

October 12, 1998

7:00 PM

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
  - A. Proclamation re Business Appreciation Week - October 12-19,1998
  - B. Proclamation re Glenn "Mooch" Myemick Day - October 12, 1998
- 5. Citizen Communication (5 minutes or Less in Length)**
- 6. Report of City Officials**
  - A. City Manager's Report
- 7. City Council Comments**

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

- 8. Consent Agenda**
  - A. West 103rd Avenue Development Participation - payment of \$61,500 to Church Ranch Home Place Land & Cattle Co for street improvements along 103rd Avenue
  - B. Bids re New Ambulance Purchase - to EDM Equipment Company for \$91,500 for one ambulance
  - C. Heritage at Westmoor Golf Course Phase 3 Contract with Randall & Blake for construction of golf cart and trail crossings at a cost of \$410,000
  - D. CB No. 46 re Salary Increase for Presiding Judge for 1999 on second reading (Dixion-Scott)
  - E. CB No. 47 re Snow Annexation on Second Reading (Scott-Dixion)
  - F. CB No. 48 re Comprehensive Land Use Plan Amendment to include Snow annexation as Open Space on Second Reading (Scott-Dixion)
  - G. CB No. 49 re Snow Zoning on Second Reading (Scott-Dixion)
  - H. CB No. 50 re Standley Lake property Annexation on Second Reading (Smith-Scott)
  - I. CB No. 51 re Comprehensive Land Use Plan Amendment to include Standley Lake property as Public Park on Second Reading (Smith-Scott)
  - J. CB No. 52 re Zoning of Standley Lake property on Second Reading (Smith-Scott)
  - K. CB No. 53 appropriating \$23,445 from Department of Justice Restorative Justice in Schools Grant to the Police Department Budget on Second Reading (Smith-Dixion)
  - L. CB No. 54 re Amend Municipal Code for Criminal Mischief and Theft-Related offenses with economic loss of less than \$500 (Atchison-Dixion)
  - M. CB No. 55 re appropriating \$160,000 for construction of the Heritage Golf Course Club House on Second Reading (Smith-Atchison)
  - N. CB No. 56 re Jackson's All American Grill Lease Agreement at Ice Centre on Second Reading (Atchison-Scott)
  - O. CB No. 57 re Ice Centre Lease Agreement with Hyland Hills Park and Recreation District on Second Reading (Atchison-Dixion)

**9. Appointments and Resignations**

- A. Resolution No. 62 re Appointment of new member to Personnel Board from 1998 Pool of Board and Commission Applicants

**10. Public Hearings and Other New Business**

- A. TABLED - CB No 27 re Definitions for Hotels/Motels
- E. Resolution No. 56 re 1999 Budget Adoption and Mill Levy
- F. Resolution No. 57 re 1999 Salary Plan - establishing the 1999 Salary ranges
- G. Councillor's Bill No. 59 re Longevity Pay which allos for the phaseout of longevity pay
- H. Councillor's Bill No. 60 re Water and Sewer Tap Fee Adjustments effective March 1, 1999
- I. Councillor's Bill No. 61 re Water and Sewer Rate Adjustments effective January 1, 1999
- J. Councillor's Bill No. 62 re Creation of Department of Information Technology for 1999
- K. Resolution No. 58 re Policy on Existing Retail Center Rehab Business Assistance
- L. Councillor's Bill No. 63 re Mission Commons Business Assistance Package
- M. Resolution No. 59 re 92nd Avenue Marshall Street to Yates Street Project expansion
- N. Councillor's Bill No. 64 re Standley Lake/Jefferson County Fund Transfer appropriating \$2,463,733 for the Standley Lake Recreational Area
- O. American Multi-Cinema Inc agreement re maintenance of AMC Promenade West
- P. Resolution No. 60 re Promenade Staffing, adding 1 indexed parks crewleader and 1 indexed parkworker for maintenance operations at the Westminster Promenade
- Q. Resolution No. 61 re Transfer of \$47,730 to replace natural gas supply line at Big Dry Creek Water Reclamation Facility
- R. Kimmel Mechanical Inc contract re replacement of natural gas supply line at Big Dry Creek Water Reclamation Facility

**11. Old Business and Passage of Ordinances on Second Reading**

None

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

- A. City Council
- B. Request for Executive Session
  - 1.

**13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, OCTOBER 12, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Smith to accept the minutes of the meeting of September 28, 1998 with no additions or corrections. Mayor Pro Tem Merkel and Councillor Allen requested to abstain as they was not present at the meeting. The motion carried with 4 aye votes and Mayor Pro Tem Merkel and Councillor Allen abstaining.

PRESENTATIONS:

Mayor Heil presented a proclamation to Steve Wagner and Cleta Sohn proclaiming the week of October 12 as Business Appreciation Week.

Mayor Heil presented a proclamation to Colorado Rapids coach Glenn Myernick proclaiming October 14 as Glenn Myernick Day in recognition of his being named Coach of the Year by the U.S. Olympic Committee.

CITIZEN COMMUNICATION:

Steve Austin addressed Council stating that the Vineyard Christian Fellowship NW was looking to move their church facility to the Lake Arbor Industrial Park.

RESOLUTION NO. 63 - ADAMS COUNTY SCHOOL DISTRICT 50 BALLOT QUESTIONS:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 63 supporting the Adams County School District No. 50 ballot questions. Upon roll call vote, the motion carried unanimously.

CITY COUNCIL COMMENTS:

Councillor Dixon ask for a moment of silence for the parents of Matthew Shepard. Mayor Pro Tem Merkel stated that the Holy Cow race was quite successful, and Councillor Allen reported that he participated in the race and broke the speed record for his age group.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: West 103rd Avenue Development Participation - Authorize payment in the amount of \$61,500 to Church Ranch Home Place Land & Cattle Co. Inc. for City participation in the construction of 103rd Avenue roadway improvements and charge the expense to the 1998 New Development Participation Project of the General Capital Improvements Fund; Bids for new Ambulance Purchase - Award bid to EDM Equipment Company in the amount of \$91,500 for the purchase of one ambulance because it is in the best interest of the City and charge the expense to the appropriate capital outlay account in the Fire Department budget; Heritage at Westmoor Golf Course Phase 3 Contract - Authorize City Manager to execute a contract with Randall & Blake, Inc., the

low bid contractor, in an amount of \$409,345 for the construction of golf cart/trail crossings at the Heritage Golf Course and charge the contract amount as follows: \$149,345 to the Heritage Golf Course budget and \$260,000 to the Walnut Creek Trail account; Councillor's Bill No. 46 re Salary Increase for Presiding Judge;

Councillor's Bill No. 47 re Snow Property Annexation; Councillor's Bill No. 48 re Comprehensive Land Use Plan Amendment; Councillor's Bill No. 49 re Snow Property Zoning; Councillor's Bill No. 50 re Standley Lake Property Annexation; Councillor's Bill No. 51 re Comprehensive Land Use Plan Amendment; Councillor's Bill No. 52 re Standley Lake Property Zoning; Councillor's Bill No. 53 re Restorative Justice Grant Appropriation; Councillor's Bill No. 54 re Criminal Mischief & Theft Related Offenses; Councillor's Bill No. 55 re Heritage Golf Course Appropriation; Councillor's Bill No. 56 re Jackson's All American Grill Lease Agreement; and Councillor's Bill No. 57 re Ice Centre Lease Agreement with Hyland Hills P&R District.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Councillor Atchison asked that Item 8B, Bids for new ambulance purchase, be removed from the Consent Agenda.

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

BIDS FOR NEW AMBULANCE PURCHASE:

A motion was made by Atchison and seconded by Dixon to award the bid to EDM Equipment Company in the amount of \$91,500 for the purchase of one ambulance because it is in the best interest of the City and charge the expense to the appropriate capital outlay account in the Fire Department budget. Fire Chief Jim Cloud was present to address Council. Leo Bransteader, representing Peak Coachworks, addressed Council concerning the City's ambulance purchase.

RESOLUTION NO. 62 - PERSONNEL BOARD APPOINTMENT:

A motion was made by Atchison and seconded by Allen to adopt Resolution No. 62 appointing Kathy Macklem as an alternate member to the Personnel Board with term of office to expire December 31, 1999. Upon roll call vote, the motion carried unanimously.

1999 CITY BUDGET/MILL LEVY/PAY PLAN/WATER & SEWER TAP FEES/RATES:

A motion was made by Allen and seconded by Dixon to Table items Adoption of 1999 Budget; 1999 Pay Plan and Longevity Pay; Water and Sewer Tap Fee Adjustments; Water and Sewer Rate Adjustments and Creation of Department of Information Technology until October 19 when all members of Council will be present. The motion carried unanimously.

RESOLUTION NO. 58 - REHABILITATION OF EXISTING SHOPPING CENTERS:

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 58 which sets forth the City's formal policy on providing financial assistance to existing Westminster retail shopping centers which are desirous of updating, rehabilitating and improving the tenant mix to assure the continued viability of these retail centers. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 63 - MISSION COMMONS BUSINESS ASSISTANCE PACKAGE:

A motion was made by Allen and seconded by Smith to pass Councillor's Bill No. 63 on first reading authorizing the City Manager to execute and implement an Assistance Agreement with Metzger One, LLC, owner of the Mission Commons Shopping Center. Councillors Atchison, Dixon and Merkel requested to abstain from voting on this issue pursuant to City Charter Section 5.12.1, since they had received campaign contributions that might be a potential conflict of interest for them to vote. Since only three members of Council were then eligible to vote on this issue, the Mayor asked the eligible voting Councillors if they approved of allowing the Councillors to vote since the Councillors had disclosed the conflicting interest. There was no opposition to allowing the Councillors to vote. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 59 - 92ND AVENUE, MARSHALL TO YATES STREET PROJECT:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 59 authorizing the expenditure of up to \$290,000 for the acquisition of sufficient right-of-way and easements for the construction of improvements to 92nd Avenue between Marshall Street and Yates Street, through condemnation proceedings, if necessary, and charge the expense to the appropriate project account in the General Capital Improvement fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 64 - JEFFCO OPEN SPACE FUND APPROPRIATION:

A motion was made by Smith and seconded by Dixon to pass Councillor's Bill No. 64 on first reading appropriating \$2,463,733 from Jefferson County Open Space to the Standley Lake Recreation Area project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

AGREEMENT WITH AMERICAN MULTI-CINEMA FOR MAINTENANCE OF PROMENADE WEST:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to sign an agreement with American Multi-Cinema, Inc. for the maintenance of AMC Promenade West. The motion carried unanimously.

