet, and an arc length of 187.68 feet; thence S84°34'11"W, a distance of 84.82 feet to a point of curvature; thence along a curve to the right having a central angle of 56°26'02", a radius of 133.00 feet, and an arc length of 131.00 feet; thence N38°59'48"W, a distance of 38.09 feet to a point of curvature; thence along a curve to the left having a central angle of 75°37'58", a radius of 177.00 feet, and an arc length of 233.65 feet to a point on said easterly right-of-way of Legacy Ridge Parkway; thence southerly along said easterly right-of-way along a non-tangent curve to the left having a central angle of 06°49'11", a radius of 610.00 feet, a chord bearing S25°53'46"E, and an arc length of 72.61 feet to the Point of Beginning. Said Parcel contains 1.29 acres, more or less

Section 3. This ordinance shall take effect upon its passage after second reading and upon the provision of right-of-way for 110th Place for the City-owned and maintained utilities and access upon the property.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 23, 1996  
**Subject:** Wolff Run Park Playground Renovation  
**Prepared by:** Sarah Christian, Landscape Architect Intern

### **Introduction**

City Council action is requested to authorize the City Manager to sign a contract with General Concrete Contractors in the amount of \$254,700 plus a \$25,500 contingency for the purpose of completing the Wolff Run Park II playground renovation. In addition, City Council action is requested to pass the attached Councillors Bill on first reading transferring \$50,000 from the General Fund Contingency to the General Capital Improvement Fund, Park Improvement Projects account. Funds for this project are available in the 1996 General Capital Improvement Fund and in the General Fund Contingency.

### **Summary**

In 1992, Westminster City Council approved the Park Improvement Program project using a portion of the funds from Open Space Sales and Use Tax to restore, renovate, and replace playgrounds throughout the City's park system. Wolff Run Park was originally constructed in 1979. Because of heavy usage and the extensive deterioration to equipment and materials over the past 16 years, the playground requires special attention and additional work as compared to other playground renovation projects. Therefore, a professional consultant was hired to design and develop construction drawings for this extensive work in order to hire a private contractor to reconstruct this playground area.

The renovation project was advertised and bid according to Westminster's bidding and purchasing procedures. The low bid of \$254,700 by General Concrete Contractors is considered a good bid and construction references have been verified.

### Available Construction Budget:

#### General Capital Improvement Fund

1996 Park Improvement	\$164,800
1996 Park Major Maintenance	\$50,000
1996 Trail Development	\$18,000
Subtotal	\$232,800

1996 Transfer from General Fund	\$50,000
Contingency (proposed)	
<b>TOTAL</b>	<b>\$282,800</b>

### Less Expenses:

Low Bid	\$254,700
10% Contingency	\$25,500
Testing Expenses	\$2,600
<b>TOTAL</b>	<b>\$282,800</b>



Note: Funds will be transferred from the 1996 Park Major Maintenance and Trail Development Accounts into the Park Improvement Account as indicated above.

### **Staff Recommendation**

1. Authorize the City Manager to sign a contract with General Concrete Contractors in the amount of \$254,700 for the purpose of constructing the Wolff Run Park II playground renovation; establish a \$25,500 project contingency, and charge these amounts to the appropriate accounts in the 1996 Budget.
2. Pass Councillor's Bill No. \_\_\_\_\_ on first reading, authorizing the transfer of \$50,000 from the General Fund Contingency to the Park Improvement Project account in the General Capital Improvement Fund.

### **Background Information**

To keep pace with the ongoing renovation of playgrounds in the park system, Wolff Run Park playground area was identified as one of the top priority park improvement projects in 1996. While evaluating the condition of the playground equipment and the need to comply with the Americans with Disabilities Act (ADA) standards and Consumer Safety Product guidelines, additional repairs to existing retaining walls, steps, and connecting paths were identified. Therefore, a professional consultant was hired to develop renovation plans for this area.

Repairs and renovation to Wolff Run Park include demolition and replacement of the playground area, installation of a second picnic shelter to accommodate an increasing demand for reservable picnic shelters, renovation of the concrete plaza area to better accommodate ADA access, replacement of deteriorated wooden steps to concrete, replacement of rotted railroad tie walls to interlocking block, installation of portable restroom enclosure, drinking fountain, and improvements to an existing path which crosses Shaw Heights drainage tributary to Little Dry Creek.

