



WESTMINSTER
COLORADO

SEPTEMBER 25, 2000
7:00 P.M.

Cell phones and pagers must be turned OFF during meetings **AGENDA**
NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

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

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

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

8. Consent Agenda
 - A. City Park Phase II Wetland Mitigation Contract with Mile High Wetlands Group for \$90,000
 - B. Water Storage Tank Evaluation Project Bid to Tank Industry Consultants for \$49,475
 - C. Semper Remodel Construction Contract to W.E. O'Neal Construction for \$765,259
 - D. Design/Build Contract for New Water Treatment Plant
 - E. Project Management and Inspection of New Water Treatment Plant
 - F. Councillor's Bill No. 85 re Restorative Justice Grant Appropriation of \$29,015
9. Appointments and Resignations
 - A. Resignation of Allen Jones from Metro Wastewater Reclamation District Board of Directors
10. Public Hearings and Other New Business
 - A. Public Hearing re Plaza II 2nd Amended PDP located west of Wadsworth Blvd at 94th Avenue
 - B. Second Amended Preliminary Development Plan for Plaza II
 - C. Purchase of McKay Lake Open Space 100 acres from FRICO for \$650,000
 - D. Councillor's Bill No. 86 re Vacation of Sewer Easement in Church Ranch Subdivision
 - E. Councillor's Bill No. 87 re Sheridan Boulevard 113th Ave to 118th Ave Appropriating CDOT Funds
 - F. Resolution No. 73 re ROW Acquisitions re Sheridan Boulevard 113th Ave to 118th Ave Project
 - G. Resolution No. 74 Formation of Huntington Trails Metropolitan Special District
 - H. Councillor's Bill No. 88 re Galerie Promenade LLC Lease at the Ice Centre
 - I. Resolution No. 75 re Contingency Transfer for Environmental Spill Clean Up at 69th & Lowell Blvd
 - J. Resolution No. 76 re Library Internet Access Policy
 - K. Intergovernmental Agreement with Hyland Hills Park and Recreation District re Mill Levy/Bond Authorization Elections
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. Financial Report for August, 2000
 - B. City Council
 - C. Request for Executive Session
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS:

- A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B. Any person wishing to speak other than the applicant will be required to fill out a "Request to Speak or Request to have Name Entered into the Record" form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F. City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J. Final comments/rebuttal received from property owner;
- K. Final comments from City Staff and Staff recommendation.
- L. Public hearing is closed.
- M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 25, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Weeblos Den and Cub Scout Pack 410 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 Atchison, Hicks, Merkel, and Moss. 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 Atchison and seconded by Merkel to accept the minutes of the meeting of September 11, 2000 with no additions or corrections. The motion carried unanimously.

CITY COUNCIL COMMENTS:

Mayor Heil commented on the two international awards from the International City-County Management Association. The Program Excellence Award for cities over 50,000 population recognizing the City's COG program, and recognition for Bill Christopher's 35 years of service in the field of city management were presented at the annual international conference. Councillor Merkel reported on the DRCOG Census meeting she attended and reported that City of Westminster residents had a 76% return rate which was higher than both the national and state average and that the census figures would be given to the President by December 31, 2000 and by March 31, 2001, information will be provided as to whether the State of Colorado will receive another State Representative. Mayor Pro Tem Dixon reported on the National Steering Committee meeting she attended which discussed growth issues and the World Trade Organization and how it will affect municipal governments. Councillor Hicks attended the 90th anniversary of the Westminster Grange that was held Saturday.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: City Park Phase II Wetland Mitigation - Authorize the City Manager to sign contracts with Mile High Wetlands Group, LLC in the amount of \$90,000 and charge this expense to the 2000 Park Major Maintenance account; 2000 Water Storage Tank Evaluation Project - Award the contract to the low bidder, Tank Industry Consultants, in the amount of \$49,475 for the Water Storage Tank Evaluation Project; authorize the City Manager to execute a contract between the City and Tank Industry Consultants to complete the specified work as described in the project documentation; authorize a project budget of \$49,475 with a 10% contingency budget of \$4,947; and charge the appropriate operating budget account in the Utilities Division Water Fund; Award of Semper Remodel Construction Contract - Authorize the City Manager to execute a contract with W. E. O'Neal Construction in the amount of \$765,259 for the construction of the Semper Water Treatment Facility Remodel Project and approve a project contingency of \$99,484. Direct Staff to charge these expenses to the appropriate project account in the Utility Fund CIP budget; Design/Build Contract for New Water Treatment Facility - Authorize the City Manager to sign a contract with Burns & McDonnell Engineering Company, Inc. in an amount not to exceed \$19.5 million for the final design and construction of the new Water Treatment Facility to be located at 104th Avenue and Wadsworth Parkway, and authorize an additional project contingency in the amount of \$1,984,910, and charge these expenses to the appropriate project account in the 2000 and 2001 Utility Fund budgets in concert with the appropriation of funds; Project Management Services for New Water Treatment Plant - Authorize the City

Manager to sign a contract with RG Consulting Engineers, Inc. in an amount not to exceed \$447,890 for project management services related to the final design and construction of the new Water Treatment Facility to be located at 104th Avenue and Wadsworth Parkway, and authorize an additional project contingency in the amount of \$67,200, and charge the expenses to the appropriate project account in the Utility Fund; and Councillor's Bill No. 85 re Restorative Justice Grant Appropriation.

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 were no requests.

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

RESIGNATION FROM METRO WASTEWATER RECLAMATION DISTRICT BOARD OF DIRECTORS:

A motion was made by Atchison and seconded by Merkel to accept the resignation of Allen Jones from the Metro Wastewater Reclamation District. The motion carried unanimously.

PUBLIC HEARING ON SECOND AMENDED PLAZA II PDP (WADSWORTH ESTATES SUBDIVISION):

At 7:20 P.M. the meeting was opened to a public hearing on the Second Amended Plaza II Preliminary Development Plan, generally located west of Olde Wadsworth Boulevard at 94th Avenue. Planning Manager David Shinneman entered a copy of the Planning Commission recommendation, Agenda Memorandum and other related items as exhibits. Don Cook of C&F Investments, developer of the property, gave a brief slide presentation and answered questions from Council. Lorraine Chaffee, 6860 West 95th Avenue, and Peggy Jamsay, 7320 West 94th Place, addressed their concerns. At 8:10 P.M. the public hearing was closed.

SECOND AMENDED PLAZA II PDP (WADSWORTH ESTATES SUBDIVISION):

A motion was made by Moss and seconded by Atchison to approve the Second Amended Plaza II Preliminary Development Plan, based on a finding that it is in compliance with the City of Westminster Comprehensive Land Use Plan and Section 11-5-14 of the Westminster Municipal Code. A friendly amendment was made by Atchison that the primary residence be a minimum of 2000 square feet. The friendly amendment was accepted by the maker of the motion. The motion as amended carried with 5 aye votes and a dissenting vote by Mayor Pro Tem Dixon.

PURCHASE OF MCKAY LAKE FOR OPEN SPACE:

A motion was made by Merkel and seconded by Hicks to authorize the City Manager to purchase from the Farmers' Reservoir and Irrigation Company approximately 100 acres of land and water at a cost not to exceed \$650,000, with the exact cost to be determined by the final survey of the property, agree to the additional terms of (1) that the City is acquiring the property for open space uses, including public access for hiking, fishing and similar uses as the City may determine. (2) that Farmers' will not draw the lake level below gauge height 5 (a good base level with about 70 acres of lake surface), and that Farmers' may store water in the lake to gauge height 11 (about 90 surface acres of lake). This seasonal fluctuation is a continuation of the past 100 years of operation, and works very well with the large trees, wetlands and seasonal wildlife use. (3) that the City will pursue participation in costs for storm drainage improvements to McKay Lake from benefiting developments downstream of McKay Lake, and that the City and Farmers' will share equally in net costs to improve and maintain McKay Lake, beyond developer participation, as may be necessary over time; and (4) that McKay Lake will be annexed into the City of Westminster, and charge the expense to the Open Space Fund. The motion carried unanimously.

COUNCILLOR'S BILL NO. 86 – SEWER EASEMENT VACATION WITHIN CHURCH RANCH:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 86 on first reading to vacate the unnecessary sanitary sewer easement within Church Ranch Subdivision. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 87 – CDOT APPROPRIATION FOR SHERIDAN BOULEVARD PROJECT:

A motion was made by Atchison and seconded by Dixon to pass Councillor's Bill No. 87 on first reading appropriating \$166,000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue project, to obligate grant funding from the Colorado Department of Transportation. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 73 – ROW ACQUISITIONS FOR SHERIDAN BOULEVARD PROJECT:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 73 authorizing the expenditure of up to \$200,000 for the acquisition through condemnation, if necessary, for sufficient rights-of-way and easements for the construction of improvements to Sheridan Boulevard between 113th Avenue to 118th Avenue and charge this expense to the appropriate project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 74 – HUNTINGTON TRAILS METROPOLITAN SPECIAL DISTRICT:

A motion was made by Moss and seconded by Atchison to adopt Resolution No. 74 approving the formation of the Huntington Trails Metropolitan Special District, and making certain findings and determinations in regard to the Huntington Trails Metropolitan Special District. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 88 – GALERIE PROMENADE LLC LEASE AT THE ICE CENTRE:

A motion was made by Atchison and seconded by Merkel to Table Councillor's Bill No. 88 until the October 23 Council meeting. A friendly amendment was made by Councillor Hicks that Councillor's Bill No. 88 be tabled until no later than October 23. The friendly amendment was accepted by the maker and second of the motion. The motion carried unanimously.

RESOLUTION NO. 75 – CONTINGENCY TRANSFER FOR ENVIRONMENTAL SPILL CLEAN UP:

A motion was made by Hicks and seconded by Dixon to adopt Resolution No. 75 authorizing the transfer of \$50,888 from the General Fund Contingency Account into the General Fund Operating Budget for the raw sewage spill from Westminster Square Shopping Center. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 76 – INTERNET ACCESS POLICY FOR WESTMINSTER PUBLIC LIBRARY:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 76 approving the Westminster Public Library and Front Range Community College Library Policy on Public Use of the Internet. Upon roll call vote, the motion carried unanimously.

IGA WITH HYLAND HILLS P&R DISTRICT RE MILL LEVY/BOND AUTHORIZATION ELECTIONS:

A motion was made by Atchison and seconded by Dixon to formally approve the Intergovernmental Agreement between the City and Hyland Hills Park and Recreation District, ensuring mutual support for Westminster's mill levy proposal on November 7, 2000, as well as Hyland Hills Park and Recreation District's future ballot initiative for park and recreation improvements. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

A motion was made by Moss and seconded by Hicks to accept the August 2000 Financial Report as presented. The motion carried unanimously.

Councillor Atchison commented on the meeting with the Jefferson County Economic Development Council concerning the extension of the power line off of Rocky Flats.

The Mayor stated there would be an executive session to discuss the City Attorney's evaluation.

ADJOURNMENT:

The meeting was adjourned at 8:35 P.M.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: September 25, 2000
Subject: City Park Phase II Wetland Mitigation
Prepared by: Philo Shelton, Design Development Manager

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Mile High Wetlands Group, L.L.C., in the amount of \$90,000 for the purchase of 1.2 acres of wetland bank credits. Funds for this expense are available in the Park Major Maintenance account of the 2000 Capital Improvement Program Fund.

Summary

Based on the final monitoring report for City Park Phase II wetland mitigation prepared by Aquatic and Wetlands Company, it was found that 1.2 acres of the original established required wetlands were not successful in plant growth. Hydrology in the area of the wetland mitigation has changed over the past six years and it was found that the wetland mitigation area could no longer support wetland vegetation. A letter was submitted to the Army Corp of Engineers explaining the hydrology problems and a request to purchase wetland bank credits from an approved wetland banking company as a remedy. The Army Corp of Engineers concurred with Aquatic and Wetland Company findings, and will allow the City to purchase 1.2 acres of wetland banking credits. In addition, the Army Corp of Engineers requested that the City also prepare a wetlands planting plan to create a riparian corridor in the area of the failed wetlands to provide some wild life benefit to this area.