RESOLUTION NO. 60 - WESTMINSTER PROMENADE STAFFING:

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 60 which amends the Parks, Recreation and Libraries Department authorized personnel for 1998 by adding one (1) Indexed Parks Crewleader and one (1) Indexed Parkworker for maintenance operations at the Westminster Promenade, and establish an operating budget of \$157,500 for maintenance of the AMC Promenade West. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 61 - CONTINGENCY TRANSFER FOR GAS LINE REPLACEMENT:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 61 authorizing the transfer of \$54,330 from the Wastewater Contingency Account to the appropriate Capital Construction Account in the Utility Fund. Upon roll call vote, the motion carried unanimously.

BDC WATER RECLAMATION FACILITY GAS LINE REPLACEMENT:

A motion was made by Dixon and seconded by Allen to authorize the City Manager to execute a contract between the City and Kimmel Mechanical, Inc. in the amount of \$49,391 because it is in the best interests of the City, establish a contingency of \$4,939 and charge the expense to the appropriate project account in the Utility Fund. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Councillor Allen requested Staff provide Council with a current number of indexed employees and positions.

ADJOURNMENT:

The meeting was adjourned at 8:08 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998

**Subject:** Business Appreciation Week

**Prepared by:** Susan Grafton, Economic Development Manager  
Barb Dolan, Economic Development Task Force

### **Introduction**

The Mayor, on behalf of City Council, is requested to proclaim the week of October 12th as "Business Appreciation Week" in the City of Westminster.

### **Summary**

The City of Westminster has long recognized the importance of maintaining a healthy and diverse business community. The success of the City is closely linked to the success of our local businesses. Each year Westminster hosts an appreciation event for local businesses to recognize their role as essential ingredients to the continued strength, well-being, and high quality of life of our City. This year the event will be held on Friday, October 16th at the Westminster Doubletree Hotel.

### **Staff Recommendation**

Proclaim the week of October 12th as "Business Appreciation Week" in the City of Westminster.

### **Background Information**

On October 16, 1998 the City of Westminster will host the 8th annual Business Appreciation Event. This event recognizes the vital role that local businesses play in the success of the City. Local businesses provide employment, shopping, entertainment and recreational opportunities for all citizens. They contribute to the City's fiscal stability, with a large portion of the City's general fund sustained with revenue generated from sales and use tax collections. They enrich the quality of life in Westminster by supporting community organizations with financial and in-kind contributions. The high caliber mix of retail, service, and manufacturing establishments found in Westminster is virtually unparalleled in northwest metro Denver.

There are currently 1,498 commercial businesses and 1,359 home occupation businesses located in the City. It is appropriate they be publicly recognized for their contributions to the community by proclaiming Business Appreciation Week, and encouraging all citizens to support their local businesses.

John Matthews, Chief of Operations for KD Canopy and Chairperson of the Westminster Business Advisory Group will be present at Monday night's meeting to accept this proclamation.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Proclamation



WHEREAS, The City of Westminster benefits greatly from having a healthy and diverse business community; and

WHEREAS, Westminster businesses provide employment, shopping, entertainment and recreational opportunities to its citizens; and

WHEREAS, The success of local business in Westminster has also contributed to the City's financial stability, with a large portion of the City's general fund sustained with revenue generated from sales and use tax collections; and

WHEREAS, The City of Westminster will be hosting the 8th annual Business Appreciation event on Friday, October 16, 1998 to honor the 2,857 commercial and home occupation businesses of the City; and

WHEREAS, It is fitting that official recognition be given to the importance that local businesses play as essential ingredients to the continued strength and well being of our city.

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim the week of October 12, 1998 as

**BUSINESS APPRECIATION WEEK**

in the City of Westminster, and encourage all citizens to support local businesses.

Signed this 12th day of October, 1998.

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Nancy M. Heil, Mayor

**Date:** October 12, 1998

**Subject:** Proclamation for Coach Glenn "Mooch" Myernick

**Prepared by:** Joanie Straub

### **Introduction**

City Council is requested to proclaim October 14, 1998 as Glenn "Mooch" Myernick day in the City of Westminster.

### **Summary**

On September 13, 1998, Colorado Rapids coach Glenn Myernick was named Coach of the Year by the U.S. Olympic Committee. He was one of 39 coaches to receive this honor. Honorees were chosen by the individual federations working in tandem with the USOC. Coach Myernick was chosen by the United States Soccer Federation.

### **Staff Recommendation**

City Council present a proclamation to Glenn Myernick, coach of the Colorado Rapids, proclaiming October 14, 1998 as Glenn Myernick Day in Westminster.

### **Background Information**

Major League Soccer (MLS) made its debut in the American sports scene in 1996. The Colorado Rapids made Westminster their training home on March 5, 1996 at City Park Recreation Center. The Rapids play their home games at Mile High Stadium in Denver. Coach Myernick has been with the team since its inception.

In their initial season, the Rapids did not qualify for post-season play. However in 1997, Coach Myernick led the team in a huge turn-around, playing in Major League Soccer's title game against D.C. United. This year, the Rapids finished their third season with an overall record for most victories and most goals scored in a single season. And the team can thank Coach Myernick for their on-field success. His hard work and commitment to excellence were major factors in being named a U.S. Olympic Committee Coach of the Year.

The City of Westminster is thrilled for Coach Myernick, that his hard work was recognized and we hope this proclamation will be a lasting symbol of support for Coach Myerick and the Colorado Rapids.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Proclamation

WHEREAS, Major League Soccer made its debut in the American sports scene in 1996; and

WHEREAS, the City of Westminster is immensely proud of the Colorado Rapids which call City Park Recreation Center its official training home; and

WHEREAS, Coach Glenn Myernick led the Colorado Rapids to the 1997 MLS finals; and

WHEREAS, Coach Myernick led the Colorado Rapids to finish the 1998 season with an overall record for most victories and most goals in a season; and

WHEREAS, Coach Myernick was named a Coach of the Year by the U.S. Olympic Committee.

NOW, THEREFORE I, Nancy Heil, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and staff, do hereby proclaim Wednesday, October 14, 1998 as

**Glenn Myernick Day**

in the City of Westminster, in recognition of his achievement and honor of being named Coach of the Year. The City would like to wish Coach Myernick continued success in the years to come.

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

RESOLUTION TO SUPPORT 1998 ADAMS COUNTY DISTRICT 50 SCHOOL BALLOT ISSUE

WHEREAS, Children are our most cherished asset; and

WHEREAS, Public education is vital to the economic and cultural fabric of our community; and

WHEREAS, We as a community strive to maintain low student/teacher ratios, develop good neighborhood schools and provide students with adequate learning environments; and

WHEREAS, Without the passage of ballot proposition 3A, in the November 3rd election, as much as \$2 million for Adams County School District 50 schools could be lost back to the State of Colorado to be distributed to other school districts; and

WHEREAS, We believe the tax dollars generated in this community should stay in this community; and

WHEREAS, Passage of 3A CANNOT, by law, raise taxes or increase the mill levy of the school district; and

WHEREAS, TABOR offers the option of seeking voter approval to retain all appropriate revenues; and

WHEREAS, The City of Westminster supports our public schools and the education, safety and well-being of all our children.

NOW, THEREFORE, be it resolved that the City of Westminster officially declares its support for Adams County School District 50 ballot issue 3A placed before voters this November 3, 1998 at the General Election.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to Committee to Support Refendum 3A, so that it may be utilized in support of the campaign to pass this issue.

Passed and adopted this 12th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998  
**Subject:** West 103rd Avenue Development Participation  
**Prepared by:** Kevin L. Berryhill, Senior Civil Engineer

### **Introduction**

City Council action is requested to authorize payment in the amount of \$61,500 to Church Ranch Home Place Land & Cattle Co., Inc. for City participation in street improvements along 103rd Avenue.

### **Summary**

At the City's request, Church Ranch Home Place Land & Cattle Co., Inc. constructed street improvements along 103rd Avenue in conjunction with the development of the Church Ranch Home Place Subdivision, Filing No. 7. Some of these roadway improvements were located adjacent to the five-acre, City-owned parcel on the northwest corner of 103rd Avenue and Church Ranch Boulevard (see attached map).

The City Council budgeted \$85,000.00 in the 1998 New Development Participation project of the General Capital Improvement Fund for these improvements to 103rd Avenue east of Church Ranch Boulevard, since, in this case, the City is the abutting property owner responsible for paying for these improvements.

### **Staff Recommendation**

Authorize payment in the amount of \$61,500 to Church Ranch Home Place Land & Cattle Co., Inc. for City participation in the construction of 103rd Avenue roadway improvements and charge the expense to the 1998 New Development Participation Project of the General Capital Improvements Fund.

### **Background Information**

The construction of 103rd Avenue east of Church Ranch Boulevard was required as part of Church Ranch Home Place Subdivision, Filing No. 7. Construction of 103rd Avenue started in 1997 and was completed in the summer of 1998. Funds were budgeted in the City's New Development Participation Project account in the 1998 General Capital Improvement Fund. The City participation reimburses the developer for one-half of the street improvements on 103rd Avenue adjacent to the five-acre City-owned parcel on the northeast corner of 103rd Avenue and Church Ranch Boulevard.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** October 12, 1998  
**Subject:** Bids re New Ambulance Purchase  
**Prepared by:** Doug Hall, EMS Officer

**Introduction**

City Council action is requested to award the bid for the purchase of an ambulance vehicle. Funds have been allocated in the 1998 Fire Department Budget for this expense.