Staff held one public meeting in June, 1996 to share the park renovation plans with residents of this area. Over 700 fliers were distributed door-to-door. However, only three residents attended this public meeting. The three residents who were interested in this project were very complimentary and satisfied with the proposed renovations.

The Wolff Run Park bid results are as follows:

- |                                    |                  |
|------------------------------------|------------------|
| 1. General Concrete Contractors    | <b>\$254,700</b> |
| 2. Arrow J Landscape & Design Inc. | <b>\$266,199</b> |
| 3. Goodland Construction           | <b>\$291,456</b> |
| 4. Jose Garcia Construction        | <b>\$318,226</b> |

An alternative which City Council could consider would be to reject all bids which would delay completion of the project and possibly add costs. A second alternative would be to reject Staff's request for a contingency transfer and cut back on the scope of the project. Wolff Run Park and playground area is heavily used and overdue for the proposed improvements.

Wolff Run Park Playground Renovation

Page 3

The Wolff Run Park Pavilion was reserved over 50 times for group picnics this year and the park facilitates the Summer Playground for Youth activity which serves 60 youth for eight weeks during the Summer. Cutting back the scope of services would negatively impact this service delivery, but would be achieved if City Council desired to do so at this time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Councillors Bill

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1996

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

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2385 in the amount of \$14,590,129 is hereby increased by \$50,000 which, when added to the fund balance as of the City Council action on September 23, 1996, will equal \$19,395,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a transfer from the General Fund for Wolf Run park improvements.

Section 2. The \$50,000 increase 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>REVENUES</u>			
Transfer from General Fund			
75-9999-360	\$3,475,373	<u>\$50,000</u>	
\$3,525,373			
<u>EXPENSES</u>			
Park Improvement Program			
75-50-88-555-237	\$231,041	<u>\$50,000</u>	\$281,041

Section 3. The General Fund budget will not change as a result of this ordinance but is included here for clarification purposes only.

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>EXPENSES</u>			
Contingency			
10-10-99-999-000	\$856,104	\$(50,000)	\$806,104
Transfer to GCIF			
10-10-95-990-975	\$3,711,373	<u>\$50,000</u>	\$3,761,373
Total Expenses		<u>\$0</u>	

Section 4 - 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. 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 23rd day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 23, 1996

**Subject:** Option Agreement to Purchase Sylvan Reservoir and Lyman Ditch Water Rights

**Prepared by:** Mike Happe, Water Resources Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to negotiate and execute an agreement with ING Real Estate Investors, Inc., ("ING") extending an option to purchase the Sylvan Reservoir and associated water rights and the Lyman Ditch Water Rights. Funds for this expense are available in the Water Purchases account in the Utility Capital Improvement Fund.

### **Summary**

The existing option agreement to purchase the Sylvan Reservoir and associated water rights and the Lyman Ditch water rights is due to expire on September 24, 1996. This water right is being considered for purchase for integration into the proposed Henderson Tunnel Project involving the diversion of water from the Williams Fork River through the Henderson Haulage Tunnel into Clear Creek and Westminster's raw water system. The Sylvan and Lyman water rights are located in Grand County on Little Muddy Creek and the Williams Fork Reservoir respectively. Pursuant to the original option agreement Westminster has paid \$50,000 toward the purchase of the reservoir and water rights and would owe a total of \$1.1M upon closing.

Earlier this year, the Sylvan Reservoir dam experienced a significant problem that cause the State Engineer to order water to be evacuated and the storage level limited to approximately 12 feet below its normal high water line. Given this problem with the reservoir and other uncertainties regarding the purchase of the reservoir and water rights, Staff has re-negotiated the option agreement with ING.

The purchase price for the reservoir has been lowered to \$825,000 from \$1.1M to account for the problems with the dam and other factors, however, in order to extend the option until the end of the year, a payment of \$50,000 will be made to ING to be used to make improvements to the headgate and ditch that fill Sylvan Reservoir. In addition, Westminster may extend the option past December 31, 1996 for 2 separate 3 month increments for payments of \$25,000. These payments will not apply to the purchase price of the reservoir.