Staff instructed Aquatic and Wetlands Company to solicit bids from approved wetland mitigation banking companies since this is required by Westminster’s purchasing ordinance. Only two companies are presently approved by the Army Corp of Engineers and the bids are as follows.

Middle South Platte River Wetland Mitigation Bank	\$96,000
Mile High Wetlands Group, L.L.C.	\$90,000

Both companies offered financial discounts on their normal published rate of \$85,000 per acre, which would have equated to \$102,000 for 1.2 acres using these higher rates. Therefore, the bid received by Mile High Wetlands Group, L.L.C. is considered a good financially equitable bid.

Aquatic and Wetlands Company is in the process of preparing a wetlands planting plan for the failed wetland area for the Army Corp of Engineers to review. Once an approved plan is received, Westminster Open Space Volunteers will help plant and restore the riparian corridor next spring.

Policy Issue

Does City Council wish to comply with the Corp of Engineers’ requirements on wetlands mitigation by awarding a wetlands banking bid?

Staff Recommendation

Authorize the City Manager to sign contracts with Mile High Wetlands Group, L.L.C. in the amount of \$90,000 and charge this expense to 2000 Park Major Maintenance account.

Background Information

In 1993, the Army Corp of Engineers issued the City a 404 Permit to allow the development of City Park Phase II that consisted of the relocation of Big Dry Creek to construct the soccer fields and lake at City Park. This 404 permit required the City to plant 2.37 acres of wetlands and create 6.96 acres of open water. The final report that monitors the progress of the wetlands determined that the wetland mitigation site was not fully successful and that the project was short 1.2 acres of wetlands. This summer, Aquatic and Wetland Company investigated the hydrology of the failed wetland mitigation area and determined that this area could not support wetland species because the water table dropped 6 to 7 feet in the failed wetland mitigation area. The reason for the change in water table elevation is unknown without doing an extensive study to monitor wells in the area. One theory is the water table could have changed due to a hidden sand lens that got disturbed during the creek realignment, which then lowered the water table over the years.

Alternatives

City Council could decide not to purchase wetland bank credits and request the Army Corp of Engineers consider alternate locations for wetland mitigation. However, this would require a site to be located, a wetlands planting plan designed and developed, and another monitoring plan for this newly created wetland. Staff believes the purchase of wetland bank credits is the most cost effective alternative given the cost of land, cost of wetland plants, and consultant design and monitoring fees.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachment: Map



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: September 25, 2000
Subject: 2000 Water Storage Tank Evaluation Project
Prepared by: Andy Mead, Utilities Operations Coordinator

Introduction

City Council action is requested to authorize the City Manager to execute a contract with Tank Industry Consultants (TIC) in the amount of \$49,475 for the 2000 Water Storage Tank Evaluation Project. These funds are available in the Utilities Division Water Operating Budget for 2000.

Summary

The City of Westminster has ten water storage tanks located throughout various areas of the City. Water storage tanks provide for water supply, water pressure, and fire protection by servicing the entire City. These tanks range from 250,000 gallons of water storage at the reclaimed standpipe at the Northridge location, up to 5 million gallons of water storage at the Wandering View storage tank site.

In the past, evaluation and maintenance in these water storage tanks was completed on an as-needed basis, usually in response to problems identified by the Utilities Division through various methods. Realizing the overall investment and value of these water storage facilities to the overall provision of high-quality water and fire protection abilities to the community, the Utilities Staff has recommended and received approval beginning in the 2000 budget year to implement an ongoing Water Storage Tank Maintenance Program. This program will provide for an initial evaluation of all water storage facilities in the City; a detailed engineering report regarding their current condition and recommended and estimated repair costs; and an ongoing maintenance plan for future years. These measures will ensure structural integrity and ability to provide for adequate water supply and fire protection throughout the City in future years.

The 2000 Water Storage Tank Evaluation Project was advertised in the Daily Journal and notices were sent to twelve water storage tank inspection/engineering firms, with particular emphasis on companies advertising their services in the American Water Works Association (AWWA) Journal. This is a very specialized service and no local firm responded to the bid notice. Previous tank inspections have been by completed local consultants who have not or cannot provide the services requested.

A mandatory pre-bid meeting was held on August 29, 2000. The bid proposals were read and reviewed on September 6, 2000. The results of these bids were as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Tank Industry Consultants	\$49,475.00

Staff has reviewed the one proposal and determined Tank Industry Consultants to be the successful contractor on the basis of their bid proposal and qualifications, which was within the established funds available for the contract. Tank Industry Consultants is a nationally known firm specializing in steel water storage tanks. TIC was founded in 1979 when a need within the water storage industry for professional, unbiased, third-party information about the condition of water storage tanks was identified.

Since that time, TIC has grown to become a nationally recognized leader in evaluation and design of steel plate and concrete structures of all types. Today, Tank Industry Consultants has a staff of more than 50 registered professional engineers, field technicians, and specially trained support personnel. Their primary offices are in Indianapolis, Indiana. Funds for this project are available in the Utilities Division Water Operating Budget.

Policy Issues

Should the City of Westminster utilize budgeted funds at this time to complete an evaluation of all water storage facilities in the City to identify needed repairs and a long term maintenance plan to these water tanks.

Staff Recommendation

Award the contract to the low bidder, Tank Industry Consultants, in the amount of \$49,475 for the Water Storage Tank Evaluation Project; authorize the City Manager to execute a contract between the City and Tank Industry Consultants to complete the specified work as described in the project documentation; authorize a project budget of \$49,475 with a 10% contingency budget of \$4,947; and charge the appropriate operating budget account in the Utilities Division Water Fund.

Background

Water storage facilities throughout the City of Westminster consists of ten storage tanks, capable of storing from 250,000 gallons, up to 5 million gallons of water to serve the community. These water storage tanks require regular inspection and maintenance activities to ensure the structural integrity, appearance, and functionality of each facility in order to provide water to residents and businesses in the City. City Staff has recommended that these water storage facilities be evaluated and a plan be developed to ensure that they are kept in optimum working condition at all times.

The Water Storage Tank Evaluation Project will include a thorough evaluation and submittal of a detailed professional engineering report on all ten water storage tanks. This evaluation will include examining all water storage facilities for condition of the paint, pitting observed and related repairs needed, sanitary conditions to ensure water quality, identify operating deficiencies and recommendations to bring the tanks into compliance with American Water Works Association standards, and thorough washout and disinfecting of every water tank. This initial evaluation will take place throughout the remainder of this year, and will be followed up on an annual basis to perform work on each tank as recommended by the evaluation. Funds for this rehabilitation work is budgeted and will be performed over the next four years. Funds currently being requested for this project only include the tank inspection and evaluation phase. The remainder of the budgeted funds will be utilized to perform the rehabilitation work.

Once the initial evaluation and work is completed on each water storage tank, an annual maintenance schedule will be established to ensure peak performance and appearance of each facility. Westminster residents and businesses will also benefit from an increased efficiency in water supply and fire protection capabilities.

Alternatives

The alternative to completing the Water Storage Tank Evaluation Project would be to not proceed with these tank evaluations and only conduct routine evaluations in-house, using Utilities Staff on an as-needed time available basis. However, this could result in emergency responses to handle problems that may surface due to deteriorating tank conditions or ineffective operations. These emergencies would also negatively impact residents and businesses in the City by interrupting water supplies and/or water pressures and result in unexpected and costly repair costs. The available funds would remain in the Utilities Division Water Operating Budget.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Award of the Semper Remodel Construction Contract

Prepared by: Tom Settle, Semper Water Treatment Facility Superintendent
Sharon Bernia, Water Quality Specialist

Introduction

City Council action is requested to award the bid for construction of the Semper Water Treatment Facility Remodel Project to W.E. O'Neal Construction in the amount of \$765,259 and a contingency budget of \$99,484. Funds are available in the Utility Capital Improvement Project Accounts.

Summary

A Request for Proposal was advertised in the Daily Journal seeking bids for the remodeling of various work areas in the Semper Water Treatment Facility. This internal remodel will include a new water quality laboratory, expansion of the plant control room, office spaces, integration of Heating, Ventilation, and Air Conditioning (HVAC) systems, a multi-purpose room and a new facility entry area. Construction is expected to begin in mid October with completion by spring 2001.

A pre-bid on-site tour was held on August 22 at the Semper Facility. Five firms participated in this tour. Proposals were received from W.E. O'Neal Construction, Long Construction, Starker Construction, Taylor Ball Construction and Wilderness Construction. All firms were pre-qualified before bids were opened. The bids received for the full design package were as follows:

W.E. O'Neal Construction	\$765,259
Long Construction	\$785,343
Taylor Ball Construction	\$804,900
Wilderness Construction	\$838,543
Starker Construction	\$865,027

W.E. O'Neal Construction was the low bidder and Staff recommends the award of bid to this firm.

Policy Issues

Since City Council has previously appropriated funds for this project, no policy issues have been identified at this time.

Staff Recommendation

Authorize the City Manager to execute a contract with W. E. O'Neal Construction in the amount of \$765,259 for the construction of the Semper Water Treatment Facility Remodel Project and approve a project contingency of \$99,484. Direct Staff to charge these expenses to the appropriate project account in the Utility Fund CIP budget.

Background Information

The Semper Water Treatment Facility underwent an expansion in 1996 that removed all stored treatment chemicals from the second floor of the main building to the new chemical building. The microstrainers have also been removed from service, leaving approximately 2,500 square feet of space available for other plant uses. These two prime areas and others in the building combine to make up nearly 6,000 square feet of space that can be used to improve lab functionality, plant operation, visitor tours and pilot testing.

During the 1998 Montgomery Watson/Lab Task Force studies, it was identified that the water quality laboratory workspace was too small to accommodate the five Staff members and their work tasks. The report also pointed out inadequate ventilation systems and poorly designed instrument workspaces. The Remodel Project would move the existing laboratory from the Semper Facility main floor to the vacated upstairs level.

The main floor space vacated by the old laboratory will be utilized to expand the facility control room to accommodate monitoring and SCADA (System Control And Data Acquisition) equipment for the new Water Treatment Facility, computers and monitors, improve the overall ergonomics of this work area and relocate the water quality sampling station. The water quality sampling plumbing station is deteriorating and needs to be replaced. It is located above one of Semper's primary electrical control centers creating a potential for serious failures. The main floor space is also needed to improve the facility entry area, reduce hallway crowding and develop a visitor orientation area. During this remodel, the additional space made available by equipment removal and consolidation will be used to provide a multipurpose room, a permanent pilot testing area to evaluate treatment optimization and new technologies and additional office space and computer workstations. And finally, the 25-year-old HVAC system at Semper is currently partially disabled and is in need of repairs and updating.

In December of 1999, a preliminary design for the Semper Remodel was awarded. This preliminary design gave Staff a more complete in-depth scope of work. With this Scope of Work, Staff re-advertised and in April of 2000, Bruce Lintjer Architects was hired to develop the final design. It was this final design that was used to advertise for construction companies.