**Summary**

- > The 1998 Fire Department Budget includes \$100,000 for the purchase of a new ambulance and related equipment.
- > The new ambulance will be added to the existing fleet enabling the fire department to have two advanced life support ambulances in service with two in reserve. On several occasions the existing fleet, of three ambulances, has required repairs/maintenance that reduced the number of available ambulances to only one for the entire City. The addition of this ambulance will enable the City to ensure two advanced life support units are readily available to citizens.
- > Formal bids in accordance with the City Charter bidding requirements were solicited from vendors located both locally and nationally. Four bids were received:

Wheeled Coach Ambulance	\$101,223.00
Rocky Mt. Emergency Vehicles (Lifeline)	\$ 99,985.00
EDM Equipment Company (Road Rescue)	\$ 91,500.00
Peak Coachworks (McCoy-Miller)	\$ 90,670.00

The EDM Equipment Company bid does not include the installation of radios and cellular telephone at an additional estimated cost of \$3,000.00. The other three bids included this cost in their bid. The cost of the ambulance and radio/cellular telephone installation costs are within the approved 1998 budget allocation.

The EDM bid is not the low bid, however, Staff conducted an analysis and survey of current owners of the EDM Equipment Company compared to Peak Coachworks. Based upon warranty protection, experiences of current owners, and interviews with an independent ambulance service vendor, Staff concluded the EDM Equipment Company ambulance an overall much better value for the cost.

**Staff Recommendation**

Award the bid to EDM Equipment Company in the amount of \$91,500.00 for the purchase of one ambulance because it is in the best interest of the City and charge the expense to the appropriate capital outlay account in the Fire Department budget.

**Background Information**

Four bids were received. Wheeled Coach's bid was over the approved budget amount. The Lifeline ambulance was bid at the top of the approved budget amount. Both of the above bids were removed from consideration based upon their respective quotes.

Operating costs for the three existing ambulances was evaluated in the overall process. Ambulance #1 (1996 McCoy-Miller) has experienced a 43.8% increase in cost per mile, from \$.32 per mile average operating costs over the life of the ambulance to an operating cost of \$.57 per mile for 1998. To date, the City has paid \$8,222.00 in parts and labor to keep the unit in service, \$5,841.00 of which has been encumbered during 1998.

Ambulance #4 (1994 Lifeline) has consistently held an operating cost of \$.30 per mile over its lifetime. The City has encumbered \$22,190.00 in parts and labor costs, \$4,446.00 encumbered in 1998.

Reserve Ambulance #3 (1993 Wheeled Coach) has an operating cost of \$.49 per mile over its lifetime, however, Staff has seen a rise in operating cost to \$1.17 per mile during 1998. The City has encumbered parts and labor costs of \$36,371.00 since its purchase, \$7,024.00 encumbered during 1998.

Quality of workmanship and vehicle construction were given critical attention. The current McCoy-Miller has been out-of-service on numerous occasions due to ongoing problems with the suspension system. Additionally there are concerns over the quality of construction of the modular unit. Cracks have been discovered in the seams of the modular unit. Repairs have been made, however, the quality of construction remains suspect.

A telephone survey of current owners of both the EDM and McCoy-Miller products resulted in an overwhelming opinion that of the two ambulances being considered, the EDM Road Rescue ambulance provided a substantially higher measure of quality in workmanship and construction, warranty coverage, and customer service.

Ambulances are utilized in a very frequent and strenuous manner which limits their "life" expectancy. The City's front-line ambulance in the south end of the City is the 1998 McCoy-Miller ambulance with 36,085 miles. The front-line ambulance in the north end of the City is the 1994 Lifeline ambulance with 96,650 miles. The reserve ambulance is a 1993 Wheeled Coach ambulance with 88,179 miles. The 1993 ambulance is experiencing rapid deterioration due to its previous front-line service and recent need to fill-in for current front-line ambulances requiring service. Given the expected utilization of the recommended ambulance, the projected life expectancy is 3 to 5 years, with 2 to 3 years of front-line service and 2 years as a reserve.

Respectfully submitted,

William M. Christopher  
City Manager



**Date:** October 12, 1998

**Subject:** Heritage at Westmoor Golf Course - Phase 3 Contract

**Prepared by:** Richard Dahl, Park Services Manager  
Kevin Berryhill, Senior Civil Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to execute a contract with Randall & Blake, Inc. of Littleton, Colorado in an amount of \$409,345 for the construction of golf cart and trail crossings at the City's new 18-hole Heritage at Westmoor Golf Course and along the Walnut Creek trail corridor. Funds for this contract shall be divided as follows: \$149,345 from the Heritage Heritage Golf Course account and \$260,000 from the Walnut Creek Trail account.

### **Summary**

The Phase 3 project was bid with five separate bid schedules which encompassed five trail and golf cart crossings. Two contractors submitted bids for this project, with the low bid of \$609,347 being submitted by Randall & Blake, Inc.. Staff recommends that two trail crossings be eliminated to reduce the contract amount to \$409,345. The two crossings that would be eliminated are for the trail connection from the Walnut Creek trail to the future Northwest Area Recreation Center north of 108th Avenue. There currently are not sufficient budgeted funds to award a contract for all five crossings. The trail connection to the recreation center is not a requirement of the development agreement with Westmoor Business Park Ltd., LLLP and can be constructed at a later date by a separate funding source. It is recommended that City Council award the contract to Randall & Blake, Inc..

Construction of the Heritage at Westmoor Golf Course - Phase 3 Golf Cart/ Trail Crossings Project is anticipated to begin in early October, pending Council's approval of this construction contract.

### Alternatives

City Council could reject all bids and require City Staff to re-bid the project. Staff recommends against this alternative in that it would slow down the construction of the golf course, which could cause a delay in the opening of the golf course scheduled for the Fall of 1999.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with Randall & Blake, Inc., the low bid contractor, in an amount of \$409,345 for the construction of golf cart/ trail crossings at the Heritage Golf Course and charge the contract amount as follows: \$149,345 to the Heritage Golf Course budget and \$260,000 to the Walnut Creek Trail account.

### **Background Information**

On July 28, 1997, City Council approved the Countrydale Business Park/Golf Course Business Agreement which represents the financial obligations and commitments on the part of both Westmoor Business Park and the City of Westminster. A key provision of the agreement requires the City to construct a trail along Walnut Creek within the Westmoor Business Park project limits, but does not require a trail connection to the future Recreation Center.

The Heritage at Westmoor Golf Course - Phase 3 project includes golf cart and trail crossings along Walnut Creek. All construction for this project is located within City golf course and open space property. Construction is anticipated to begin in early October, 1998 and completed in late February, 1999.

The City received bids from two qualified contractors. The names of the bidders and their bids are as follows:

<b><u>Contractor Name</u></b>	<b><u>Base Bid</u></b>
Concrete Express, Inc.	\$897,105
Randall & Blake, Inc.	\$609,347
Engineer's Estimate	\$644,172

The City has reviewed the results of the bidding process and recommends the low bidder, Randall & Blake, Inc. be awarded the contract for construction in an amount of \$409,345.00. The base bid of \$609,347 was reduced to \$409,345 by eliminating two trail crossings.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** October 12, 1998  
**Subject:** Resolution No. re Personnel Board Appointment  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to appoint a person to the vacancy created by the resignation of B. David Smith from the Personnel Board.

**Summary**

At the September 28th, City Council meeting, City Council accepted the resignation of B. David Smith from the Personnel Board due to moving out of the City of Westminster.

At that time, City Council appointed Brian Lunning to fill this vacancy of an alternate member of the Personnel Board.

Due to a clerical error Brian Lunning's name was included on the matrix of "pool" applicants. In August, 1998, Mr. Lunning was appointed to the Board of Adjustment, and therefore is not eligible to also serve on the Personnel Board.

Currently there are 15 individuals within the "pool". A copy of the matrix indicating each individuals preference for Boards and Commissions is attached.

**Staff Recommendation**

Adopt Resolution No. appointing a new member to the Personnel Board as an alternate member.

**Background Information**

A Resolution has been prepared for Council to decide who to appoint from the current "pool" of 15 applicants.

Respectfully submitted,

William M. Christopher, City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

CITY OF WESTMINSTER PERSONNEL BOARD APPOINTMENT

WHEREAS, A resignation has been received from B. David Smith from the Personnel Board; and was accepted by the City Council on September 28, 1998; and

WHEREAS, Currently there is a vacancy of an alternate member of the Personnel Board; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individual to the City of Westminster Personnel Board as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Kathy Macklem Alternate Member	Personnel Board	12-31-99

Passed and adopted this 12th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

Date: October 12, 1998

Subject: Resolution No. re Adoption of 1999 City Budget

Prepared by: Barbara Gadecki, Assistant to the City Manager

#### Introduction

City Council action is requested to consider adopting the 1999 City Budget in accordance with City Charter requirements. The attached Resolution to adopt the budget is based on Staff's understanding of the City Council discussions at the Budget Retreat and the various public hearings and public meetings on the Budget.

#### Summary

Under City Charter provisions, City Council is to hold a public hearing on the proposed City Budget for the ensuing year and adopt it no later than the fourth Monday in October. A public meeting was held on June 8 and two public hearings were held on the proposed 1999 Budget on July 13 and September 8. A copy of the proposed 1999 Budget has been on file in the City Clerk's Office for citizen review since September 11 and the appropriate legal notices have been published in the official City newspaper.