### **Staff Recommendation**

Authorize the City Manager to sign an agreement with ING Resources, Inc., extending the option for the City to Purchase the Sylvan Reservoir and associated water right and the Lyman Ditch water rights and authorize the expenditure of \$50,000 upon closing and up to two additional option payments not to exceed \$25,000 each from the appropriate Utility Fund Capital Improvement Account pursuant to the Agreement.

### **Background Information**

Staff has been investigating the potential to develop a water supply project using the Henderson Mine Haulage Tunnel to bring water from the Williams Fork River Basin under the Continental Divide into Clear Creek and Westminster's raw water system. In order to make diversions from the Williams Fork River into the Henderson Tunnel during dry year conditions, replacement water rights located in the Colorado River basin need to be acquired by Westminster. In order to secure the option to purchase a portion of the water needed for this replacement, Westminster entered into an option agreement with ING Resources, Inc. to purchase the Sylvan Reservoir and associated water rights and the Lyman Ditch. The terms of the option agreement called for a purchase price upon closing of \$1.1M. Westminster has paid ING \$50,000 to date under the option agreement which is now due to expire on September 24, 1996.

The Sylvan Reservoir gets its water supply from Little Muddy Creek in the Colorado River Basin. The reservoir is located on the basin divide between Little Muddy Creek and the Williams Fork River, thus it can release water directly to the Williams Fork River. Lyman Ditch is located on the Williams Fork River and has historically irrigated pasture land in the Williams Fork valley. The consumptive use from this water right can be used to replace Westminster's diversions at the Henderson Tunnel.

The Sylvan and Lyman water rights would be a good replacement source for the Henderson Tunnel Project and Staff is recommending keeping this option open. The re-negotiated option agreement would allow Westminster to pursue other portions of the Henderson Tunnel Project until the end of June, 1997, if necessary, before committing to purchasing the reservoir and water rights. It is Staff's intention to have a much better idea of the overall feasibility of the Henderson Tunnel Project before this option agreement expires.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 23, 1996  
**Subject:** Semper Water Treatment Plant Expansion Project  
**Prepared by:** Judy Ding, Utilities Project Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to execute Change Order No. 1 to the contract with HDR Engineering, Inc., for additional engineering services required for construction engineering and management of the Semper Water Treatment Plant (WTP) Expansion Project in the amount of \$82,900. Funds for this change order are available in the previously approved contingency account for the engineering contract.

### **Summary**

City Council previously approved the award of the Semper WTP Expansion design and construction engineering services to HDR Engineering on August 22, 1994. The approved project budget of \$912,860 included \$829,873 for the engineering services contract and \$82,987 for the contingency account.

Additional work beyond the contractual scope of services was performed to meet State and City requirements. Also, additional time and effort was required to handle project-specific construction issues. Therefore, the engineering services budget was depleted at a faster than normally expected rate.

It is necessary for City Council to authorize the execution of this change order, since the amount of the change order, \$82,900, is greater than 5 percent of the amount of the original contract, \$829,873.

### **Staff Recommendation**

Authorize the City Manager to sign Change Order No. 1 to the consulting engineering services contract with HDR Engineering, Inc., for \$82,900.

### **Background Information**

The Semper WTP Expansion Project is a complex project requiring the coordination of multiple engineering disciplines including water treatment process, structural, mechanical, civil, electrical, instrumentation and controls, architectural, landscaping, and construction, to meet the City's aggressive construction schedule. The City does not have an adequate level of resources in-house to successfully complete the required construction engineering tasks.

The Semper WTP Expansion Project is 80 percent complete to date, with \$2,731,474 remaining in the construction contract. If this change order is not authorized, the project construction will continue without a resident inspector or any other engineering assistance.

Without the necessary technical expertise and project guidance, it is not likely the City can control or focus the contractor's activities as required to successfully complete the remaining 20 percent of the expansion project or ensure the remaining construction dollars are spent in the City's best interest.