Alternatives

1. Award the bid to one of the other bidders. W.E. O'Neal Construction was the low bidder and staff is satisfied with their qualifications and bid submittal and do not find any reason not to award the bid to W. E. O'Neal Construction.
2. Do not act on the remodel construction and set aside the bids. This alternative would not address Semper laboratory workspace corrections, control room space, ergonomic and safety issues, providing appropriate work stations for computers on the City's network, and correction of HVAC issues. City Council had previously appropriated funds for this project.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 25, 2000
Subject: Design/Build Contract for New Water Treatment Facility
Prepared by: Kent Brugler, Senior Civil Engineer, Water Resources and Treatment

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Burns & McDonnell Engineering Company, Inc. in an amount not to exceed \$19.5 million for the final design and construction of the new Water Treatment Facility to be located at 104th Avenue and Wadsworth Parkway, and approve an additional project contingency in the amount of \$1,984,910. Funding in the amount of \$15.0 million has been secured from a loan from the Colorado Water Resources and Power Development Authority, and the City Council has appropriated these funds to the Project Capital Account. The balance of the project expenditures will be funded by 2001 Water Revenue Bonds, to be issued specifically for this project. The design/build contract provides for the phasing of work to match appropriated funds.

Summary

In a Staff Report presented to City Council on June 22, 2000, additional background on the project was presented including the decision process for completing the project utilizing the design/build approach. The design/build approach was deemed acceptable by City Council and Staff proceeded with soliciting design/build proposals.

On July 21, 2000, three design/build teams submitted proposals for the final design and construction of the Water Treatment Facility, consisting of a base bid and six alternatives. The proposals are summarized below indicating the base bid and a “package” of alternatives that represents the planned facility:

<u>DESIGN/BUILD TEAM</u>	<u>BASE BID</u>	<u>PACKAGE BID</u>
Burns & McDonnell/Garney Construction	\$17,165,000	\$17,903,000
CDM Engineers & Constructors	\$20,387,000	\$21,776,000
CH2M Hill/Western Summit Constructors	\$20,750,615	\$26,095,933

Based on the proposals submitted, the Project Team from Public Works and Utilities invited the Burns & McDonnell team and the CDM team for interviews that were conducted on August 2. As a result of these interviews, the Project Team selected the Burns & McDonnell/Garney Construction team to further negotiate a final scope of work and a Guaranteed Maximum Price (GMP) for the design/build contract. The final scope of work is being adjusted to include sedimentation prior to the filters and a modified backwash recovery system, both of which will provide the City with increased plant capacity and additional flexibility in operating the plant under changing water conditions. The contract negotiations are nearing completion, and the GMP, including these scope of work adjustments, will not exceed \$19.5 million. In addition to the proposed cost presented, the City team evaluated the proposals based on the design/build team members’ financial strength, their confirmed availability of personnel and equipment, their commitment to meeting the requested schedule, and the technical qualifications of the design team key members.

Policy Issues

Should the City award the negotiated contract under the design/build concept to Burns & McDonnell Engineering Company, Inc. for the final design and construction of the proposed Water Treatment Facility at a cost not to exceed \$19.5 million and fund the project entirely by debt financing?

Staff Recommendation

Authorize the City Manager to sign a contract with Burns & McDonnell Engineering Company, Inc. in an amount not to exceed \$19.5 million for the final design and construction of the new Water Treatment Facility to be located at 104th Avenue and Wadsworth Parkway, and authorize an additional project contingency in the amount of \$1,984,910, and charge these expenses to the appropriate project account in the 2000 and 2001 Utility Fund budgets in concert with the appropriation of funds.

Background

The City of Westminster Treated Water Master Plan previously identified the need for a second water treatment facility to meet the City's future potable water supply requirements. The new water treatment facility will replace the 8 million gallons per day capacity of the decommissioned England Water Treatment Facility built in 1958, provide enough winter production capacity to allow the Semper Water Treatment Facility to be taken out of service for large scope maintenance projects during the low consumption winter months and also provide additional capacity for new growth.

During the fall and winter of 1999, extensive pilot testing was conducted by Semper Staff to determine the desired treatment methodology to utilize at the new facility. Based on this testing, membrane filtration was selected as the central treatment process for this new plant. CH2M Hill had been contracted to assist with the pilot testing and to prepare a preliminary design of the new water treatment facility. Proposals were then received from two manufacturers of membrane systems, and Pall Corporation was selected as the equipment supplier based on initial capital cost and life cycle operating and maintenance costs. Based on a Staff recommendation, the City entered into a contract with Pall Corporation in the amount of \$4,578,000 for supplying the membrane filters and other related equipment for the proposed facility. This expense will be made as part of the total \$19.5 million design/build budget for the project.

In April of this year, CH2M Hill completed their preliminary design and initially estimated the project costs for design and construction to be \$18.5 million. Staff and the CIP Management Team concluded that it would be appropriate to solicit a design/build proposal from CH2M Hill, at that time, rather than authorize CH2M Hill to proceed with final design. This approach would provide the City with an updated, market-based estimate of current project costs including contractor input on current construction costs and could serve as the method of completing the final design and construction of the project, if the costs presented were deemed to be reasonable. Teaming with Western Summit Constructors, Inc., CH2M Hill presented a design/build proposal with a Guaranteed Maximum Price exceeding \$27 million, nearly 50% higher than their preliminary estimate.

Based on the disparity of these cost estimates, the CIP Management team determined that the City could best be served by requesting competitive design/build proposals from several firms in order to obtain the most competitively priced proposal that the current Colorado construction market can provide.

Accordingly, Staff prepared a Request for Proposals and distributed it to five prequalified design firms and received the three proposals that have been summarized above. Black & Veatch declined the invitation due to their current workload and Boyle Engineering Corporation joined CDM's proposal team.

With the selection of Burns & McDonnell/Garney Construction as the design/build team and subsequent negotiation of the final project scope, the following is a summary of the total project costs:

Design/Build Contract	\$19,500,000
Construction Contingency	\$ 1,984,910
Project Management	\$ 447,890
PM Contingency	<u>\$ 67,200</u>
Total Project Cost	\$22,000,000

The major funding source for this project is a \$15 million loan from the Colorado Water Resources and Power Development Authority. Since water projects are currently limited to a one-time funding cap of \$15 million, the additional funding required for this project will come from Water Revenue Bonds planned to be issued in 2001. These bonds are supported by the revenue from the City's water sales and were utilized by the City to finance the 1994 expansion of the Semper Water Treatment Plant.

In addition to the construction of the new Water Treatment Facility, a new 36" raw water line extending from the Standley Lake outlet works to the treatment plant site will be constructed under a separate project. The design of this project will begin later this year with construction to begin in the spring of 2001 and finish by the end of the year. The total budget for this raw water line project is currently estimated to be \$4,050,000, including a 15% construction contingency. Funds for the water line project are contained in the Utility Fund budget.

Alternatives

As an alternative to awarding the design/build contract to Burns & McDonnell at this time, the City could do one of the following:

1. Reject all proposals submitted and solicit new proposals for the final design of the facility, followed by the conventional construction bid and award process. This could add up to six months to the project schedule preventing the completion of the new facility in time for the summer of 2002 high consumption season. In addition, this approach would remove the single line of liability that the design/build approach provides through the design and construction of the project.
2. Award the design/build contract to the second lowest proposer, CDM Engineers and Constructors, Inc. This would increase the project cost by nearly \$4 million and would not provide the City any additional value. Based on the interviews conducted by the Project Team, Staff believes that Burns & McDonnell provides not only the lower cost but also a higher level of technical expertise and experience with design/build projects of this type.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager



WESTMINSTER
COLORADO
Agenda Memorandum

Date: September 25, 2000
Subject: Project Management Services for the New Water Treatment Plant
Prepared by: Kent Brugler, Senior Civil Engineer, Water Resources and Treatment

Introduction

City Council action is requested to authorize the City Manager to sign a contract with RG Consulting Engineers, Inc. in an amount not to exceed \$447,890 for project management services related to the final design and construction of the new Water Treatment Facility to be located at 104th Avenue and Wadsworth Parkway, and approve an additional project contingency in the amount of \$67,200. Funding in the amount \$15 million has been secured as a loan from the Colorado Water Resources and Power Development Authority, and the City has appropriated these funds to the Project Capital Account.

Summary

The design/build project for the construction of the new Water Treatment Facility is expected to begin in October of 2000. Since the estimated cost of this project is \$19.5 million and City management policy has directed that third party project management services be utilized on projects of this magnitude, Staff prepared a Request for Proposal and distributed it to three consulting firms: RG Consulting Engineers, Inc. (RGCE), HDR Engineering, Inc. (HDR) and CH2M Hill. Proposals were received from RGCE and HDR on September 6, 2000 and are summarized below:

<u>Company</u>	<u>Fee Proposal</u>
RGCE	\$447,890
HDR	\$598,695

CH2M Hill elected not to respond to the Request for Proposal due to their current workload. The Project Team from Public Works and Utilities interviewed both firms on September 18, 2000 and is recommending the selection of RGCE to provide the required project management services.

Policy Issue

Should the City award a contract to RG Consulting Engineers, Inc. in an amount not to exceed \$447,890 for project management services for the new \$19.5 million Water Treatment Facility Capital Improvement Project, as the firm best suited to manage this project, in accordance with the requirements of the City's Capital Projects Management Plan?

Staff Recommendation

Authorize the City Manager to sign a contract with RG Consulting Engineers, Inc. in an amount not to exceed \$447,890 for project management services related to the final design and construction of the new Water Treatment Facility to be located at 104th Avenue and Wadsworth Parkway, and authorize an additional project contingency in the amount of \$67,200, and charge the expenses to the appropriate project account in the Utility Fund.

Background

With the start of the design/build contract for the new Water Treatment Facility scheduled to begin in October of 2000, at an estimated cost of \$19.5 million, a third party firm must be contracted to provide project management services in accordance with the requirements of the City's Capital Projects Management Plan. Accordingly, Staff prepared a Request for Proposal and distributed it to three firms: RG Consulting Engineers, Inc. (RGCE), HDR Engineering, Inc. (HDR) and, CH2M Hill. Proposals were received from RGCE and HDR on September 6, 2000 with corresponding fees of \$447,890 and \$598,695, respectively. CH2M Hill elected not to respond to the Request for Proposal due to their current workload.

The Project Team from Public Works and Utilities conducted interviews with RGCE and HDR on September 18, 2000, and is recommending the selection of RGCE to provide the requested project management services. While both firms demonstrated their capability to perform the requested scope of services, the team believes that RGCE provides the best value for the level of services required. Their lead technical personnel identified for this project have considerable project management experience, including design/build projects, and have performed these services on projects of similar magnitude as this. Since contracting with the City to provide management assistance for the annual Capital Improvement Projects Program from 1998 to 2000, RGCE has assisted the City with project management on 15 CIP projects representing a total combined value of \$35 million, including the recently completed Reclaimed Water Treatment Facility.

The project management services to be provided by RGCE will include, but not be limited to, coordinating progress meetings with the City and design/build team throughout the design and construction phases, reviewing the design for compliance with City objectives and for constructibility, field observation, advise City Staff on potential cost savings through value engineering, and reviewing the drawings and specifications for compliance with the design/build contract. This will also include advising City Staff throughout the design and construction process, coordination with all parties involved in the project including other City departments, field oversight during construction, review of all changes and project monitoring to ensure that the schedule and budget are maintained. RGCE will essentially act as an extension of City Staff to monitor and record all daily on-site activity and to advise the City of the design/build team's compliance with its contract.

Alternative

As an alternative to awarding the contract for project management services to RGCE, the City could choose to award the contract to HDR at an additional cost of \$150, 805. This would not add any value to the City since Staff determined that RGCE was the most qualified and technically staffed to provide these services at the lowest cost.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Allen Jones Resignation from the Metro Wastewater Reclamation District Board of Directors

Prepared by: Kelly DiNatale, Water Resources and Treatment Manager
Ron Hellbusch, Director of Public Works and Utilities

Introduction

City Council action is requested to accept the resignation of Allen Jones from the Metro Wastewater Reclamation District Board of Directors (Metro).