1999 Budget reflects all City operations and services to be provided to Westminster citizens in 1999. This is the seventh year maintaining the mill levy at 3.65 mills. This budget includes no tax increases or new taxes. On the November 3rd ballot, a tax increase is proposed for the Admissions Tax from 3% to 5% and to extend the tax to include charges made for admission to entertainment, sports, music, theatre, trade shows and other events produced for commercial exhibition, but excluding events sponsored and organized by not-for-profit schools, charitable organizations, government entities, and other exempt organizations. Since this item remains to be determined by the electorate, the 1999 Budget proposed does not include any revenues from this proposition. It should be noted that should the measure pass, City Council plans to utilize the increased revenues generated from the ballot proposal for public safety operations and capital improvements. A resolution stating this position was adopted by the City Council on September 28, 1998.

Sewer and water rates and tap fees are proposed to increase and are included in a separate agenda item. As provided in the City Charter, the Water and Wastewater Utility operations require rate structures that will provide sufficient revenues to cover all of its costs. A rate increase for both water and sewer is necessary to produce sufficient revenues to meet the proposed 1999 Budget and address upcoming system replacement and rehabilitation needs. Westminster's combined annual water and sewer bill ranked eighth lowest out of the fourteen providers surveyed. The rate increases are to be in affect for a two-year period. Water and sewer tap fees are slated to increase as well. Water and sewer tap fees are collected by the City to provide that new growth substantially

pays for growth-related capital improvements to the Water and Wastewater Utility System. The meter service charge will not change during the two-year period.

The total 1999 Proposed Budget is \$106,840,145, excluding \$6,700,000 in reserves and \$2,538,679 in contingency accounts. This budget is based upon an estimated 600 single-family housing starts which is the same as estimated for 1998.

Resolution Re Adoption of 1999 City Budget - Page 2

A brief summary of the proposed 1999 City Budget follows:

- General Fund operating expenditures are budgeted at \$52,271,414 (excluding contingencies) which is an increase of 3.3% over the 1998 budget for operating expenditures (\$50,589,093).

- The General Fund is predicated on receiving a transfer payment from the Sales and Use Tax Fund totaling \$38,000,414; an increase of 11.9% over the 1998 transfer payment of \$33,944,922.

- The Contingency account is recommended at \$1,200,000 in the General Fund and \$1,338,679 in the Utility Fund. The General Reserve Fund is recommended at \$2,700,000 and the Utility Reserve Fund at \$4,000,000.

- The total number of full-time equivalent (FTE) staffing in 1999 is 796.174 FTE, an increase of 28.55.

- Continuation of an aggressive Capital Improvement Program (CIP) is recommended for 1999. The total capital improvements proposed for 1999 is \$29,644,000. Of the recommended CIP for 1999, 66% will be funded on a "pay-as-you-go" basis (composing \$19,644,000 of the total) while one project totaling \$10,000,000 will be financed through bond proceeds if the project is authorized by City Council and WEDA. City streets and traffic improvements are recommended for 1999 at 5,350,000; facilities and infrastructure improvements at \$12,127,000; park improvements at \$6,682,000; and, wastewater and water improvements at \$5,485,000.

#### Staff Recommendation

Adopt Resolution No. \_\_\_\_\_ which sets the mill levy at 3.65 mills and formally adopts the total 1999 City budget including the staffing levels and the Five Year Capital Improvement Plan.

#### Background Information

City Council Focus Areas: Earlier this year, the City Council identified seven focus areas to be pursued in 1999. The focus areas follow:

- Diversify and protect Westminster's revenue base;
- Protect Home Rule prerogatives;

- Maintain a focus on the delivery of quality municipal services in a maturing community;
- Expand and enhance awareness of cultural diversity in Westminster;
- Explore, evaluate, and implement a new north metro area consortium to address regional issues;
- Develop a strategy for local government structure to enhance local control, eliminate duplication of services, reduce costs and build community cohesion; and
- Assume a leadership role in developing partnerships among northern communities on issues of common concern.

The 1999 budget includes funding for these key areas. A professional lobbyist is being proposed to continue necessary lobbying efforts to protect Westminster's revenue base from restrictions or elimination at the state and federal levels, and to lobby at the State Legislature to protect Westminster's home rule prerogatives among other priorities.

The City will maintain a focus on the delivery of quality municipal services in a maturing community. A proposed Management Assistant position in the City Manager's Office will work with the Community Oriented Governance (COG) program to enhance neighborhood participation, collaborative problem solving, and the delivery of services to our citizens. The City will continue to enforce the Rental Property Maintenance Code to ensure an appropriate standard of living in Westminster's rental properties. In addition, the Police Department will pursue a focus on seniors and high density housing issues, and the Fire Department will place a third ambulance into operation to improve ambulance response time in our growing City.

Resolution Re Adoption of 1999 City Budget - Page 3

The City will expand and enhance awareness of cultural diversity in Westminster with the development and administration of the Bilingual Bonus Pay Program which will provide merit pay incentives for employees who are bilingual in Spanish or selected Southeast Asian dialects. In addition, internal and external training will be offered to all employees to explore diversity issues that may arise from the results of the Organizational Climate Survey. The City also plans to conduct a citywide cultural diversity survey to help identify the needs and desires of Westminster's changing cultural composition.

Another Council focus is to explore, evaluate, and implement a new north metro area consortium to address regional issues. This will be pursued through prioritizing Staff and Council resources to foster a cooperative construct to tackle issues germane to our part of the Denver metro area such as transportation, storm drainage and Rocky Flats.

Another priority for City Council is to develop a strategy for local government structure to enhance local control, eliminate duplication of services, reduce costs and build community cohesion. Outside consulting services will be retained to evaluate various governmental constructs seeking increased efficiencies and to reduce or eliminate duplication of services delivered. The City will also continue to explore and evaluate opportunities to enter into intergovernmental agreements to provide those services, which permit the sharing of expenses. In addition, per City Council's direction, an Employee Suggestion Incentive Program will be initiated in 1999 that will financially reward employees for suggestions that will improve the delivery of services to the citizens of Westminster.

The City will assume a leadership role in developing partnerships among northern communities on issues of common concern. Staff and City Council will participate in efforts with other jurisdictions to resolve Rocky Flats and the Northwest Parkway issues, reach a conclusion on a new Interstate 25 interchange, promote mass transit enhancement through commuter rail options, improve park-n-Ride facilities, identify new school sites and redevelop the Career Enrichment Park.

Staffing: The 1999 City Budget includes a net increase of 28.55 full-time equivalent (FTE) positions to support the services currently provided to the citizens of Westminster. The largest increases in staff are for the Police Department (4 FTE Police Officers, 1 FTE Lieutenant and 1 FTE Code Enforcement Officer), the Fire Department (2 FTE Firefighters), Community Development (1 FTE Indexed Civil Engineer, 1 FTE Indexed Planner, 1 FTE Planning Technician, and 0.5 FTE GIS Technician), and Public Works and Utilities (4 FTE Indexed Maintenance Workers - Utilities, 1 FTE Maintenance Worker - Streets, 1 FTE Indexed Clerk Typist II, 0.5 FTE Community Service Coordinator, and 0.5 FTE Water Resource Technician).

Citizen Requests: At the various hearings on the 1999 proposed budget, several residents either requested information about City projects or asked that City Council consider providing funds for specific City program and projects.

City Council had the opportunity to review these requests in more detail at the Budget Retreat and, where appropriate, funds have been included in the 1999 Budget to address these projects. A summary of the requests addressed follows:

1. Crowne Point Academy - Funding for the construction of a Middle School - At the June 8 Public Meeting, Ms. Kay May, Academy Council President, requested funding for the development and construction of a Middle School for Crowne Point Academy. The new facility would service students in grade 6-8. Crowne Pointe estimates the total cost of the new facility to be \$900,000, of which they requested \$300,000 from the City; they hope to raise the balance of \$600,000 in private donations.

Council agreed to proceed with the \$100,000 funding level



recommended by Staff in the 1999 Capital Improvement Fund for the design and construction of the Crowne Point Middle School based on this project being part of the overall effort to revitalize south Westminster.

Resolution Re Adoption of 1999 City Budget - Page 4

2. Children's Hospital - Therapeutic Park - At the July 13 Public Hearing, Julie Butler, an Occupational Therapist with Children's Hospital, requested the City's participation in a joint venture with Children's Hospital and the Church Ranch Business Center to build a therapeutic park for children to teach parents how to play and enhance therapy. The Hospital anticipates their ideal park will cost between \$100-200,000. Children's Hospital is committing \$35,000; their request from the City is \$25-50,000. Church Ranch has indicated they will provide financial support for this park project as well.

Council concurred with funding \$25,000 to assist Children's Hospital in the purchase of playground equipment for their park. The funds are included in the General Capital Improvement Fund. In addition, Staff will also be providing free design services to Children's Hospital to assist with the construction plans for their park site as well as submit a GOCO grant application for this unique collaborative effort.

3. Jefferson Charter Academy New High School Gymnasium - At the July 13 Public Hearing, Denise Mund requested participation in the Jefferson Charter Academy's drive to raise funds for the construction of a new gymnasium. The Charter School is estimating the cost at \$600-700,000; they requested half, or approximately \$300,000 from the City. The Jefferson Academy estimates that roughly two-thirds of their student body resides in Westminster.

At the Budget Retreat, the City Council chose to fund this project at \$300,000 if the above was located in Westminster and if the City had the opportunity to program the gym for public use after normal school hours. Staff reviewed the Capital Improvement Program and reallocated funds from the following projects: \$20,000 from the Recreation Center Improvements, \$20,000 from Trail Development, \$20,000 from Big Dry Creek Trail Development, \$25,000 from Park Major Maintenance, \$150,000 from the City Park Phase IIIB (OSS funds), \$25,000 from City Park Festival Plaza, \$25,000 from City Park HVAC Installation, and \$15,000 from Skate Board Park design.