Change Order No. 1 to the consulting engineering services contract with HDR Engineering, Inc., is for additional engineering services required for successful construction of the Semper WTP Expansion. The additional, negotiated fee is required to cover five months, June 1 through October 31, of engineering services at \$16,580 per month. The actual average rate of expenditure over the life of the project to-date is approximately \$25,000 per month. The construction project has required additional engineering services and effort to resolve actual field conditions and issues that would not normally be expected.

HDR Engineering, Inc., provided additional construction engineering services to design the new Filters 21-26. Filters 21-26 are required by the Colorado Department of Public Health and Environment in order for Semper WTP to be in compliance with the maximum filtration rate of 5 gallons per square foot of filter surface area. Filters 21-26 were not part of the original scope of engineering services. Although October 31, is the original contractual deadline for the expansion project, the revised contractual deadline for the construction of Filters 21-26 is January 1, 1997; therefore, the City has begun negotiating the additional fee for construction engineering services for Filters 21-26.

Additional work, beyond the original scope of services, was performed which depleted the engineering services budget at a faster rate than expected. This additional work included creating submittals to amend the City's official development plan (ODP) for the Semper WTP and design of Filters 21 through 26 to satisfy State requirements. Also, there have been construction issues that were out of the ordinary and required greater effort than expected to resolve. These issues include a major slab repair for the 5 million gallon clearwell and lending technical support in resolving the soil stabilization issues with the neighboring property, Serpentix Corporation, at 9085 Marshall Court.

Alternately, the City could hire another consultant to complete the construction engineering phase of the expansion project. The consultant would need to offer engineering expertise in all disciplines including water treatment process, structural, mechanical, civil, electrical, instrumentation and controls, architectural, and landscaping, and construction. Being new to an ongoing construction project and without the benefit of the design philosophy and intent of the expansion of the WTP, the City could reasonably expect to spend substantially more money per month for construction engineering. Over the remaining five months in the construction contract, the City could expect to spend \$125,000 to \$150,000 if another engineering consultant was used. This is 34 to 45 percent more than the \$82,900 requested for this Change Order No. 1 to HDR Engineering's contract.

Respectfully submitted,

William M. Christopher  
City Manager



**Date:** September 23, 1996

**Subject:** Resolution No. re Water Conservation Plan

**Prepared by:** Kelly DiNatale, Water Resources Manager

### **Introduction**

City Council action is requested to adopt the attached Resolution adopting a City of Westminster Water Conservation Plan.

### **Summary**

The Water Conservation Plan outlines the existing comprehensive water conservation measures that the City of Westminster has already implemented, as well as recommended future activities. The Water Conservation Plan was made available for public comment for 60 days. Notices seeking public comment were included in City Edition, City Link, and the City of Westminster Cable Access television channel. The document was available for review at City Hall, the Municipal Service Center, the Westminster Public Libraries, and through the City's Home page on the Internet. The only comments received on the Plan were from the State Office of Water Conservation and those comments have been incorporated into the Plan. The Plan is presented to City Council for adoption. Adoption of the Plan by City Council makes the City eligible for low interest rate financing from the Colorado Water Conservation Board. This low interest rate financing may be utilized for construction of the Westminster Reclaimed Water Project, which is a key component of the City's future water conservation efforts.

### **Staff Recommendation**

Adopt Resolution No. adopting the City of Westminster Water Conservation Plan.

### **Background Information**

The Water Conservation Plan outlines the existing comprehensive water conservation measures that the City of Westminster has implemented. In 1976, Westminster was one of the first municipalities to:

- \* implement an increasing block rate water conservation pricing structure for residential water users;
- \* meter and charge all water users including City Parks and construction water users; and,
- \* modify the Municipal Building Code to require low water plumbing fixtures in all new development.