Summary

A letter of resignation has been received from Allen Jones resigning from the Metro Wastewater Reclamation District Board of Directors. He is resigning from the board due to health reasons. Mr. Jones was originally appointed to the board in June of 1991 and has served continuously since that time. His current term of office expires June 30, 2001. Mr. Curt Alstadt is the other City representative on the board and his appointment expires June 30, 2002. Staff is currently reviewing potential candidates to replace Mr. Jones and will make a recommendation to Council in the future.

Policy Issue

Metro Wastewater Reclamation District policy requires the elected body of each connector jurisdiction to appoint members to the board of directors. Current Metro policy requires that the board of directors must live within the connector jurisdiction and also within the Metro service area. This limits Westminster appointees to those residing in the Metro service area, generally south of 92nd Avenue.

Staff Recommendation

Accept the resignation of Allen Jones from the Metro Wastewater Reclamation District.

Background Information

The Metro Wastewater Reclamation District treats approximately 45 percent of the total wastewater generated in Westminster, with the District serving the area south of approximately 97th Avenue.

Allen Jones was originally appointed to the board in June of 1991. Mr. Jones filled a "citizen" category appointment within this board. Over the past years since Mr. Jones's appointment to the Metro Wastewater Reclamation District Board of Directors he has kept City Staff informed of pertinent activities occurring at the Metro District, while also representing the City's interests extremely well with the Metro District.

Alternative

As an alternative, Council could decide not to accept Mr. Jone's formal resignation. Staff feels that Mr. Jone's will discontinue attending the Metro Wastewater Reclamation meetings and the City would not be fully represented on the board.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Purchase of McKay Lake for Open Space

Prepared by: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to authorize the City Manager to purchase for open space approximately 100 acres of land and water from the Farmers' Reservoir and Irrigation Company. This property is located just south of 144th Avenue between Huron and Zuni Streets (see attached map).

Summary

McKay Lake is an historic irrigation reservoir, with wonderful open space, wildlife, fishery and potential trail values. Through this purchase, the City of Westminster would acquire the land under the lake, together with a good base water level for the lake, recreational rights, and the many large trees and wetlands, at a price of approximately \$625,000 (not to exceed \$650,000). The land area is still being surveyed, in coordination with title insurance efforts. This work will determine the exact purchase price. The Farmers' Reservoir and Irrigation Company (Farmers) shareholders would own the water rights and the majority of water storage rights in McKay Lake, and would continue to operate the lake for irrigation use. The City and Farmers would share equally in any costs to improve and maintain McKay Lake.

The Open Space Advisory Board is very supportive of this acquisition for open space. Funds are available for this purchase in the Open Space Land Acquisition account.

Policy Issues

Shall the City purchase this property for open space?

Staff Recommendation

Authorize the City Manager to purchase from the Farmers' Reservoir and Irrigation Company approximately 100 acres of land and water at a cost not to exceed \$650,000, with the exact cost to be determined by the final survey of the property, agree to the additional terms listed in the Background paragraph of the Agenda Memorandum, and charge the expense to the Open Space Fund.

Alternatives

A possible alternative would be to not preserve this property. If not acquired for open space, it is probable that McKay Lake would be filled in and sold for residential development. Farmers' had received two such offers of purchase from developers, prior to allowing the City of Westminster to step in and pursue this effort to preserve the lake for open space. The lake is presently in unincorporated Adams County, and adjacent to the City of Broomfield. Thus City of Westminster development regulations could not be used to protect the lake, short of purchasing the property.

A second alternative would be to attempt to delay a purchase. However, there is the pressure to fill the lake and develop the land as mentioned above. The owner is willing to sell now, Open Space funds are available now for this purchase, and this property is considered a high priority for acquisition with existing funds. Availability of the lake, owner attitude and funding at a future date are unknown.

Staff does not recommend either of the alternatives, but recommends moving forward with the purchase at this time, given a willing Seller and available funding.

Background

McKay Lake is an irrigation reservoir that was constructed in the late 1800's to provide irrigation to surrounding lands, in order to attract the first settlers to this area. At that time there would have been no water nor trees within sight of this property. Early efforts by such groups as the San Miguel Land Company (a Wyoming corporation), the Denver Land Company (a Colorado corporation) and Chicago Land and Title Company indicate the intent to promote the sale of land in the area. In unusually wet years, farming was possible with rainfall alone. In most years it was not. Land development without water was a very risky, and often unsuccessful business over the past 100 years.

Thus after a number of years, new groups such as the Community Ditch Company and Farmers' Reservoir and Irrigation Company took the place of the previous "land companies". These new companies supplied water to those already in the area, and made it possible to promote additional land sales and development. The irrigation companies created areas like McKay Lake from what was originally dry land, and have maintained these "natural areas" for 75 to 100 years. The tremendous open space, fishery, wildlife and scenic values that we see today are a result of their efforts.

Other old irrigation reservoirs like McKay Lake in this same area have been filled for residential development – sometimes with a small, decorative pond in the center, but without the wildlife benefits and the grand, open feeling. The Westlake development located about one mile to the southwest is an example. There have been two recent offers on the McKay Lake property to acquire the land, fill the lake and construct homes. The City of Westminster and Farmers' are now proposing to preserve the lake for open space, and for continued water storage and irrigation uses. The Colorado Division of Wildlife is very supportive of preserving McKay Lake, and offers to assist in the development of an excellent fishery and wildlife area. Adams County has also been very supportive of seeing McKay Lake continue in its historic use and appearance. Preserving McKay Lake is a very high priority for Westminster's Open Space Advisory Board. Funds are available for this purchase within the Open Space Fund.

The proposed acquisition includes several additional agreements beyond the purchase price. These terms are:

- that the City is acquiring the property for open space uses, including public access for hiking, fishing and similar uses as the City may determine.
- that Farmers' will not draw the lake level below gauge height 5 (a good base level with about 70 acres of lake surface), and that Farmers' may store water in the lake to gauge height 11 (about 90 surface acres of lake). This seasonal fluctuation is a continuation of the past 100 years of operation, and works very well with the large trees, wetlands and seasonal wildlife use.
- that the City will pursue participation in costs for storm drainage improvements to McKay Lake from benefiting developments downstream of McKay Lake, and that the City and Farmers' will share equally in net costs to improve and maintain McKay Lake, beyond developer participation, as may be necessary over time.
- that McKay Lake will be annexed into the City of Westminster.

The land proposed for purchase fits the Criteria for the selection of Open Space sites very well, as follows:

- < AESTHETICS: This property is spectacular, and quite rare in the urbanizing area. Acquisition would protect the grand, open feeling and a wonderful panorama of the mountains over a large water body. Natural features include the lake, wetlands, many large trees, younger trees and shrub thickets which are growing along the shore, and a variety of native plants and wildlife species.
- < PROTECTION AND PRESERVATION: This acquisition would protect the environmentally sensitive features of the lake, wetlands, trees, other plants and wildlife, and avoid encroachment into the lake and floodplain. Without the purchase, these areas would be filled and developed.
- < LOCATION: This property is a very important natural destination for wildlife and people in the northeastern part of the City. Future drainageways with trails leading away from the lake to Quail Creek and Big Dry Creek will connect McKay Lake to the Westminster system of parks and open space.
- < USE POTENTIAL: This land provides many opportunities for nature study, photography or solitude. The proposed acquisition would also protect this watershed, and would avoid floodplain encroachment. A substantial portion of this property is intended for wildlife habitat. This large property will provide a great trail experience with watchable wildlife and wonderful views to the mountains. McKay Lake will also provide very significant storm drainage benefits to the area, if it is preserved.
- < NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATION: This property is under pressure for filling and residential development, as evidenced by two recent offers. The landowner is now willing to sell the open space area, and funds are available for the purchase.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Councillor's Bill No. 86 re Vacation of Sanitary Sewer Easement within Church Ranch Subdivision

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading to vacate an existing sanitary sewer easement within the Church Ranch Subdivision. The existing easement is no longer needed by the City because it was discovered that the City's sanitary sewer main was actually installed outside of the limits of the easement. A new easement in which the sanitary sewer main is located was dedicated to the City by the property owner in conjunction with the recent replacement of a raw water main owned by the Cities of Thornton and Northglenn.

Summary

Several years ago, the City obtained an easement across a portion of the Church Ranch property for the purpose of the installation of a sanitary sewer main. Within the past year, the Cities of Thornton and Northglenn funded a project to replace their raw water main that runs from Standley Lake to the Northglenn Treatment Plant on 112th Avenue, east of Federal Boulevard. A section of this new raw water line was designed to be placed within the general vicinity of the City's sanitary sewer main on the Church Ranch property. During the course of their design work, a consultant to the Cities of Thornton and Northglenn discovered Westminster's sanitary sewer main was not located within its easement. As a courtesy, Thornton and Northglenn officials offered to redefine the necessary easements during the course of their work. Naturally, the Church Ranch owners are interested in assuring that all public facilities are located within proper easements and unnecessary easements are vacated so that they can enjoy the full use of their property. This Councillor's Bill will accomplish the vacation of the old, unnecessary sanitary sewer easement.

Policy Issues

Shall the City Council vacate this easement, which by City Code, easements must be vacated by an ordinance of the City Council.

Staff Recommendation

Pass Councillor's Bill No. 86 on first reading to vacate the unnecessary sanitary sewer easement within Church Ranch Subdivision.

Background

Officials of the Cities of Thornton and Northglenn have worked cooperatively with City Staff on their project to replace portions of their old raw water line as it crosses through the City of Westminster. Furthermore, Mr. Charlie McKay, owner of the Church Ranch Subdivision, has also been a willing participant in the success of this public project. Legal descriptions for all of the easements that were needed for the raw water main project and the re-aligned easement for the City's sanitary sewer main were prepared by a consultant to Thornton and Northglenn at no cost to Westminster.

Mr. McKay also agreed to grant to the City the new easement for the sanitary sewer main at no cost. It is recommended that City Council pass the attached Councillor's Bill on first reading in order to fulfill commitments that were made to Mr. McKay to allow him to reclaim a strip of property that he previously dedicated to the City of Westminster since that piece of land is of no use to the City. This action is the final step in assuring that public facilities are located within accurate, valid easements.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachment

ORDINANCE NO.

COUNCILLOR'S BILL NO. **86**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

A BILL FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT IN CHURCH RANCH SUBDIVISION

WHEREAS, a sanitary sewer easement was dedicated to the City of Westminster by separate document recorded with Jefferson County at Reception No. 80022953, Book 2587, Page 420; and

WHEREAS, the easement is no longer to serve the purpose for which it was originally intended; and

WHEREAS, the vacation of the sanitary sewer easement is necessary to fulfill previous commitments to the owners of Church Ranch Subdivision.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easement described in Section 2 hereof, and depicted in Exhibit A.

Section 2. Legal Description of Easement:

A part of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, Colorado.

A permanent sanitary sewer easement and right-of-way thirty (30) feet in width, fifteen (15) feet on each side of a centerline over, across, and through the following described tract of land, to wit:

The Northeast One-Quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, Colorado

The centerline of said easement and right-of-way being more particularly described as follows:

Referring to the Northeast corner of the Northeast one-quarter of said Section 14, thence south along the east line of said Northeast one-quarter, 960.9 feet, more or less, to the True Point of Beginning; thence S73°41'51"W, 411.0 feet; thence S10°34'21"W, 1645.0 feet to a point on the center line of Section 14, said point being 1,945.2 feet east of the center of Section 14. Containing 1.41 acres, more or less.