4. Retaining Wall - At the September 8 Public Hearing, Mr. Adolf Stehle requested funds from the City to help defray his cost of building a wall next to his back fence (7263 Marshal Court) along 72nd Avenue directly north of Lamar Street. Mr. Stehle's fence has been hit three times in the last year, six times since he moved into his home in 1979. Because of this potential danger, Mr. Stehle will not allow children into his back yard. According to Mr. Stehle, he spent approximately \$5,000 constructing a retaining wall in his back yard to ward off any vehicles crashing into his fence. Since he constructed the wall, his fence has been

hit once with the wall helping to stop the on-coming car from proceeding further into his yard. Mr. Stehle has previously requested a guardrail be installed along 72nd Avenue in front of his fence. Staff has determined that because the majority of drivers hitting the fence would do so head on, installing the guardrail could prove fatal to the vehicle driver.

Staff has determined that the City would not be exposed to any liability issues if the City participates financially in the construction of Mr. Stehle's retaining wall. Mr. Stehle views this as a viable alternative to the City installing a retaining wall along 72nd Avenue. Council concurred with Staff's recommendation to assist Mr. Stehle with half the cost of building his retaining wall, in an amount not to exceed \$3,000.

5. Arapahoe Ridge Citizen Requests - A number of citizens that live near Arapahoe Ridge Elementary School attending the September 8 Public Hearing addressed City Council with their concerns regarding access to the school. Their list of requests include: construction of a sidewalk across the detention pond that separates Quail Crossing Subdivision and Amherst Subdivision; extension of Pecos Street across the same detention pond; closure of Osage Street (which is adjacent to Pecos Street) to through traffic; and installation of school zone signs on Osage Street.  
Resolution re Adoption of 1999 City Budget - Page 5

Per City Council's decision at the September 8 meeting, the City Manager has executed a change order with TARCO Construction Company to extend Pecos Street from 132nd to 134th Avenues, including a sidewalk, as soon as possible. Funding in the amount of \$300,000 was included in the 1998 General Capital Improvement Fund to cover such an expense. Staff will also be using 1998 Budget funds to install school zone signs along Osage Street as quickly as possible. At this time, Staff does not recommend taking action on the closing of Osage Street to through traffic. Additional time is needed to evaluate the impact on area traffic. Staff will bring this item to Council at a future Study Session. City Council concurred with these actions.

6. Redesign of the Intersection at 78th Avenue and Lowell Boulevard - At the September 8 public hearing, Ms. Barbara Coronado requested the City redesign the intersection of 78th Avenue and Lowell Boulevard. 78th Avenue and Turnpike Drive both intersect Lowell Boulevard and both have stop signs at Lowell Boulevard, while Lowell Boulevard is a through street. Ms. Coronado believes this is an extremely dangerous intersection because individuals stopping at either Turnpike Drive or 78th Avenue believe Lowell Boulevard has a stop sign as well. Ms. Coronado stated she has some ideas that could help improve this situation.

Staff evaluated the redesign of this intersection last year and estimated the cost at approximately \$105,000. Because there are higher priority needs in other areas of the City such as the widening of 112th Avenue at Federal Boulevard, improvements to old

Wadsworth Boulevard from 93rd Avenue to 101st Avenue, and improvements to 74th Avenue from Federal Boulevard to Irving Street, Staff did not recommend proceeding with this project. Staff also met with Ms. Coronado to review her ideas and present the City's ideas. Ms. Coronado accepted Staff's explanation and appeared satisfied with this information.

7. Head Start Funding/Space Request - At the September 8 public hearing, Mary Padilla, Director of Adams County Head Start, requested the City's assistance with locating space for Head Start classrooms and/or funding to help renovate classrooms within the Westminster Presbyterian Church to meet Head Start standards and to pay lease charges. The Head Start program provides comprehensive child development services to children of lower income families. They would like to locate a classroom in the south Westminster area.

City Council agreed to provide \$8,500 to the Adams County Head Start program.

8. School District 50 Budget Request - A report dated August 17 was received by City Council requesting the City's assistance with District 50's development of a community-based learning center at Skyline Vista Elementary School. The School's conceptual plan includes the integration of school, parent and community resources to support learning. District 50 requested \$332,404 for facility improvements as well as the salary and benefits to hire eleven Instructional Assistants.

The City has maintained a policy that it does not participate in the on-going operating costs of schools. However, the City does participate in some capital improvements of schools. As such, the City Council asked Staff to evaluate whether it is appropriate to provide City funds for landscape improvements at the school or perhaps in the park. Staff was also to follow-up to determine if the proposed literary program at the school could be coordinated with the City's Literacy Programs to be eligible for joint funding. Staff will report on their findings at Monday's pre-meeting.

Miscellaneous Council Topics: At the Budget Retreat October 3, the City Council discussed a few capital projects and miscellaneous budget issues. A summary of the items addressed follow:

1. The Sheridan Green PTA requested \$1,500 in a letter to City Council for the purchase of additional playground equipment. Council agreed to fund this request; however, rather than wait for January of 1999 for this funding, this request is being processed from the Council's 1998 special promotion account which funds these types of smaller requests.

Resolution re Adoption of 1999 City Budget - Page 6

2. The request from a citizen for 1.5 FTE Probation Officers for the Municipal Court is being researched by Staff. As Staff developed the 5-year Staffing Projection, the position of

Probation Officer was reviewed in the overall scope of City services. Based on the demands within the Municipal Court and the rest of the City, 0.5 FTE Deputy Court Clerk is recommended in 2001. This Staffing level was concluded to be appropriate by those involved in managing these programs.

3. Councillor Sam Dixon expressed concern that sufficient funds be budgeted for travel concerning Rocky Flats issues. Currently, approximately \$4,000 is budgeted within the Public Works and Utilities Administration (PW&U) budget for Rocky Flats related travel for the Director of PW&U and the Rocky Flats Coordinator. Federal issues which impact the Rocky Flats clean-up (such as funding) come up with little advance notice requiring Staff to travel to Washington to protect the City's interests related to the Rocky Flats clean-up; often, these trips cannot be planned for in advance and therefore the airline costs are higher. To address this need to protect clean-up efforts at Rocky Flats, Council directed Staff to increase the funding for Rocky Flats related travel. Staff is creating a separate line item program account in the Administration Budget of PW&U for Rocky Flats travel and moving the \$4,000 currently budgeted within the Administration Career Development Account. In addition, Staff will reallocate \$3,000 from another PW&U Administration account to this program account for a total Rocky Flats related travel budget of \$7,000.

4. City Council inquired about the City's planning for participation in the conversion of the Hyland Hills Ice Center arena to some other use in the five-year Capital Improvement Program (CIP). Staff has added \$150,000 in the year 2000 in the CIP for the rehabilitation of this facility.

Respectfully submitted,

William M. Christopher, City Manager

Attachments

RESOLUTION

RESOLUTION NO. \_\_\_\_\_ INTRODUCED BY COUNCILLORS  
SERIES OF 1998 \_\_\_\_\_

A RESOLUTION OF THE CITY OF WESTMINSTER, COLORADO SETTING THE 1998 MILL LEVY COLLECTIBLE IN 1999, ADOTPING THE BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR 1999.

WHEREAS, In accordance with Section 9.2 of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget for the fiscal year 1999; and

WHEREAS, On July 13 and September 8, 1998, public hearings on the proposed 1999 budget were held by the City Council pursuant to

Section 9.4 of the City Charter.

NOW THEREFORE, be it resolved, by the City Council of the City of Westminster, Colorado that there is hereby levied for the 1998 year upon all taxable property within the City of Westminster, taxes in the amount of three and sixty-five hundredths (3.65) mills per dollar of assessed valuation in Adams and Jefferson Counties, which shall be paid into the General Fund of the City; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, Colorado that the annual budget of the City of Westminster for the fiscal year beginning January 1, 1999, which has been submitted by the City Manager is hereby adopted according to the attached exhibits:

FUND	EXHIBITS
General	A
Utility	B
General Capital Improvement	C
Sales & Use Tax	D
Open Space Sales and Use Tax	E
Fleet Maintenance	F
Golf Course Enterprise	G
Human Service Agency Funding	H
Five-Year Capital Improvement Program	I
Staffing Summary	J
General Reserves	K
Utility Reserves	K
Debt Service	K
Five Year Staffing Projection	L

Be it further resolved, that the annual budget of the City of Westminster for fiscal year 1999 beginning January 1, 1999, be established with the following totals:

BALANCE OF FUNDS (1-1-99):	1999 PROPOSED
General Fund	\$ 551,000
Utility Fund	815,000
Fleet Maintenance Fund	0
Sales & Use Tax Fund	2,607,000
General Capital Improvement Fund	787,000
General Reserve Fund	2,600,000
Utility Reserve Fund	3,660,000
Conservation Trust Fund	50,000
Open Space Fund	1,412,939
General Debt Service Fund	0
Golf Course Fund	0
TOTAL Fund Balance	\$ 11,116,939

  

REVENUES:	1999 PROPOSED
General Fund	\$ 52,920,414
Utility Fund	29,461,321
Fleet Maintenance Fund	1,109,607
Sales & Use Tax Fund	47,325,000

General Capital Improvement Fund	14,159,000
General Reserve Fund	0
Utility Reserve Fund	0
Conservation Trust Fund	700,000
Open Space Fund	5,716,557
General Debt Service Fund	7,547,482
Golf Course Fund	2,305,785
<b>TOTAL</b>	<b>\$160,596,166</b>
Less Transfers	(53,756,021)
<b>TOTAL EXPENDITURES</b>	<b>\$160,840,145</b>
Total Contingencies & Reserves	9,238,6789
<b>Grand Total 1999</b>	<b>\$116,078,824</b>

Passed and adopted this 12th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998

**Subject:** Resolution No. re 1999 Pay Plan and Councillor's Bill No. re Longevity Pay

**Prepared by:** Debbie Mitchell, Human Resources Manager  
Matt Lutkus, Deputy City Manager for Administration

### **Introduction**

City Council action is requested to take action on a resolution which establishes the 1999 salary ranges, and on a Councillor's Bill which will allow for the phaseout of longevity pay. The funds needed to implement the recommended adjustments have been included in the proposed 1999 City Budget.