Since the implementation of the water conservation rates and low-flow plumbing code in 1976, the City has undertaken a series of additional water efficiency and water conservation activities. These include:

- \* installation of a two weather stations to collect evapo-transpiration (E-T) data that are utilized by the City's Parks Division in a computerized irrigation scheduling program to schedule irrigation at City parks, Legacy Ridge Golf Course, and other City facilities;
- \* installation of computerized irrigation controls at City Park and Legacy Ridge Golf Course that allow for automatic and remote control of irrigation to increase efficiency;
- \* rain sensors on all 130 irrigation time clocks for City Parks and City facilities that shut off irrigation during significant precipitation;
- \* Water Awareness presentations that are made to local elementary schools and displays at malls and public facilities during Water Awareness Week;
- \* Xeriscape seminars that offered at no charge through the Department of Parks, Recreation and Libraries;
- \* ongoing Leak Detection Program; and,
- \* an ongoing Meter Testing and Calibration Program.

Water conservation measures that could be implemented within the City of Westminster should be designed to address water use by all classes of water users in the City from residential to commercial/industrial and irrigation. Citizen participation is also desirable to achieve a wide acceptance of any potential measures to be implemented. Citizen and other water user participation on this Plan was solicited through the numerous City communication tools including:

- \* City Edition, the City's citizen newsletter which is distributed to all Westminster households eight times per year;
- \* City Link, another City publication which is mailed to 750 community leaders every other week;
- \* the City of Westminster Cable Access Channel;
- \* Notices which were provided at neighborhood Community Oriented Governance (COG) meetings. (Community Oriented Governance is an outreach effort of the City to develop community partnership at a neighborhood level to provide community members a more localized forum to discuss and resolve City and neighborhood issues.); and,
- \* The City of Westminster Home Page on the Internet at <http://ci.westminster.co.us/>.

The following water conservation measures are currently in effect or are proposed to be utilized to increase future water use efficiency:

1. Water efficient fixtures and appliances. The City has had a low-flow plumbing ordinance in effect since 1976. As part of a joint \$140,000 study with the Home Builders Association (HBA Joint Water Management System Study) that is currently underway, the efficacy of additional water-efficient fixtures and appliances will be evaluated with a demonstration project. Ten ultra water conserving homes will be constructed this year, with extensive data-logging of water use to be conducted next summer.

These homes will be monitored and compared to similar homes in the same development to determine which measures are cost-effective. See attachment A for additional information on this study.

2. Low water use landscapes and efficient irrigation. In addition to the extensive irrigation efficiency measures that have taken by City facilities (see section III-C), as part of the HBA Joint Water Management System Study, soil moisture sensors and low water using landscaping will be installed and monitored in the ten ultra water conserving homes. This study will determine the cost-effectiveness of expanding the program to additional new construction.
3. Water Reuse Systems. The City has completed a \$165,000 preliminary design of a nonpotable water reclamation project. The Westminster Water Reclamation Project could reclaim up to 3,700 AF of water from the City's Big Dry Creek Water Reclamation Plant. This water would be used for irrigation of City parks and golf courses, non-City owned golf courses, and commercial and industrial users. A public information effort is underway to determine the level of public acceptance, and requests for proposal for final design are scheduled to be sent in mid-October. The Westminster Reclaimed Water Project could be providing up to 1,100 AF of non-potable irrigation demands by 1999.
4. Leak Detection. In 1993, the City purchased leak detection equipment. This equipment was utilized to confirm suspected leaks. In 1995, the leak detection program was expanded to a full-time effort of seeking out leaks. If a leak is discovered during the routine monitoring, a field crew is dispatched to repair the water line.
5. Dissemination of Information. The City of Westminster provides Water Awareness presentations that are made to local elementary schools and displays at malls and public facilities during Water Awareness Week. Xeriscape Seminars are also offered for free through the Department of Parks, Recreation and Libraries. Information that is developed through the Home Builder's Association (HBA) Joint Water Management System Study and the Reclaimed Water Project Final Design will be disseminated to the public through the channels described in V.A. above.
6. Conservation Water Rate Structures. Westminster has been a leader in the development and implementation of conservation rate structures and will continue to implement rates that promote water conservation.
7. Regulatory Measures. At this time, the City of Westminster does not anticipate additional regulatory measures to promote water conservation. The existing building codes, water rate structure, and public education efforts appear to be very effective in promoting the desired water use efficiency without additional burdensome regulations. However, with the completion of the HBA Joint Water Management System Study and analysis of the results of that study, additional cost-effective conservation measures may be identified that are acceptable for implementation through regulations or incentive programs.