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

Section 4. 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 25th day of September, 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of October, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 25, 2000
Subject: Sheridan Boulevard from 113th Avenue to 118th Avenue Project
Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading which appropriates \$166,000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue project to cover the federal share for land acquisition until reimbursement is received. Further, Council action is requested on the attached Resolution authorizing the acquisition of rights-of-way and easements needed for the construction of the Sheridan Boulevard, 113th Avenue to 118th Avenue project, through condemnation proceedings, if necessary; and to authorize the expenditure of an amount not to exceed \$200,000 for the purchase of rights-of-way and easements, legal fees and closing costs associated with the land purchases needed for this project. If the above Councillor's Bill is approved, funds for these land acquisitions will be available in the appropriate project account in the General Capital Improvement Fund.

Summary

The section of Sheridan Boulevard between 113th Avenue and 118th Avenue is scheduled to be improved to arterial street standards with raised landscaped medians and eight-foot wide detached sidewalks on both sides of the road. These arterial street standards include two through lanes in both directions; continuous acceleration/deceleration lanes for the length of the project and left turn lanes at all major intersections. Construction is anticipated to begin in spring 2001 and be completed in fall 2001.

This project was selected for federal participation funds under the Transportation Equity Act for the 21st Century (TEA21) and under the terms of this act, approximately 83% of the right-of-way costs will be reimbursed to the City once the property is acquired. Since the City is required to "front" these costs until the acquisitions are complete, it is necessary to supplement the project account until the reimbursements from the Colorado Department of Transportation (CDOT) are received. The requested appropriation is **not** an increase in the project costs.

Five "fee simple" parcels and seven easements will need to be purchased to allow for the construction of this project. The following is a list of owners of the properties to be acquired:

- Westminster Congregation of Jehovah's Witnesses
- *North Sheridan Boulevard Professional Offices
- LIFE Fellowship
- Donald Pfretzschner
- Gerald Starika
- Victory Church
- *Torrey Peaks Homeowners Association

* Only an easement is necessary from these owners. Right-of-way and easements are necessary from all other owners.

Appraisals for these parcels are being prepared by Bonnie Roerig and Associates, an independent appraisal firm recently hired by the City.

Negotiations for the purchase of these parcels need to begin immediately to keep this project on schedule. Every effort will be made to acquire these parcels through negotiations. However, authorization for condemnation is requested to assure the start of the project in spring 2001.

Policy Issue(s)

Should Council authorize the acquisition of the needed right-of-way and easements for the construction of the Sheridan Boulevard, 113th Avenue to 118th Avenue project including condemnation proceedings, if necessary?

Condemnation proceedings are always used as a last resort but are sometimes necessary to maintain the project schedule.

Staff Recommendation

1. Pass Councillor's Bill No. 87 on first reading appropriating \$166,000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue project, ~~from anticipated revenues~~ **TO OBLIGATE GRANT FUNDING** from the Colorado Department of Transportation.
2. Adopt Resolution No. 73 authorizing the expenditure of up to \$200,000 for the acquisition through condemnation, if necessary, for sufficient rights-of-way and easements for the construction of improvements to Sheridan Boulevard between 113th Avenue to 118th Avenue and charge this expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

During the past several years, Sheridan Boulevard between 113th Avenue and 118th Avenue has increasingly become a problem in terms of its traffic carrying capabilities. As a result, funds were appropriated by City Council in the General Capital Improvement Fund for the final design of the improvements to this section of roadway. In addition, the City was able to secure federal participation funds through the TEA-21 program.

The proposed improvements generally consist of widening Sheridan Boulevard to provide for two through lanes in both directions, continuous acceleration/deceleration lanes and left turn lanes at all major intersections. The project also includes eight-foot wide detached sidewalks and raised, landscaped medians. Once complete, the project will look very similar to the section of Sheridan Boulevard between 104th Avenue and 112th Avenue.

A total of \$1,011,000 of TEA-21 Federal funds has been allocated in 2000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue Improvements for final design and right-of-way acquisition. The total cost for the final design and right-of-way acquisition for this project is estimated to be \$1,223,410. Therefore, the City's local match in 2000 is \$212,410.

An additional \$2,091,000 of TEA-21 funds for the construction of this project will also be available in 2001. To secure these future funds, the City will be required to "match" funds in the amount of \$1,450,000 in 2001. Future City Council action will be required in late 2000 to secure these future funds and to execute an amended contract with CDOT.

The final design of this project is 90% complete and identifies the needed rights-of-way and easements to construct this project. Land acquisitions will begin immediately, pending Council's authorization and all acquisitions will be completed no later than early February 2001. This schedule will allow construction to begin in early 2001.

Alternative(s)

Council could choose not to appropriate additional funds for this project now and wait until funds are budgeted in 2001. This action would postpone the land acquisition until 2001 and the construction start of this project would then be in June 2001 and the completion date would be shifted into 2002. Staff does not recommend this alternative since the requested appropriation is not additional funds, it is only intended as "borrowed" funds until Federal reimbursement funds are received.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **87**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,8511, is hereby increased by \$166,000 which, when added to the fund balance as of the City Council action on October 9, 2000, will equal \$22,224,766. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Colorado Department of Transportation TEA-21 grant for land acquisition costs necessary to begin construction improvements for Sheridan Boulevard between 113th and 118th Avenue.

Section 2. The \$166,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUE</u>			
Intergovernmental TEA-21			
75-0426-019	\$100,000		\$266,000
Total Change to Revenues			<u>\$166,000</u>
<u>EXPENSES</u>			
Widen Sheridan 113 th – 118th			
75-30-88-555-109	\$140,680		\$306,680
Total Change to Expenditures			<u>\$166,000</u>

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of October 2000.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **73**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain land to accommodate the construction of Sheridan Boulevard between 113th Avenue and 118th Avenue; and

WHEREAS, an appraisal is being prepared by a professional company experienced in performing appraisals to determine the fair market value for these parcels; and

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

WHEREAS, a municipal public purpose exists to acquire the property. A delay in the acquisition of the rights-of-way and easements could result in a delay in the construction of Sheridan Boulevard between 113th Avenue and 118th Avenue thus creating a hardship on the general population of the City of Westminster wishing to access and use the proposed road; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

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

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property; and
2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete these purchases; and
3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the properties; and
4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, with limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs or expenses customarily associated with the acquisition or condemnation of property. The expenditure amount not to exceed \$200,000 and the costs shall be charged to the Sheridan Boulevard, 113th Avenue and 118th Avenue Project Account of the General Capital Improvement Project Fund; and

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

PASSED AND ADOPTED THIS 25th DAY OF SEPTEMBER, 2000

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Resolution No. 74 re: Huntington Trails Metropolitan Special District

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to adopt the attached Resolution approving the Service Plan for the Huntington Trails Metropolitan Special District (MSD). The main purpose of the District is to finance public improvements on a 138-acre parcel of land to be developed by Sutton Western Corporation west of Huron Street and north of 144th Avenue.

Summary

Mr. Ed Sutton of Sutton Western Corporation approached the City several months ago, seeking the City's approval of the formation of a special taxing district named Huntington Trails. Mr. Sutton represents the property owner of the property north of Lexington Subdivision on the southwest corner of the intersection of 144th Avenue and Huron Street. The development would consist of approximately 200 homes in the price range of \$450,000 to \$900,000, with significant public improvements, financed in part by tax-exempt bonds issued by the district, along with drainage improvements at McKay Lake and Quail Creek, financed by the developer.

Total infrastructure improvements are estimated at approximately \$18 million. The proposed MSD will finance up to \$3.6 million of the total infrastructure costs by issuing bonds of \$4.39 million between 2001 and 2006. The balance will be financed by the developer and recovered either in the sale of the homes or in fees and other charges. When completed, the improvements and houses are projected to have a market value of \$112.7 million with an assessed value of \$10.6 million at build out. The value of the financing as a percentage of assessed value is 41% and 3.2% of the projected market value.

The purpose of the district is to use a property tax levy of 35 mills to pay for debt service on the infrastructure improvements and the annual up-keep of these improvements. The millage levy would be broken into two parts:

- Debt millage to pay debt for installation of public infrastructure such as water lines, streets, curbs, medians, parks and drainage improvements; this mill levy will expire with the discharge of the bonds, 25 years in duration. It is currently projected at a maximum of 29 mills over the life of the bonds. (Millage would vary from 27 mills to 29 mills annually, depending on the annual debt service, determined at the time the bonds are sold.)
- Operating millage to pay for the annual upkeep of such amenities; this mill levy continues into perpetuity. This would be the balance of the 35 mills, or approximately 6 mills or more, depending on the millage pledged to pay annual debt service.

The cost of the infrastructure in this subdivision is higher due primarily to the cost of necessary drainage improvements: improving the dam at McKay Lake and channelizing the drainage downstream of McKay Lake. Both of these sets of improvements are necessary. This is because a large portion of this property and the land to the southeast, in Westminster and Thornton, lies in the 100-year flood plain.

These drainage improvements will be financed by the City and the developer and partly recovered from downstream benefiting property owners during the build-out period.

The proposed development is consistent with the City's Comprehensive Land Use Plan. While the service plan projects 200 homes to be built, an Official Development Plan (ODP) has not yet been approved for the site. The Service Plan states that the final number of units will be dictated by the approved ODP.

Policy Issues

Should City Council approve the formation of the Huntington Trails MSD, with a mill levy cap of 35 mills, for purposes of enabling the infrastructure and flood control measures to be constructed?

Staff Recommendation

Adopt Resolution No. 74 approving the formation of the Huntington Trails Metropolitan Special District, and making certain findings and determinations in regard to the Huntington Trails Metropolitan Special District.

Background Information

On August 28, 2000, City Council approved the Annexation Agreement for the Huntington Trail development. The Annexation Agreement includes a provision that the City Council will support the creation of a special district to finance infrastructure improvements needed for the development.

Part of the rationale to support formation of the district is the extraordinary cost to solve the drainage problems on the site. Over half of the Huntington Trails site lies within the 100-year flood plain. The solutions are to modify McKay Lake to provide flood storage and to create a channel to convey downstream storm flows. The proposed Huntington Trails MSD provides a financing mechanism for these needed improvements.

The basics of the Service Plan are summarized below as follows:

- The subdivision consists of 138 acres and approximately 200 homes, with extensive private open space, landscaping, curbing, divided boulevards, a private swimming pool, drainage improvements and other public improvements.
- The annexation agreement for this property was approved by City Council on September 11, 2000.
- The estimated market value of the development at build-out, in six years, is projected to be \$112.7 million, with estimated assessed value of \$10.6 million. Bonds to be issued of \$4.39 million comprise 41.4% of the assessed value.
- The developer proposes to use a 35-mill levy to pay debt service and operating expenses for the maintenance of the public improvements.

In order to evaluate the feasibility of this project, the City engaged Mr. Gordon Yale, CPA, at the developer's expense, to conduct the management and financial review of the proposed service plan. Mr. Mike Rinner of The Genesis Group was also retained, at the developer's expense, to evaluate the real estate absorption of the project.

Mr. Yale's report is summarized below, and addresses three questions:

- Evaluate the affect of the additional mill levies on the Citywide taxpayers in case the District does not develop and generate income to cover expenditures as projected.
- Evaluate the effect of the additional mill levy on other mill levies in the future, to determine the effect of this levy in competing for other City mill levies in the future.
- What bond structures can be incorporated that will serve to protect bondholders under "worst-case" financial circumstances?

Taxpayer Protection

Mr. Yale has reported that the cap of 35 mills "effectively provides absolute protection to tax payers within the District even in the event of a meltdown." This is because the taxpayers will never be subject to a mill levy of greater than 35 mills, even in the unlikely event that the development slows to a trickle. Mr. Rinner's report on real estate absorption estimates full build-out in six years, at the rate of 39 to 41 units per year. In the case of past "failed" Colorado MSD's, before the changes made to Title 32, the mill levies in these districts were "unlimited" and could be raised to the level sufficient to pay the bonds, even though there were fewer taxpayers in the district than were projected. In the case of the Huntington Trails MSD, each taxpayer will never pay more than 35 mills, and then only until the bonds are retired, when the mill levy will drop to 11 to 14 mills, enough to maintain and operate the district's infrastructure improvements.