### **Summary**

The proposed 1999 Pay Plan provides for a 3.5% across-the-board increase for all full-time and part-time Classified and temporary positions, adjustments of approximately 3.5% at the top of the ranges for most Unclassified positions, and a series of other pay range adjustments based on the annual pay plan review and salary survey. The annual review was conducted by the Human Resources Division Staff. Also, a number of department reorganizations that are included that were previously reviewed with Council.

In addition, the City Administration is recommending an adjustment in Classified employee salary ranges to phase out the longevity pay component of the pay plan. This adjustment would serve as an interim step until a new pay structure is adopted by City Council. The requested Councillor's Bill will amend the City Code to eliminate the longevity pay schedule and add a provision that states that when provided, longevity pay shall be included as part of the City Pay Plan.

### **Staff Recommendation**

1. Adopt Resolution No. which establishes the 1999 pay ranges for City employees.
2. Pass Councillor's Bill No. on first reading regarding a change in the longevity portion of base pay for Classified Employees.

### **Background Information**

City Staff continues to use a benchmark system whereby City positions which are relatively similar among Front Range cities are surveyed. The salaries for non-benchmark positions are linked to the salaries of benchmark positions based on their relationships in a job group and relative value to the organization. In addressing market-based changes in employee salaries, half of the major job category benchmarks are surveyed each year.

This year, benchmark salary surveys were conducted for Police, Fire, Recreation, and Management occupations.

The recommended pay and classification adjustments were based on an extensive salary survey process which included eight area cities for most positions as well as special districts and private sector data where appropriate. The cities used for comparison purposes for the majority of positions are Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton, and Thornton.

In addition, a number of special districts are surveyed for Fire and Parks and Recreation position comparisons. The main information resources used during this process are the Colorado Municipal League surveys, private sector data from Mountain States Employers Council as well as direct contacts with other municipalities and special districts.

Staff is recommending an across the board adjustment of 3.5% to keep pace with overall salary increases in the public and private sectors in the greater Denver Metro area. Across-the-board increases being projected in other area cities range from 2.75% to 4% not including longevity or step increases. Data from Mountain States Employers Council indicates private sector companies are projecting pay increases for 1999 to be an average of 4.4%. Mountain States Employers Council estimates include merit, longevity and cost of living adjustments.

The proposed pay changes for 1999 also include the phaseout of the longevity component of base pay for Classified employees. This would be accomplished by providing a salary increase of 2 1/2 percent to those Classified Employees who have completed 3-14 years of service. Classified employees with 15-19 years of service would receive an adjustment to bring their salary up to the 10 percent maximum longevity. Using longevity as a factor in determining base pay has served to recognize long-term employees. However, at the same time, it has meant that the timeframe for employees reaching the top of their ranges is twenty years, which is considerably longer than the 7-8 year average length of ranges in other cities. This disparity results in employees in the middle of their salary ranges being paid a few percentage points less than their counterparts in other organizations. The proposed adjustment will serve as an interim measure that will be in place until a new comprehensive pay plan study is completed and implemented.

The proposed Councillor's Bill will delete the longevity pay schedule from the City's Personnel Rules Ordinance and replace it with a statement that, when provided, longevity pay will be included as part of the City Pay and Classification Plan. The amendment allows for the pay adjustment described above and for the proposed phase out of a separate component for longevity in future City pay plans.

In addition to the across the board increase, and the longevity pay phaseout adjustment, the proposed 1999 Pay Plan includes 65 recommended grade/classification changes. Proposed salary changes are based on the Human Resources Division's analysis of prevailing salaries for various classifications, as well as adjustments for internal relationships, and department reorganizations that have been included in the 1999 proposed Budget. A summary of all of the recommended pay plan changes and the pay plan itself are attached for Council's review.

Funding for all of the recommended pay and benefit changes has been included in the proposed 1999 City Budget.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

WHEREAS, Section 1-24-1 and 1-24-4 of the Official Code of the City of Westminster provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service, and

WHEREAS, the City Manager is recommending a 3.5% across the board salary increase for regular classified employees and adjustments of approximately 3.5% to the top of the ranges for most unclassified positions, and

WHEREAS, the City Manager is also recommending the phase out of longevity pay for the City's classified employees through an adjustment in the pay of classified employees with between three and nineteen years of service on January 1, 1999, as provided in the attached schedule, and

WHEREAS, several reclassifications, new classifications and title adjustments are recommended as a result of organizational changes and a review of the results of the annual compensation survey,

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTMINSTER CITY COUNCIL RESOLVES that the attached new salary schedule and the authorized personnel schedule are hereby adopted and approved and shall be put into effect on January 1, 1999.

Passed and adopted this 12th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1998

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

A BILL

FOR AN ORDINANCE AMENDING TITLE 1, CHAPTER 24, SECTIONS 1 AND 4(B) OF THE WESTMINSTER CITY CODE RELATING TO GENERAL LEAVE FOR HOLIDAYS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 24, Section 1 of the Westminster Municipal Code shall be amended as follows:

1-24-1 Definitions:

Longevity Pay: That portion of a classified employee's base pay that is provided for uninterrupted length of service according to the ~~formula established in this Chapter~~ SCHEDULE PROVIDED IN THE CITY'S PAY AND CLASSIFICATION PLAN.

Section 2. Title 1, Chapter 24, Section 4(C) of the Westminster Municipal Code shall be amended as follows:

1-24-4(C)Longevity Pay: ~~Longevity pay shall be included in determining classified employees' base pay. Regular and part time classified employees may commence receiving longevity pay at the completion of their third year of continuous municipal service at the rate of 2% of the pay listed for their classification in the pay plan. The longevity component of base pay shall increase one half (1/2) of 1% each succeeding year to a maximum of 10% which is reached at the completion of 19 years of continuous municipal service. When provided, longevity pay shall be considered as part of the City's overall compensation package during the development of pay plan recommendations for City Council.~~ WHEN PROVIDED, LONGEVITY PAY FOR CLASSIFIED EMPLOYEES SHALL BE INCLUDED AS PART OF THE CITY'S PAY AND CLASSIFICATION PLAN.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of October, 1998.

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

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998  
**Subject:** Councillor's Bill No. re Water and Sewer Tap Fee Adjustments  
**Prepared by:** Kelly DiNatale, Water Resources Manager

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading, which clarifies the Westminster Tap Fee Code and amends the Water and Sewer Tap Fee rates.

### **Summary**

Water and Sewer Tap Fees are collected by the City of Westminster to provide that new growth substantially pays for growth related capital improvements to the Water and Wastewater Utility System. A recently completed Tap Fee Analysis has led to the recommendation that Single Family Detached Residential Water Tap Fee be increased from \$7,850 to \$8,450, plus a \$250 connection charge. The increases are recommended to be effective March 1, 1999. Single Family Detached Sewer Tap Fees are recommended to be increased from \$1,614 to \$2,200, also effective March 1, 1999.

The Combined Water and Sewer Tap Fee is recommended to increase from \$9,464 to \$10,400, representing an average annual increase of 2.5% since the last increase in 1995.

Single Family Detached (townhomes) and Multi-Family (apartments) increases are recommended to be less than Single Family Detached, based on a comprehensive analysis of water demands as part of the Joint Water System Management Study with the Home Builders Association (HBA).

Tap Fees are recommended to be automatically adjusted annually with inflation, similar to what City Council has authorized on Park Development Fees.

Commercial Tap Fees will also be adjusted on a pro rata basis to their service commitment equivalency. Commercial Tap Fees would be adjusted at the same percentage increase as single family residential tap fees. A comprehensive analysis of commercial tap fees will be undertaken within the next 12 months which may result in recommended changes to the commercial tap fee structure.

HBA representatives were provided initial verbal notice of the proposed tap fee increases in June and informed of final adjustments after the Study Session in September.

Staff convened a Tap Fee Task Force to evaluate the current Tap Fee Ordinance and propose changes. A number of housekeeping changes are recommended as part of the Tap Fee Ordinance. These housekeeping changes are summarized in the attachment, "Summary of Proposed Ordinance Changes."

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading clarifying the Westminster Tap Fee Code and adjusting the Water and Sewer Tap Fees with the adjustments effective March 1, 1999.

## Background Information

A consultant, THC-Utility Management Specialists, was retained to assist in developing a tap fee model to update the existing tap fees. Water and wastewater tap fees were calculated using a hybrid of the Marginal Cost and Unit Replacement Cost approaches. The following methodology was utilized in calculating the recommended tap fees:

1. Long-term water and wastewater capital improvement costs were projected as part of Treated Water and Wastewater Master Plans and modified where appropriate.
2. Only projected capital improvements that are growth-related were used in determining the recommended tap fee. Replacement projects and infrastructure repair were excluded from the calculation because they are not growth-related. Costs for non-growth related projects should be recovered through the monthly rate structure.
3. City records were used to identify annual capital additions to the Utility System. These costs were updated to reflect current costs. The updated costs represent an estimate of the required current day capital investment required by the City to construct its existing water or wastewater system in terms of facilities and capacity.
4. Financing costs were considered.
5. The above capital improvements were evaluated to determine how many single family detached (SFD) home equivalent 5/8" x 3/4" inch meters (service commitments) could be served.
6. Nonresidential tap fees were prorated up from the 5/8" x 3/4" meter tap fee using the AWWA ratios of equivalents for larger meter sizes.
7. Water Resources costs per service commitment were calculated using the estimated cost to acquire and develop new water supplies.
7. Average annual and peak day water demands were adjusted based on extensive research of Westminster residential water users.