8. Incentives to Implement Water Use Efficiency Techniques. The City has learned through the years that pricing of water is the best incentive for achieving water use efficiency and does not require regulations that are difficult to enforce. Incentive programs will be evaluated at completion of the HBA Joint Water Management System Study. Preliminary results of this Study indicate that there has been a significant amount of low-flow plumbing retrofitting accomplished by older housing stock (pre-1977 construction) without the use of any incentive programs other than the cost savings on water and sewer bills.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Resolution  
Water Conservation Plan

**RESOLUTION**

**RESOLUTION NO.**

**INTRODUCED BY COUNCILLORS**

**SERIES OF 1996**

\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER ADOPTING THE CITY OF WESTMINSTER WATER CONSERVATION PLAN.**

**WHEREAS**, the City Council finds that in light of the City of Westminster's finite water supply and growing demand, it is prudent for the City to efficiently use its existing water resources;

**WHEREAS**, efficient use of the City's water resources through water conservation measures such as increasing block water rates, leak detection, public education and reclaiming treated effluent for irrigation purposes is cost effective and preserves natural resources;

**WHEREAS**, the City of Westminster developed the City of Westminster Water Conservation Plan and submitted the Plan for public comment;

**NOW, THEREFORE, IT IS RESOLVED** by the City Council of the City of Westminster that:

The City of Westminster Water Conservation Plan is adopted.

**PASSED AND ADOPTED** this 23rd day of September, 1996

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 23, 1996  
**Subject:** Councillor's Bill No. 57 re Sheridan Crossing Assistance Package  
**Prepared by:** Susan F. Grafton, Economic Development Manager

### **Introduction**

Council action is requested to adopt the attached Councillor's Bill as amended on second reading approving the Sheridan Crossing Assistance Agreement.

### **Summary**

Westfield Development Company has established a new entity for the purpose of financing and developing the Sheridan Crossing project. The name of the new entity is "Sheridan Crossing 2, Ltd., LLP." Westfield Development Company has asked that the agreement for Sheridan Crossing be between the City and the new entity. Council is being asked to amend Councillor's Bill No. 57 to accommodate this request.

### **Staff Recommendation**

Adopt Councillor's Bill No. 57 as amended on second reading approving the Sheridan Crossing Assistance Agreement.

### **Background Information**

Westfield Development Corporation has established a limited liability limited partnership called "Sheridan Crossing 2, Ltd., LLP." This affiliate of Westfield Development Corporation will be the funding and developing group for Sheridan Crossing. The individuals with whom the City has been working will not change, nor will any of the substance of the Assistance Agreement. However, since the "Sheridan Crossing 2, Ltd., LLP" is a separate legal entity from Westfield Development Corp., it was thought best to amend the Agreement and Councillor's Bill to reflect the new partnership. The Councillor's Bill and attached Agreement are shown as amended.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1996

INTRODUCED BY COUNCILLOR'S  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH  
~~WESTFIELD DEVELOPMENT COMPANY, INC.~~ SHERIDAN  
CROSSING 2 LTD., LLP

THE CITY OF WESTMINSTER ORDAINS:

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

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

WHEREAS, ~~Westfield Development Company, Inc.~~ SHERIDAN CROSSING 2 LTD., LLP is developing the Sheridan Crossing PUD as a retail center which is to be located at the southeast corner of Sheridan Boulevard and 120th Avenue; and

WHEREAS, Sheridan Crossing will generate approximately \$50 million in retail sales annually; and

WHEREAS, a proposed Assistance Agreement between the City and ~~Westfield Development Company, Inc.~~ SHERIDAN CROSSING 2 LTD., LLP is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with ~~Westfield Development Company, Inc.~~ SHERIDAN CROSSING 2 LTD., LLP in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to implement said Agreement.

Section 2. 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 9th day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of September, 1996, as amended.