Reasonable Mill Levies

The total mill levy to be paid by residents is within a range of levies that include successful districts such as Stonegate, Bromley Park, Canterbury Crossing, Stroh Ranch and Chapparral. The term "reasonable" is a relative term. The average price of the homes in Huntington Trails is \$550,000. A levy of 35 mills per year equates to an increased tax bill of approximately \$45 per month. Research conducted by Mr. Yale has demonstrated that the taxpayer does not factor in the taxes to the price of the home. In other words, this higher mill levy will not affect demand for homes in the high-price range. The taxpayer in this bracket will not make his/her purchase decision on the basis of higher taxes totaling \$535 per year for a home priced at \$450,000 to \$900,000.

However, in order to educate and inform the prospective homebuyers in this residential district, the City has mandated that the total tax burden (overlapping taxes) be disclosed to the homebuyer early in the purchase process. In this way, the homebuyer can include these taxes in the purchase decision, if he/she so chooses. Additional research conducted by Mr. Yale indicates that "...the marketplace and abnormal pricing also lead to slower sales. ...most developers are highly sensitive to these competitive forces." This type of disclosure will help to serve the prospective residents well, as they evaluate the value of the improvements against the additional tax burden.

Is the Bond Structure Reasonable?

Mr. Mike Rinner of the Genesis Group estimates the absorption of the real estate will take approximately 20% longer than originally anticipated by the developer. As a result of this analysis, the Huntington Trails investment bankers recalculated the cash flows in the District, to determine whether the mill levy would be adequate to make debt service payments on the bonds. Based on their analysis, the bonds will still be serviced adequately under this case. Those tables are included as Exhibit D: Financing Plan. Mr. Yale has reviewed their analysis and agrees with their findings.

However, that notwithstanding, projections can change. Staff has reserved the right to require a developer's guarantee of fees, in order to provide further security in the event the cash flows are inadequate to make debt service payments.

Under a developer's guarantee, if the property taxes and other revenues are insufficient to make debt service payments, the developer advances the money. Other municipalities have imposed this when it is warranted. In fact, the recent City Council approval of the Countrydale amendment was partly predicated on a deposit of funds by the developer to cover shortfalls in their projections.

Although Staff is not recommending that the City protect the bondholders, it is in the City's best interest to scrutinize the financing. If the bonds are paid off, the residents will not be concerned about district failure. If the residents are not concerned about district failure, they will not impose the political liability on the City Council which has arisen in other failed districts in danger of defaulting on their debt obligations.

Staff and their advisors will be in attendance at the September 25 Council meeting.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. **74**

INTRODUCED BY COUNCILLORS

SERIES OF 2000 _____

WHEREAS, pursuant to the provisions of Title 32, Article 1, Part 2, C.R.S., and specifically Section 32-1-204.5 thereof, the City Council of the City of Westminster, Colorado, considered the Service Plan of the proposed Huntington Trails Metropolitan District on the 25th day of September, 2000; and

WHEREAS, it appears that the Service Plan should be approved unconditionally, as permitted by Section 32-1-203(1), C.R.S.;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO;

Section 1. That the City Council of the City of Westminster, Colorado, does hereby determine that all of the requirements of Title 32, Article 1, Part 2, C.R.S., relating to the filing of a Service Plan for the proposed Huntington Trails Metropolitan District have been fulfilled.

Section 2. That the City Council does hereby find and determine that:

(a) There is sufficient existing and projected need for organized service in the area to be served by the proposed District;

(b) The existing service in the area to be served by the proposed District is not adequate for present and projected needs;

(c) Adequate service is not, and will not be, available to the area through the City or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time or on a comparable basis;

(d) The proposed special district is capable of providing economic and sufficient service to the area within its proposed boundaries;

(e) The area to be included in the proposed District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis;

(f) The facility and service standards of the proposed District are compatible with the facility and service standards of the City;

(g) The proposal is in substantial compliance with the Comprehensive Land Use Plan adopted by the City;

(h) The proposal is in compliance with any duly adopted long-range water quality management plans for the area; and

(i) The creation of the proposed District will be in the best interests of the area proposed to be served.

Section 3. That the Service Plan of the proposed Huntington Trails Metropolitan District is hereby approved unconditionally.

Section 4. That a certified copy of this Resolution be filed in the records of the City and submitted to the Petitioners for the purpose of filing in the District Court of Adams County.

ADOPTED AND APPROVED this 25th day of September, 2000

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Councillor's Bill No. 88 re Galerie Promenade, L.L.C. Lease at the Ice Centre

Prepared by: Philo Shelton, Design Development Manager

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill regarding a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and Galerie Promenade, L.L.C. for the lease of approximately 1,935 square feet of space in the Ice Centre at the Promenade, and authorize the City Manager to sign a lease agreement with Galerie Promenade, L.L.C. for an art gallery at the Ice Centre. The Hyland Hills Board of Directors has reviewed the lease agreement and approved the terms. The lease is now contingent upon City Council's approval. This agreement has been reviewed by the City Attorney's Office.

Summary

Galerie Promenade is the name of the subject art gallery and will be owned and operated by Mr. Scott Gladstone. Mr. Gladstone presently owns and operates a similar art gallery in Denver's Cherry Creek Shopping District named Fascination Street Gallery. The art proposed for sale at the Galerie Promenade includes paintings and sports memorabilia. Highlights of the lease agreement are as follows:

- The term of the lease will be for 5 years subject to the tenant's satisfactory compliance to the conditions of the lease.
- The lease may be renewed up to two times by mutual agreement of both parties subject to satisfactory performance of the tenant in five-year increments.
- The tenant shall pay for all utility costs and Common Area Maintenance (CAM) fees related to the space being leased.
- Execution of this agreement will generate \$30,960 per year or approximately \$16 per square foot in revenue for the recreational facilities enterprise.
- After the initial 5 year lease, there is an option to renew the lease for 5 more years at \$18 per square foot and then subsequent to the second renewal at \$20 per square foot for another 5-years.

Policy Issue

- Is an art gallery an appropriate use for the available rental space at the Ice Centre?
- Is the lease rate of \$16 per square foot acceptable to the going market rates at the Promenade?

Staff Recommendation

Pass Councillor's Bill No. 88 on first reading authorizing the City Manager to sign a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and Galerie Promenade, L.L.C. for the lease of approximately 1,935 square feet of space in the Ice Centre at the Promenade.

Background Information

The purpose of leasing out space in the Ice Centre is to produce additional revenue for the arena enterprise operations. The lease rates that have been negotiated will provide significant revenues to the Ice Centre enterprise, which will go toward anticipated pro forma projections. Staff believes these rates are very competitive to Denver Metro area market rates.

Presently, two retail spaces are leased at the Ice Centre: Jackson's All American Grill and AT&T Cellular Services of Colorado. Jackson's lease agreement pays the enterprise \$10 per square foot the first year of the lease, and gradually increases the lease rate to \$18 per square foot starting the eleventh year until the lease expires in the fifteenth year. This equates to \$60,000 the first year and increases to \$108,000 the eleventh year. AT&T Wireless Services of Colorado, Inc.'s lease generates \$19,200 per year or approximately \$39 per square foot in revenue for the recreational facilities enterprise. This is a premium lease rate for this type space since this "Communication Facility" consists of concealed cellular telephone transmission antennas behind the Ice Centre's quote beam, and approximately 485 square feet of retail space to house the communication equipment. Since this communication facility involved more than the retail space, a premium rate was negotiated on this retail space.

The lease rates for Jackson's All American Grill and Galerie Promenade are more in line with average lease rates in the City. Galerie Promenade is paying \$30,960 per year or \$16 per square foot for the first five years of the lease and then \$34,830 per year or \$18 per square foot the second five year term and finally \$38,700 per year or \$20 per square foot for the last five-year term of the lease. Staff is pleased to have a compatible use for this retail space.

Alternatives

- > City Council could reject the terms of this lease agreement and instruct Staff to re-advertise the space to other possible interested parties.
- > City Council could reject parts of the lease agreement and instruct Staff to renegotiate according to changes proposed by Councillors.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **88**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY, HYLAND HILLS PARK AND RECREATION DISTRICT, AND GALERIE PROMENADE, L.L.C. FOR THE LEASE OF A PORTION OF THE ICE CENTRE AT THE WESTMINSTER PROMENADE FOR AN ART GALLERY.

WHEREAS, City Council previously authorized an intergovernmental agreement between the City and the Hyland Hills Park and Recreation District for the purpose of constructing and operating an Ice Centre at the Westminster Promenade; and

WHEREAS, the City and Hyland Hills have selected Galerie Promenade, L.L.C. as one of the tenants at the Ice Centre's retail space; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between the City, Hyland Hills Park and Recreation District, acting by and through its Recreational Facilities Enterprise, and Galerie Promenade, L.L.C. for the lease of a portion of the Ice Centre at the Westminster Promenade for an art gallery is approved in substantially the same form as attached as Exhibit "A."

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

Section 3. 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 25th day of September, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____th day of October, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Resolution No. 75 re Contingency Transfer for Environmental Spill Clean Up

Prepared by: Rachel Harlow-Schalk, Environmental Compliance Coordinator
Kathleen Hix, Organizational Support Services Manager

Introduction

City Council action is requested to adopt a resolution authorizing a General Fund Contingency transfer of funds in the amount of \$50,888 to the General Fund Operating Budget for services rendered by vendors for the clean up of raw sewage discharged from the Westminster Square Shopping Center into Little Dry Creek reported on February 9, 2000. Funds are available in the General Fund Contingency Account for payment of these expenditures.

Summary

In February of this year, the Westminster Square Shopping Center, owned by Colorado and Santa Fe Land Company, located on the northeast corner of 74th Avenue and Irving Street was found to have an illegal connection of their sanitary sewer to the storm sewer system on their property. The storm sewer connection on the property connected to the City's storm sewer system that discharges into Little Dry Creek at roughly 69th Avenue and Lowell Boulevard in Unincorporated Adams County. As a result of this connection, cleanup was required. The total cost of this cleanup by outside vendors was \$50,888.

The City's insurance coverage through CIRSA does not include pollution insurance coverage. In March 2000, the Risk Management Division began a collection process that included contacting the Colorado and Santa Fe's insurance company, GAB, and requested payment of invoices directly to the vendors. Currently, neither GAB nor Colorado and Santa Fe have responded to these requests. As a result, the Environmental Compliance Program and the Risk Management Division met with the City Attorney's Office to discuss payment of the invoices generated from the cleanup and steps necessary for expense recovery from Colorado and Santa Fe.

Based on this meeting, it was decided that the City should pay all invoices incurred as a result of this cleanup because the City requested the cleanup work, not the property owners. It was also determined that the City would seek expense recovery through the City Attorney's Office. Staff does not expect cost recovery to occur during the 2000 budget cycle.

Policy Issue(s)

Whether to pay the invoices to the vendors who cleaned up the raw sewage from the Westminster Square Shopping Center.

Staff Recommendation

Adopt Resolution No. 75 authorizing the transfer of \$50,888 from the General Fund Contingency Account into the General Fund Operating Budget for the raw sewage spill from Westminster Square Shopping Center.

Background Information

On February 9, 2000, the Tri-County Health Department contacted the City of Westminster requesting spill cleanup in Little Dry Creek at 69th Avenue and Lowell Boulevard located in unincorporated Adams County. The City's storm sewer system was releasing a white liquid into the Creek with the source of the release unknown at that time. Immediately, the West Metro Fire Department blocked off the Creek stopping the spread of the white liquid further. The City's Environmental Compliance Program contacted Rocky Mountain Catastrophe Environmental Services, Inc. to begin immediate cleanup operations in the Creek including sampling and analytical work on the samples through Evergreen Analytical Laboratory.