Using the above methodology, the TOTAL water tap fee for a single family detached residential tap (one service commitment) is recommended to be \$8,700 and consist of three cost components. The water resources component is the cost to acquire and develop new water supplies and would include all legal, engineering, and permitting costs as well as costs to purchase water rights and construct the necessary storage and delivery facilities. The water resources component is estimated to be \$4,680 per service commitment, based on a cost of \$9,000 per acre-foot of firm yield water supply. This cost is highly variable and is anticipated to increase significantly in the future. The connection charge is \$250 and includes the cost of labor and materials for installing the meter and radio readout system. The treated water investment charge is \$3,770 and includes the cost of constructing water treatment plant capacity, treated water storage tanks, pumping facilities and major transmission pipelines.

It should be noted that using various assumptions and methodologies, the water tap fee could be calculated at less than \$8,000 or over \$9,000. There are many recognized methods for calculating tap fees. The approach used by Staff and its consultant is widely accepted and represents the collective effort to balance the interests of existing customers, new customers, and market-based considerations.

The recommended tap fee increases are necessary to adequately fund the long-term capital improvement program and minimize the impacts of new growth on existing water customers. If the recommended tap fee increases are not adopted or reduced, significant water rates increases in addition to inflationary adjustments will be necessary in future years or the planned capital improvement program (growth and replacement) must be reduced. More than \$95 million in additional growth related capital improvement needs have been identified to meet the ultimate buildout water and wastewater demands of the City and its service area. These costs are in addition to the \$17 million Reclaimed Water Project Bonds.

In addition to the above growth related capital improvement needs, more than \$31 million in system replacement and rehabilitation costs have been identified as requiring funding over the next 15 years. These costs are not growth related and thus must be recovered from all utility system users through user charges. There will be significant pressure on water and sewer rates to fund future system replacement and rehabilitation and Tap Fees should continue to be charged to insure that growth pays for growth related infrastructure and water resources.

A survey of water tap fees for neighboring water providers was updated to determine current water and sewer tap fees. Planned tap fee increases for 1999 were not available, but several water providers indicated that they were examining their tap fees and closely watching Westminster's actions. Table 1 and Figure 1 show Westminster's SFD residential water tap fee, Table 2 and Figure 2 show the comparative SFD sewer tap fees, and Table 3 and Figure 3 show the comparative combined water and sewer tap fees.

The recommended water tap fee adjustments are predicated on a March 1, 1999, effective date. This "lead time" is provided to be sensitive to the homebuilding industry in supplying adequate advance notice.

The Home Builders Association of Metropolitan Denver (HBA) was provided initial notice of the recommended tap fees at a meeting in June. A follow up meeting was held with Steve Wilson of the HBA on September 24, subsequent to the City Council Study Session. Continued review of the proposed changes to the tap fee ordinance resulted in several minor modifications to the proposed ordinance. These proposed changes were also verbally conveyed to the HBA. A summary of the proposed housekeeping changes are attached in "Summary of Proposed Ordinance Changes."

Last year, the HBA took the position with the Denver Water Board that affordable housing and capital cost recovery through water rates should be a consideration in the development of residential tap fees. As a result, Denver Water adopted a sliding scale for residential tap fees based on lot size. Westminster Staff has carefully examined the issue and believe that Westminster's current policy of establishing single family residential tap fees based on the average user is appropriate, because of the increasing block rate structure for monthly water bills. This increasing block rate structure provides that users who use less water than the average customer pay less per 1,000 gallons than the average customer. This makes monthly payments more affordable for low water users and appropriately addresses the affordable housing issue. Above average water users pay more per 1,000 gallons than the low and average water users which provides for cost recovery of growth related capital costs.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1998

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

A BILL

FOR AN ORDINANCE AMENDING CHAPTERS 7 AND 8 OF TITLE 8 OF THE WESTMINSTER MUNICIPAL CODE CLARIFYING DEFINITIONS, PAYMENT PROCEDURES AND IMPLEMENTING INCREASES IN THE CITY'S WATER AND SEWER TAP FEES.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 8-7-1 of the Westminster Municipal Code is hereby amended to read as follows:

**8-7-1: DEFINITIONS:** For the purpose of this Chapter certain words and terms used herein are defined as follows:

- (A) CONSUMER: Any person, firm or corporation receiving water from the City waterworks.
- (B) DWELLING UNIT: A single unit providing ~~living~~ **complete independent living** facilities for one or more persons including permanent provisions for sleeping, **eating, cooking** and sanitation. ~~Each motel and hotel room for rental or lease shall be defined as a dwelling unit.~~
- (C) ATTACHED SENIOR HOUSING UNIT: An attached residential dwelling unit within a housing project restricted to persons sixty (60) years of age or over, as as may otherwise be determined by Council.
- (D) MAINS: The main pipes and connections forming a part of the City waterworks.
- (E) METER: The device, appropriate to the premise served, installed to measure the amount of water passing through it, with an accuracy of between ninety five percent (95%) and one hundred one percent (101%) of actual quantities delivered. The term shall also include detector devices for water passing through fire service lines.
- (F) METER SERVICE CHARGE: The fee for maintaining the meter, reading the meter, periodically billing the account, and processing payments.
- (G) **MOBILE HOME: Any dwelling unit built on a permanent wheeled chassis exceeding either 8 feet in width or 32 feet in length and designed for long term residential occupancy in a temporary or permanent location which is capable of being towed over public streets or highways as a unit or in sections and duly licensable as such.**
- ~~(G)~~ (H) SERVICE COMMITMENT: The average water service provided to one single family detached dwelling unit.
- ~~(H)~~ (I) SERVICE PIPE: A branch pipe with its fittings and connections through which water is taken.
- (J) **SINGLE-FAMILY DETACHED: A single dwelling unit contained in a free-standing structure which has no party walls with other structures.**
- ~~(K)~~ (K) STREET: Any street, avenue, alley, lane or other thoroughfare.
- ~~(L)~~ (L) TAP: An opening or connection in the mains through which water is taken.

Section 2. Section 8-7-2 of the Westminster Municipal Code is hereby amended to read as follows:

**8-7-2: TAP PERMIT REQUIRED:**

(A) No water tap shall be made on any water main, either public or private, or any other portion of the waterworks of the City without first securing approval therefor. The application for a water tap permit shall be made in writing upon a form furnished by the City and shall clearly state the tap size, address, and person applying for tap and any other information as the City may reasonably require.

(B) Service lines and water meter pits may be installed as part of water main construction, if prior approval has been received from the City. The installation of these service lines and meter pits are subject to inspection and approval by the City, **and shall be in accordance with adopted City Standards and Specifications**. Every applicant for a tap permit shall be required to obtain a building permit prior to the installation of a water meter **by the City**.

(C) Payment of the tap fee shall be made no earlier than the date upon which a building permit is issued and no later than the date upon which the certificate of occupancy for the property connecting to the City water system is issued. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy, the amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

**Payment of the water tap fee for an irrigation system, or for any other installation or construction not requiring issuance of a building permit, shall be at the time of water tap permit application.**

(D) For existing units, which do not require a certificate of occupancy, if the tap fee paid for the tap permit is lower than the tap fee in effect at the time the water meter is to be set, an additional fee equal to the difference between the fee paid and the fee then in effect shall be paid prior to the installation of the water meter.

(E) Where any unit currently having a water tap is demolished, and a building permit for reconstruction purposes is issued within one year of the date of demolition, no new tap fee shall be required and the new unit shall be regarded as being served by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the water tap and the service commitment and any subsequent construction shall be done in conformance with the City Code of the City.

(F) Where any unit currently having a water tap is vacant for more than thirty-six (36) consecutive months, it shall constitute an abandonment of the water tap and service commitment and the meter shall be removed by the City. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.

Section 3. Section 8-7-3 of the Westminster Municipal Code is hereby amended to read as follows:

**8-7-3: TAP FEE:**

(A) The applicant shall be required to pay the fees set forth hereinafter, the total of which shall be known as the water tap fee, which shall be paid upon issuance of the tap permit **or as otherwise required by Section 8-7-2**. The elements of the tap fee, tabulated hereinafter shall be:

1. Water resources, being the share of the cost to provide adequate raw water supply to be utilized by the tap;
2. Connection, being the actual City cost for ~~making the connection to its system~~ **a 5/8 x 3/4/ inch meter or a 3/4 inch meter with electronic remote readout device, when applicable; inspection of the tap, service line and meter pit installation; meter testing and installation, when applicable; account and billing activation, and other administrative procedures. A Connection Charge shall be assessed for each tap and meter;**
3. Treated water investment, being the share of the utility system related to treating and distributing water to be utilized by the tap;
4. Fire demand, being that charge for the benefit of fire protection.

Water taps and meters for the same service shall normally be the same size. If the tap and meter are of different sizes, the fee shall be paid for the larger. If more than one tap and/or meter are required for one service by the Director of Community Development, solely for the purpose of fire service safety, the fee shall be based on the size of the tap/meter

being used for domestic purposes. Water taps cannot be issued prior to building and/or tap entitlement approval. Exceptions must be approved by the City Manager; i.e., conversion from well to the City water system.

(B) Residential Fee Schedule: The Residential water tap fee is based on a 5/8 x 3/4 inch meter and is assessed on a per dwelling unit basis as determined by the ratio of water usage of various dwelling unit types to single-family detached dwelling units, pro-rated at the same ratio as the Service Commitment ratio, as contained in Section 11-3-2.