ATTEST:

\_\_\_\_\_  
Mayor

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

ASSISTANCE AGREEMENT  
IN CONNECTION WITH THE DEVELOPMENT OF  
SHERIDAN CROSSING PLANNED UNIT DEVELOPMENT

This Assistance Agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1996 by and among the City of Westminster, a Colorado home-rule municipality ("City"), and Sheridan Crossing 2 Ltd., LLP, a Colorado limited liability limited partnership ("Crossing").

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

WHEREAS, it is important for the City to remain competitive with other local governments in assisting retail development to locate in the City; and

WHEREAS, affiliates of Crossing are the owners of two (2) parcels of real property located within the City known more particularly as Sheridan Crossing Phase I and Phase II (see Exhibit A) (collectively referred to as the "Property" or "Sheridan Crossing"); and

WHEREAS, in connection with the development of the Property, Crossing intends to construct approximately 277,000 of new retail space in Sheridan Crossing; and

WHEREAS, Crossing is providing off-site improvements which have regional impacts; and

WHEREAS, Crossing's decision to construct Sheridan Crossing is contingent upon receiving adequate consideration from the City to offset a portion of the costs related to the construction of the off-site improvements;

NOW, THEREFORE, in consideration of the above premises, the mutual covenants set forth below, and for other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, Crossing and the City agree as follows:

1. Construction of Sheridan Crossing. Crossing shall cause the construction of up to approximately 277,000 square feet of new retail space to include an Albertson's grocery store, Walgreens, and other retailers which will be located at the southeast corner of 120th Avenue and Sheridan Boulevard.
2. Construction of Off-site Improvements. Within thirty (30) days of the date of this Agreement, Crossing shall cause the commencement of construction of the off-site improvements. Applications for any necessary City approvals relative to construction of the site improvements, shall be processed as expeditiously as possible, contingent upon Crossing's complete submittal of required data, documents and any applicable fees.
3. Land Acquisitions. Included within the off-site improvements shown on Exhibit B are the construction of a regional drainage way improvements (the "Drainage Way Improvements"). In order to accommodate the construction of the Drainage Way Improvements, the City shall acquire (i) that certain parcel of real property ("Adams County Parcel") described on Exhibit C1 owned by Adams County, Colorado and (ii) that certain parcel of real property owned by the 116th Partnership ("116th Parcel") described on Exhibit C2. The City shall expedite the acquisition of this property.



Crossing shall pay to the City a sum equal to the actual aggregate cost to the City to acquire the Adams County Parcel and 116th Parcel. The City shall permit Crossing to enter upon the Adams County Parcel and the 116th Parcel for purposes of constructing the off-site improvements at such times and in such manner as is reasonably required by Crossing to perform its obligations to construct the off-site improvements.

4. Sales Tax Rebate.

a. The City shall rebate to Crossing a dollar amount (estimated to be \$2,060,000) to be determined according to the following:

Traffic Signals: an amount equal to 75% (estimated to be \$126,563) of the actual cost (estimated to be \$168,750) not to exceed 110% of the estimate.

118th Avenue Improvements: an amount equal to 50% (estimated to be \$57,032) of the actual cost (estimated to be \$114,063) not to exceed 110% of the estimate.

Off-site Public Utilities: an amount equal to 79% (estimated to be \$388,403) of the actual cost (estimated to be \$491,650) not to exceed 110% of the estimate.

Drainage Improvements: an amount equal to 75% (estimated to be \$1,200,000) of the actual cost (estimated to be \$1,572,813) not to exceed 110% of the estimate.

Land Purchase: an amount equal to 100% of the actual cost (estimated to be \$287,500).

b. The actual amount of the sales tax rebate pursuant to this paragraph shall be determined prior to the issuance of the Certificate of Occupancy for any of the occupants of Sheridan Crossing.

c. Each contract related to the Off-site Improvements listed in Exhibit B is subject to the approval of the City Engineer. Failure to do so will cause the contract to be deleted from the rebate amount.

d. The sales tax rebate shall be payable exclusively from revenue collected by the City within the Sheridan Crossing PUD Phase I and II, attributable to the imposition of the City's 3.0% sales tax, but exclusive of the City's 0.25% open space tax.

e. The rebate shall be paid by the City in quarterly installments from sales tax revenue actually collected and received by the City from the retailers within the project, in installment amounts equal to 1) 75% of the total revenue for the first 12 months of operation; 2) 50% of the total revenue generated until such time as the maximum amount established in paragraph 4d (estimated to be \$2,060,000) has been paid. The final installment will be adjusted as may be necessary to limit the total rebate to the maximum established in paragraph 4b (estimated to be \$2,060,000).

f. The payment of each quarterly installment shall be made within 30 days following the close of each quarter.