Initially, staff believed the release was a one time illegal dumping and once the Creek was cleaned, the release would be done. However, white liquid continued to release into the Creek prompting Environmental Compliance to request a trace of the storm sewer lines from the Street Division until the source of the release could be found. During this line trace, Rocky Mountain Catastrophe began pumping out the water in the Creek resulting in the holding of 56,000 gallons of unknown contaminated water in above ground storage tanks.

Street Division and the City's Fire Department staff were able to physically trace the white liquid release to the corner of 74th Avenue and Irving, but the actual location of the release was undeterminable. The Utilities Division's contractor, AquaSource Services and Technologies, Inc. was contacted by the Street Division to television the storm sewer lines to determine the release source location. Upon televising the lines, the source of release was found to be the storm sewer connection from the Westminster Square Shopping Center to the City's storm sewer system.

Immediately, Street Division staff began dye testing every business within the Center to determine if there were connections from the sanitary sewer to the storm sewer. After dye testing, staff determined that two businesses, Longmont Meat Packing #3 and the Adams County Motor Vehicle, were discharging raw sewage directly into the City's storm sewer system from an illegal sanitary sewer connection to the storm sewer on the Westminster Square property.

The Utilities Division was contacted to locate the connection of the sanitary sewer on the private property as well as to cease the connection. Utilities Division staff cut the connection and notified the property owner that they must fix the lines immediately.

As requested by the Colorado Department of Public Health and Environment, Environmental Compliance asked AquaSource to clean the entire storm sewer line from the Center to the release point at Little Dry Creek. As a result of this line cleaning, AquaSource encountered debris that required disposal through CSI/Waste Management.

Since the source was found to be sanitary sewerage, Environmental Compliance began discussions with the Metro Wastewater Reclamation District to discharge the 56,000 gallons of water into Metro's sanitary sewer system. Prior to approval to discharge, Metro required additional analytical to ensure that water released would meet their restrictions. Rocky Mountain Catastrophe was contracted by Environmental Compliance to sample the contents in the above ground storage tanks and run the samples through Evergreen Analytical.

Once the analytical was complete, it was determined that the contents met the restrictions of Metro's sanitary sewer system. Environmental Compliance then requested Rocky Mountain Catastrophe to release the contents in the storage tanks into the sanitary sewer system and decontaminate the above ground storage tanks.

Based on all work conducted by outside vendors, the following costs were incurred:

Rocky Mountain Catastrophe Environmental Services, Inc.	\$38,888
Evergreen Analytical Laboratory	\$ 54
CSI/Waste Management	\$ 650
AquaSource Services and Technologies, Inc.	<u>\$ 11,296</u>
	\$50,888

Since the Utilities Division's contract with AquaSource would be impacted, the Risk Management Division paid the \$11,296 out of their Property and Casualty Account. Budget monies are not set aside for this type of an emergency cleanup, since emergencies are hard to gauge in budgeting. Funds requested from the General Fund Contingency Account will be transferred into the Environmental Compliance Program's Contractual Services Account and will be used to reimburse the Risk Management Property and Casualty Account as well as pay the remaining \$39,592 of outstanding invoices generated from this cleanup.

The Environmental Compliance Program, Risk Management Division, and the City Attorney's Office are currently evaluating ways of seeking recovery of these costs from the Center's property owner, Colorado and Santa Fe Land Company. Staff does not expect recovery of these costs in 2000, as the evaluation of recovery capabilities is still under review by the City Attorney's Office.

Alternative(s)

An alternative to the proposed action would be to not adopt the attached resolution and vendors would be forced to go through a formal collection process against the City.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachment(s)

RESOLUTION

RESOLUTION NO. **75**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL CONTINGENCY FUND FOR THE PAYMENT OF RAW SEWERAGE RELEASE CLEANUP INVOICES

WHEREAS, the City of Westminster contracted with contractors for the cleanup of a raw sewerage release from the Westminster Square Shopping Center that resulted in contamination of Little Dry Creek; and

WHEREAS, the City of Westminster desires to maintain good working relationships with cleanup contractors; and

WHEREAS, a General Fund Contingency transfer of \$50,888 is needed for payment of invoices generated as a result of the City of Westminster contracting with vendors to cleanup the release from the Westminster Square Shopping Center; and

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

Section 1. The City Manager is hereby authorized to transfer \$50,888 from the General Fund Contingency account into the Environmental Compliance Program's Contractual Services account in the General Fund for payment of outstanding invoices generated as a result of the raw sewerage release from the Westminster Square Shopping Center.

Passed and adopted this 25th day of September, 2000

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Resolution No. 76 re Internet Access Policy for Westminster Public Library

Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council Action is requested to adopt the attached resolution approving the Westminster Public Library and Front Range Community College Library Policy on the Public Use of the Internet. The policy has been reviewed and recommended for approval by both the Westminster Library Board and the staff of Front Range Community College.

Summary

Staff has recently reviewed and revised the Library's original Internet policy, to address the concerns of some parents regarding children's access to the Internet at the libraries. Staff added a provision to install filtering software to block graphic sexual content on computers in the Children's areas of both libraries. Staff also added language specifically stating that librarians will monitor computers in adult areas of the library to prevent unsupervised minors from accessing such material. The proposed policy was approved by the Library Board at its July meeting. At the September 18 Council Study Session, Staff reviewed the proposed policy with Council.

Policy Issue

Does City Council wish to establish an Internet policy for the City's libraries that stipulates that filtering software will be installed on computers in the Children's areas of the libraries?

Recommendation

Adopt Resolution No. 76 approving the Westminster Public Library and Front Range Community College Library Policy on Public Use of the Internet.

Background

The libraries provide access to the Internet because of the wealth of useful information available through this communication medium. Unfortunately, the Internet also contains information that is inaccurate, dated, incomplete, or offensive in some instances. Since the library is a public institution open to all, the possibility always exists that some people will try to use the library's computers for inappropriate or even illegal uses.

When College Hill Library opened in 1998, a task force composed of Westminster Public Library and Front Range Community College Library staff drafted an Internet use policy as an internal document, in anticipation of possible inappropriate uses of library Internet workstations. In the 2 ½ years that Westminster Public Library has provided Internet access, over 1 million patrons have used the libraries. In that time, there have been fewer than 10 incidents where staff either discovered a patron using the Internet inappropriately, or where a library patron complained to staff about someone viewing inappropriate sites via the Internet. Library Staff has used the original policy successfully to deal with the very few incidents that have occurred.

Recent concerns about inappropriate use of the Internet by minors, which have arisen in many communities including the Denver metro area, prompted library staff to review the original policy, and to add language to specifically address this issue. In order to address these concerns, Staff recommends that the City adopt the attached revised Internet policy, which adds filters to computers in the Children's areas of both the 76th Ave. and College Hill Library. Filtering children's computers will help to avoid situations where children have either accidentally or deliberately accessed web sites that are not appropriate in a children's library. The library has already purchased software that blocks access to chat rooms and e-mail, and the same software can be used to filter inappropriate sites in the Children's area. Although no filtering software program is 100% effective in blocking all objectionable sites, a filter would provide some measure of protection against young children being accidentally exposed to inappropriate materials. Based on the very small number of incidents that have occurred to date, Staff does not see a need for more restrictive measures, such as installing filters on all library computers, at this time.

After receiving questions from some patrons about installing filters on all library computers, library staff requested an opinion from the City Attorney's Office regarding the legality of installing filters on all library computers. The City Attorney's Office advised Staff that filtering all computers with access to the Internet is possibly illegal, because it may infringe on the right of adult patrons to view constitutionally protected material. Not all objectionable sites fall under the legal definition of "obscene", and studies have shown that filtering software may also mistakenly block sites that are not objectionable.

Concerned parents can direct their children only to use Internet stations in the Children's area, or only to use filtered search engines on other computers (links to these search engines are provided on the Library's home page). The proposed policy also explicitly states that library staff will monitor Internet computers in adult areas of the library to prevent unsupervised minors from accessing sexually explicit materials. The City Attorney's office has concluded that restricting access to such materials by minors may be legal because "protecting minors from harmful material has been recognized by the courts to be a compelling interest."

The proposed Internet Access Policy does not restrict the First Amendment rights of adults to view constitutionally protected information. It does, however, offer assistance to parents in shielding their children from exposure to objectionable materials and images on the Internet. Ultimately, it is the parent's right and responsibility to determine what their child will access at the library, be it books, videos, or information available through the Internet. The proposed policy encourages parents to become active in assisting their children to choose reading and informational materials safely and wisely.

Alternatives

- City Council can elect not to install filtering software on computers in the children's section of the City's libraries.
- City Council can elect to install filters on all City-owned public computers at both libraries.

Respectfully submitted,

Ronald A. Hellbusch
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO. 76

INTRODUCED BY COUNCILLORS

SERIES OF 2000

ADOPTING THE WESTMINSTER PUBLIC LIBRARY AND FRONT RANGE COMMUNITY COLLEGE LIBRARY POLICY ON PUBLIC USE OF THE INTERNET.

WHEREAS, the City offers Internet access to its residents at both branches of the Westminster Public Library; and

WHEREAS, thousands of Westminster residents have used the Internet at the Library to access educational and informational web sites to improve their lives; and

WHEREAS, the City wishes to provide a safe environment at the libraries for children, to assist parents in guiding their children to use the Internet safely and wisely, and to ensure that the Internet is used safely and lawfully by library patrons,

NOW, THEREFORE, be it resolved that the Westminster City Council formally adopts the Westminster Public Library and Front Range Community College Library Policy on Public Use of the Internet.

Passed and adopted this 25th day of September, 2000.

ATTEST:

City Clerk

Mayor

WESTMINSTER PUBLIC LIBRARY AND FRONT RANGE COMMUNITY COLLEGE LIBRARY POLICY ON PUBLIC USE OF THE INTERNET

To provide access to information of all types in a wide range of formats, Westminster Public Library and Front Range Community College Library offer free public access to the Internet. The Libraries have no control over the information available on the Internet. The libraries are dedicated to the free flow of information, and support the First Amendment rights of library patrons by offering unrestricted access to constitutionally protected materials available over the Internet.

The libraries cannot guarantee users protection from materials that they might find objectionable. However, to assist those users who have concerns about some of the information available on the Internet, the library provides links to filtered Internet search engines that attempt to limit access to sexually explicit and/or graphically violent Internet sites. Filtered search engines may restrict access to sites that could be deemed objectionable, but may also limit access to sites which have legitimate research value. Therefore, Library staff will not require that patrons use filtered search engines for their research.

ACCESS BY MINORS

Parents or legal guardians must assume responsibility for deciding what library resources are appropriate for their children. To assist parents in guiding their own children's use of the Internet, the Westminster Public Library provides only filtered access to the Internet in the Children's areas of both the 76th Ave. and College Hill Library facilities. No filtering software is 100% effective and children are not prohibited from using computers in other areas of the library. Therefore, parents or guardians should either give children specific instructions about how they may use the Internet at the public library, and/or accompany their children to the library to more closely monitor their children's use of library resources. The Westminster Public Library encourages parents and guardians to educate themselves and their children on the safety issues regarding Internet access. We recommend viewing [Child Safety on the Information Highway](#), produced by the National Center for Missing and Exploited Children and [The Librarian's Guide to Cyberspace for Parents and Kids](#), produced by the American Library Association.

Westminster Public Library staff monitors the use of computers in adult areas of the library to prevent patrons from engaging in activity that is inappropriate in a public setting. Library staff will not allow unaccompanied minors to access sexually explicit web sites. In the future, library staff may choose to install filtering software on additional computers outside the Children's areas of one or both libraries. However the library will also continue to offer unrestricted access for adults at some library computers. Just as no filtering software is 100% effective, the library cannot guarantee that staff will intercept every inappropriate use of the Internet. Parents or guardians who want guaranteed protection from inappropriate sites for their children will need to accompany their child to the library and monitor the child's Internet use.