5. Termination of the City's Obligations:

a. The obligations of the City pursuant to this Agreement shall terminate if for any reason Phase I of the Sheridan Crossing PUD Development is not completed by January 1, 1998, exclusive of any retail "pads," as set forth in the Official Development Plan for the Project. The term "completion" means obtaining all necessary Certificates of Occupancy within Phase I.

b. The obligations of the City pursuant to this Agreement shall terminate if for any reason Crossing becomes insolvent or applies for bankruptcy protection under the federal bankruptcy laws.

c. In the event of termination pursuant to this paragraph, the City shall be excused from any further performance obligations under this Agreement.

6. Assignment. This Agreement shall not be assigned without the prior written consent of the City. This Agreement shall be binding upon the heirs, executors, successors and assigns of Crossing.

7. Modification. No modification may be made to this Agreement without the prior written approval of the City and Crossing. Nothing in this Agreement shall be deemed to modify or supersede any other agreements between the City and Crossing.

8. Nature of City's Obligations. Nothing in this Agreement shall be construed or deemed as creating a multiple-year fiscal obligation of the City. All obligations of the City pursuant to this Agreement are subject to prior annual appropriation by the City Council. The City agrees to exercise utmost good faith and use its best efforts in making any appropriations required by the City to meet its obligations under this Agreement.

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

CITY OF WESTMINSTER

SHERIDAN CROSSING 2 LTD., LLP

BY

By  
Title

ATTEST:

ATTEST:

City Clerk

Title

EXHIBIT B  
Off-Site Improvements  
City of Westminster/Sheridan Crossing 2 Ltd., LLP  
Cost Sharing

<u>Item</u>	Estimated Cost to Crossing	Estimated Rebate
Land Purchase: The City is purchasing 15 acres for Open Space & Drainage and Crossing will reimburse the City within 30 days. The City will then rebate to Crossing 100% of the cost	287,500	287,500
Traffic Signals: Crossing will bear 25% of the cost the City will rebate 75% of the cost	168,750	126,563
118th Avenue Improvements: Crossing will bear 50% or \$57,032 of this cost - the City will rebate the remaining 50%	114,063	57,032
Off-Site Public Utilities: Crossing will pay 21% of the cost of the off-site water & sewer improvement. The City will rebate the remaining 79%	491,650	388,403
Drainage Improvements: Crossing will bear 25% of the cost, the City will rebate 75% of the cost	1,572,813	1,200,000
TOTALS	\$2,634,276	\$2,059,498

**Date:** September 23, 1996  
**Subject:** Financial Report for August 1996  
**Prepared by:** Barb Dolan, Interim Finance Director

## **Introduction**

City Council is requested to review the attached financial statements which reflect 1996 transactions through August, 1996.

## **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 70% of the total budget estimate while General Fund expenditures and encumbrances represent 68% of the 1996 appropriation.

Utility Fund revenues represent 82% of the total budget estimate while expenditures and encumbrances in that fund represent 65% of the 1996 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 74% of the total budget estimate, while expenditures and encumbrances in that fund represent 67% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 16% from the same period last year and increased 14% year-to-date.

The Open Space Fund revenues represent 76% of the total budget estimate while expenditures and encumbrances in that fund represent 48% of the 1996 appropriation.

The Golf Course Fund revenues represent 72% of the total budget estimate while expenditures and encumbrances in that fund represent 56% of the 1996 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$84,486 while expenditures and encumbrances in that fund consist of \$256,708. The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$1,639,000 for Emergency Reserve as required by the Colorado Constitution.

Theoretically, 67% of revenues and expenditures should be realized after eight 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