CHOOSING AND EVALUATING SOURCES

The Internet is a series of communication links leading to a diverse array of information content. The Internet offers access to many valuable local, national, and international sources. However, some information found on the Internet may be inaccurate, incomplete, dated, or offensive to some individuals. Good information consumers must learn to search for and evaluate the validity and appropriateness of information found. A good site to begin learning about using the Internet is:

University at Albany Libraries

Please ask for assistance at a service desk if you would like help using the computer or the Internet.

RULES GOVERNING USE

Users may not:

- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, viewing child pornography, or in a manner inconsistent with the Libraries' tax-exempt status or proper operation.
- Engage in any activity that is harassing, defamatory, disruptive, or inappropriate in a public setting.
- Invade the privacy of others.
- Use the network to make unauthorized entry into other computational, informational or communication services or resources.
- Distribute unsolicited advertising.
- Make any attempt to damage computer equipment or software.

The Libraries reserve the right to ask individuals to discontinue the display of information and images that cause disruption. Because the Libraries have limited resources available for providing public access to the Internet, they reserve the right to limit the amount of time an individual user can devote to a single session. The Libraries may also set limits, for example, on the use of large files of still or moving images or sound, or on downloading images in any medium.

Because the Libraries have limited resources available for providing public access to the Internet, users may not:

Use library computers to access email or chat rooms.

Use library computers for longer than 20 minutes if other patrons are waiting.

Violation of any of the above rules may result in a loss of access. Unlawful activities will be dealt with in an appropriate manner, including notification of police, if necessary.

PUBLIC USERS' SECURITY

Users should be aware that the Internet is not a secure medium and that third parties may be able to obtain information regarding users' activities. However, Westminster Public Library and Front Range Community College Library will not release information on the use of specific Internet resources by members of the public except as required by law or as necessary for the proper operation of the Libraries.

DOWNLOADING

Patrons may download from the Internet terminals only in the reference areas of the College Hill and 76th Ave. Libraries. Patrons may purchase a pre-formatted disk at the Circulation Desk, or bring their own.

COMPLIANCE

The Libraries reserve the right to take appropriate action to insure compliance with this policy.

AMERICAN LIBRARY ASSOCIATION STATEMENTS

Westminster Public Library and Front Range Community College Library are guided by the following American Library Association statements on access to Information

The Library Bill of Rights

Freedom to Read Statement.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 25, 2000

Subject: Intergovernmental Agreement with Hyland Hills Park and Recreation District re Mill Levy/Bond Authorization Elections

Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to approve an Intergovernmental Agreement between the City of Westminster and Hyland Hills Park and Recreation District. This agreement would ensure that both entities would provide support for Westminster's "Accelerated Park Development" mill levy proposal and the Hyland Hills future ballot initiative for park and recreation improvements.

Summary

The attached Intergovernmental Agreement between the City of Westminster and the Hyland Hills Park and Recreation District represents a cooperative effort to support the other respective entity's election effort in seeking voter approval on a mill levy increase and bond authorization for park (City) and park and recreation (Hyland Hills) improvements. Representatives from the two entities previously agreed there is merit in working together on funding for additional quality of life improvements in the City and District. This point is especially relevant as it relates to the "overlap area" where each entity has jurisdiction and responsibilities.

Policy Issues

Should City Council support Hyland Hills Park and Recreation District on their future mill levy and bond authorization election? Does City Council believe that the respective funding amounts from Hyland Hills are sufficient given the balance of financial responsibility on the City's part to complete the three named parks? Should City Council potentially bind a future City Council on supporting the Hyland Hills' bond election effort?

Recommendation

City Council formally approve the Intergovernmental Agreement between the City and Hyland Hills Park and Recreation District, ensuring mutual support for Westminster's mill levy proposal on November 7, 2000, as well Hyland Hills Park and Recreation District's future ballot initiative for park and recreation improvements.

Background Information

Representatives from the City and Hyland Hills previously explored the feasibility of both entities presenting mill levy and bond authorization proposals to the electorate at the November 7, 2000 general election. Hyland Hills representatives subsequently decided to obtain more information and schedule their ballot propositions for either 2001 or 2002. From those discussions, representatives from the two entities agreed there was merit in pursuing an Intergovernmental Agreement to support each other's election propositions. Accordingly, the attached draft IGA has recently been developed and shared with Hyland Hills staff.

The main provisions of the agreement would call for the City to go forward with the "Accelerated Park Development" package including the operating and maintenance mill levy proposal on the November 7 ballot. Also, the City would commit to publicly supporting the District's future ballot initiative for park and recreation improvements. Finally, the City and the District would work together on specific parks in the "overlap area" to jointly fund the development and/or enhancement of Carroll Butts Park, L.I.F.E. Fellowship Park, and the park site at 128th Avenue and Big Dry Creek. The District would be granted either a long-term lease or an ownership interest in each of these parks. Maintenance would remain the responsibility of the City except for Carroll Butts Park, which is a 50/50 shared expense.

The District would publicly support the City's November 7, 2000 "Accelerated Park Development" ballot propositions, commit to seeking voter approval either in November 2001 or May 2002 with their mill levy and bond authorization election for their own set of improvements, which would include the three parks in the "overlap area." The District would commit to the following minimum level of funding at the three respective parks:

- L.I.F.E. Fellowship Park - \$1.1 million
- 128th Avenue and Big Dry Creek Park - \$1.25 million
- Carroll Butts Park - \$875,000

Staff believes this is a "win-win" collaborative effort and would further enhance the quality of life for Westminster and Hyland Hills residents.

Alternative

City Council could not approve the Intergovernmental Agreement and seek voter approval for the mill levy independently.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement entered into this ____ day of _____, 2000, is made by the **CITY OF WESTMINSTER** (the "City"). and **HYLAND HILLS PARK AND RECREATION DISTRICT** (the "District").

WHEREAS, pursuant to Section 29-1-203, C.R.S., governmental entities may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the City and the District are each authorized to construct, maintain, and operate parks and recreation facilities; and

WHEREAS, the City intends to place an issue on the ballot for the November 7, 2000, general election which requests voter approval for a bond issue and increase in the mill levy not to exceed 1.15 mills to accelerate the construction and improvement of parks and four tenths (.4) of one mill for operation and maintenance of such parks; and

WHEREAS, the District is considering placing an issue on the ballot in November, 2001, or May, 2002, which would request voter approval for issuance of a bond to be financed by an increase in mill levy of 2.0 mills debt service payments on new bonded indebtedness and 1.0 mill for operation and maintenance expenses; and

WHEREAS the parties wish to cooperate in the creation, modification, and improvements of parks, especially those which "overlap" the respective jurisdictions of the parties.

THEREFORE the parties agree as follows:

A. THE CITY:

1. The City will place on the November 7, 2000, general election ballot its proposal for the development and improvement of certain parks within the City, with authorization for an increase of 1.15 mills for acceleration of park development and park improvements and four tenths of one mill for maintenance and operation for such parks. The package of improvements includes thirteen new parks and enhancements to four existing parks..
2. The City will publicly support the District's ballot initiative as described below, as in the best interests of City and District residents.
3. The City recognizes that the District has committed funds for improvements to parks where the City owns the land. These parks are in an "Overlap Area" and consist of L.I.F.E. Fellowship Park, the park at 128th Avenue and Big Dry Creek, and Carroll Butts Park. Therefore, the City will grant to the District a property interest in the first two listed park sites, either in the form of a long-term lease or an ownership interest. The interest granted will be proportionate to the ~~value~~ **PURCHASE PRICE** of the land and the value of financial contributions. The City will be responsible for maintenance of all the parks in the Overlap Area that would be improved with City and District funds, except Carroll Butts Park which will be maintained on a shared 50-50 cost basis.

B. THE DISTRICT:

1. In November 2001 or May 2002, the District ~~will~~**MAY** seek authorization from the voters for a bond issue to be financed by a maximum of 3.0 mills, with 1.0 mill to be used for ongoing maintenance and 2.0 mill to be used to retire bonded indebtedness.

2. The District will earmark funds from its bond issue for improvements within the Overlap Area with the amount of bond funds to be determined by the City's assessed valuation of the Overlap Area as a percentage of the District's entire assessed valuation. As a minimum, the following City parks will receive funding in the approximate amounts: L.I.F.E. Fellowship Park: \$1,100,000; 128th and Big Dry Creek Park: \$1,250,000; Carroll Butts Park: \$875,000.

3. The District will publicly support the City's ballot issues as described above, as in the best interests of City and District residents.

CITY OF WESTMINSTER

By _____
Mayor

ATTEST:

City Clerk

**HYLAND HILLS PARK AND RECREATION
DISTRICT**

By _____
President and Chairman of the Board

ATTEST:

Its _____



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 25, 2000
Subject: Financial Report for August 2000
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 2000 transactions through August 2000.

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 72% of the total budget estimate while General Fund expenditures and encumbrances represent 60% of the 2000 appropriation.

Utility Fund revenues represent 56% of the total budget estimate while Utility Fund expenditures and encumbrances represent 54% of the 2000 appropriation.

The Sales and Use Tax Fund revenues represent 71% of the total budget estimate, while expenditures and encumbrances in that fund represent 67% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 3% from the same period last year and increased 8% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 78% of the total budget estimate while expenditures and encumbrances in that fund represent 51% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 72% of the total budget estimate while operating expenditures and encumbrances represent 53% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 58% of the total budget estimate while operating expenditures and encumbrances represent 54% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 66% 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.

Policy Issues

According to City Charter, Sections 4.8(i) and 9.6, City Manager is required to submit financial statements quarterly, or more often, as the Council directs. The monthly financial report is prepared by the Finance Department and presented by the City Manager to City Council for review and approval.

Staff Recommendation

Accept the report as presented.

Background

Sections 4.8(i) and 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,

Ronald A. Hellbusch
Acting City Manager

Attachments

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, September 25, 2000.

Present at roll call were Mayor Heil, Mayor Pro Tem Dixion and Councillors Atchison, Hicks, Merkel and Moss. Absent none.

The minutes of the September 11, 2000 Council meeting were approved with no additions or corrections.

Council accepted the resignation of Allen Jones from the Metro Wastewater Reclamation District Board of Directors.

At 7:20 P.M. a public hearing was held on the Second Amended Plaza II (Wadsworth Estates) PDP.

Council approved the following: City Park Phase II Wetland Mitigation, 2000 Water Storage Tank Evaluation Project, Award of Semper Remodel Construction Contract, Design/Build Contract for new Water Treatment Facility, Project Management Services for New Water Treatment Plant, Second Amended Plaza II Preliminary Development Plan, Purchase of McKay Lake for Open Space, and an Intergovernmental Agreement with Hyland Hills Parks and Recreation District regarding Mill Levy/Bond Authorization Elections.

Council Tabled Councillor's Bill No. 88 regarding Galerie Promenade Lease at the Ice Centre.

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

A BILL FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT IN CHURCH RANCH SUBDIVISION. Purpose: Vacate existing sanitary sewer easement.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Appropriate CDOT funds for the Sheridan Boulevard Project.

The following Councillor's Bill was adopted on second reading:

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

The following Resolutions were adopted by City Council:

Resolution No. 73 – Right of Way Acquisitions for Sheridan Boulevard, 113th Ave to 118th Ave Project.

Resolution No. 74 – Formation of Huntington Trails Metropolitan Special District.

Resolution No. 75 – Contingency Transfer for Environmental Spill Clean Up.

Resolution No. 76 – Internet Access Policy for Westminster Public Library.

At 8:35 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on October 5, 2000