The following water tap fee schedule shall be in effect for all certificates of occupancy issued on or after January 1, 1994 pursuant to Section 8-7-2(C):

<u>Size</u>	<u>Connection Charge</u>	<u>Investment</u>	<u>Total Water Tap Fees Per DU</u>
3/4 Inch \$ 453	\$ 6,297	\$ 6,750	
Single Family & Mobile Home Space (1 SC) \$ 453	\$ 6,297	\$ 6,750	
Single Family Attached (.8 SC) \$ 453	\$ 4,947	\$ 5,400	
Multi Family (.5 SC)	\$ 453	\$ 2,922	\$ 3,375
Apartment Dwelling Unit Intended Solely for occupancy for the Elderly (.35 SC) \$ 453	\$ 1,910	\$ 2,363	

The following water tap fee schedule shall be in effect for all tap fee payments made on or after February 1, 1995 pursuant to Section 8-7-2(C):

<u>Water Connection Investmt</u>	<u>Connection Resources Per DU</u>	<u>Treated Water Charge</u>	<u>Total Water Tap Fees</u>
Single Family Detached	\$ 4,450	\$ 450	\$ 3,400 \$ 8,300
Mobile Home Space (1 SC)	\$ 4,450	\$ 450	\$ 3,400 \$ 8,300
Single Family Attached (.8 SC)	\$ 3,560	\$ 450	\$ 2,720 \$ 6,730
Multi Family (.5 SC)	\$ 2,225	\$ 450	\$ 1,700 \$ 4,375
Elderly Housing (.35 SC)	\$ 1,558	\$ 450	\$ 1,190 \$ 3,198

The following water tap fee schedule shall be in effect for all tap fee payments made on or after March 1, 1999 pursuant to Section 8-7-2(C):

<u>Residential Connection</u>	<u>SC</u>	<u>Water Resources</u>	<u>Treated Water</u>	<u>Total Per DU</u>	<u>Connection Charge Per Tap</u>
Single Family Detached	1.0	\$4,680	\$3,770	\$8,450	\$250
Mobile Home Space	1.0	\$4,680	3,770	\$8,450	\$ *
>10 DU per net acre	0.7	\$3,276	\$2,639	\$5,915	\$ *
>10 DU and <24 per net acre	0.5	\$2,340	\$1,885	\$4,225	\$ *
>=24 DU per net acre	0.4	\$1,872	\$1,508	\$3,880	\$ *
Elderly Housing	0.35	\$1,638	\$1,320	\$2,958	\$ *

\*Connection Charge is based on installed meter size, and assessed on a per tap basis in accordance with the Connection Charge contained in Section 8-7-3(C).

Beginning on March 1, 2000 and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.

Tap fees for irrigation of right-of-way, medians, open space, greenbelt, and private park areas are included in the individual unit water tap fee listed above for single-family attached and multi-family developments. Tap fees for clubhouses, swimming pools,



and other recreation or accessory uses in single-family attached and multi-family development are not included in the individual unit water tap fees listed above. Tap fees for these uses shall be calculated at the rates listed in paragraph (C), non-residential fee schedule, of this section.

In addition to the charges set forth above, a fifty dollar (\$50) surcharge per service commitment equivalent shall be added to the tap fee for each residential connection application received on or after February 1, 1995, for the purpose of funding a joint water management system study with the Westminster Home Builders Association at such time as fifty percent (50%) of the cost of the joint study has been recovered, such surcharge shall be terminated.

(C) The following non residential water tap fee schedule shall be in effect as of January 1, 1994 and shall be administered pursuant to Section 8-7-2 (C):

<u>Size</u>	<u>Connection Charge</u>	<u>Investment Charge</u>	<u>Total Water Tap Fee</u>
3/4"	\$ 453	\$ 6,297	\$ 6,750
1"	159	10,535	10,694
1 1/2"	291	20,462	20,753
2"	596	43,666	44,262
3"	106	62,167	62,273
4"	106	165,878	165,984
6"	106	553,173	553,278
8"	106	800,300	800,406
10"	106	*	*
12"	106	*	*

The following non residential water tap fee schedule shall be in effect as of February 1, 1995 and shall be administered pursuant to Section 8-7-2 (C):

<u>Meter Size</u>	<u>Water Resources</u>	<u>Connection Charge</u>	<u>Treated Water Investmt</u>	<u>Total Tap Fee</u>
5/8 x 3/4"	\$ 4,450	\$ 450	\$ 3,400	\$ 8,300
3/4 "	\$ 6,675	\$ 300	\$ 5,100	\$ 12,075
1 "	\$ 11,125	\$ 300	\$ 8,500	\$ 19,925
1 1/2"	\$ 22,250	\$ 300	\$ 17,000	\$ 39,550
2 "	\$ 35,600	\$ 300	\$ 27,200	\$ 63,100
3 "	\$ 77,875	\$ 300	\$ 59,500	\$ 137,675
4 "	\$ 133,500	\$ 300	\$ 102,000	\$ 235,800
6 "	\$ 278,128	\$ 300	\$ 212,500	\$ 490,925
8 "	\$ 400,500	\$ 300	\$ 306,000	\$ 706,800
10 "	*	*	*	*
12 "	*	*	*	*

\* To be determined by the City Manager at the time of application based on available pressure and flow.

The following water tap fee schedule shall be in effect for all tap fee payments made on or after March 1, 1999 pursuant to Section 8-7-2 (C):

<u>Meter Size Inches</u>	<u>Service Committments</u>	<u>Water Resources</u>	<u>Treated Water</u>	<u>Total Water Tap Fees</u>	<u>Connection Charge Per Tap</u>
5/8 x 3/4	1.0	\$4,680	\$3,770	\$8,450	\$250
3/4	1.5	\$7,020	\$5,655	\$12,675	\$250
1	2.5	\$11,700	\$9,425	\$21,125	\$150
1-1/2	5.0	\$23,400	\$41,850	\$200	

2	8.0	\$37,400	\$30,160	\$67,560	\$250
3	17.5	\$81,900	\$65,975	\$147,460	\$300
4	30.0	\$140,400	\$113,100	\$253,500	\$350
6	62.5	\$292,200	\$235,625	\$527,825	\$400
8	90.0	\$421,200	\$339,300	\$760,500	\$450
10	145.0	\$ *	\$ *	\$ *	\$
12	215	\$ *	\$ *	\$ *	\$

\* To be determined by the City Manager at the time of application based on available pressure and flow.

Beginning on March 1, 2000 and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.

The City Manager ~~has the authority to~~ shall review applicant's determination of water tap and meter size, and may adjust water tap fee charges if the projected water use is more than the maximum service commitment for the corresponding meter size listed in this paragraph. ~~for 2-inch and larger taps based on the user's individual demand characteristics and seasonal non-residential taps expected to use less than one service commitment when such adjustments are deemed to be in the best interest of the City.~~

(D) PROVISION OF MATERIALS AND WORK

~~1. For 5/8 X 3/4 inch water meters, residential and non-residential, the City will furnish all materials, except the service pipe, from the water main to the meter pit and will install the tap and the meter. The applicant shall furnish all other materials and work.~~

~~2. For 3/4 inch, 1 inch, 1 1/2 inch, and 2 inch water taps, residential and non-residential, the City will furnish the tap only and will install the tap. The applicant shall furnish all other materials as specified by the City and all other labor work. All meters must be tested for accuracy by the City before installation.~~

3. For 3,4,6,8,10, and 12 inch all water taps, residential and non-residential the applicant shall furnish all labor and work, and all materials as specified by the City and all labor except as provided by this paragraph. The City shall provide the applicant with a list of required materials & approved suppliers, at the time of application. The City shall provide all 5/8 x 3/4 inch meters. All other meter sizes shall be provided by the applicant as specified by the City at applicant's sole cost, and must be tested for accuracy by the City before installation. Subsequent to payment of all required fees and charges, the City shall install all meters.

(E) For any size water tap which is intended to also provide fire protection, a fire protection charge shall be added to the total water tap fee in the amount of one hundred fifty dollars (\$150). For any size tap that is determined by the City Manager, or his designee, to service only fire protection, the connection charge and plant investment charge shall not be charged and only the one hundred fifty dollar fire protection charge shall be collected. The applicant shall furnish all materials as specified by the City, and all labor and work, including any device required to detect any use of water for purposes other than fire protection.

Section 4. Section 8-7-4 of the Westminster Municipal Code is hereby amended to read as follows:

**8-7-4: SPECIFICATIONS:**

(A) The City will specify all materials that the applicant is to furnish pursuant to adopted City Standards and Specifications. All work furnished by the applicant shall be performed by, or under the supervision of a master plumber. Meters shall be located only within public rights of way, public easements, or City easements. Location and grade shall be subject to approval of the City.

(B) ~~The installation of~~ Authorization to install any tap or meter may be withheld by the City if the applicant is in violation of any law of the City or in default in any agreement with the City. It shall be unlawful to use, or permit to be used any water tap installation until the meter has been set, or approved by the City. Upon approval, the entire installation shall become the property of the City.

(C) Except as may be provided elsewhere in this paragraph, each separate structure shall have a separate water tap and water meter. An exception may be granted by the City Manager if an additional structure is an accessory use of the principal structure and the accessory use does not exceed one (1.0) Service Commitment.

(D) Separate irrigation water taps and meters shall be required for all residential developments other than single-family detached. Separate irrigation water taps and meters also shall be required for all non-residential developments if the irrigated area exceeds 40,000 square feet of turf, other high water use landscaping, or combination thereof, as determined by the City Manager. An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.

(E) The provisions of this paragraph and Section 8-7-3 notwithstanding, new residential developments other than single-family detached shall provide individual water meters for each individual dwelling unit, commonly referred to as submeters, to encourage water conservation and timely correction of plumbing problems. Submeters shall be the property of the owner who shall be responsible for maintenance, repair and use of submeters.

Section 5. Section 8-7-5 of the Westminster Municipal Code is hereby amended to read as follows:

**8-7-5: RELOCATION OF WATER TAPS:** Existing water taps may be disconnected and relocated to another location if both the location of the existing tap and the location to which the tap is being moved are under the same ownership, or permission for the disconnection and relocation in a written form acceptable to the city is obtained from the property owner from which the tap is being relocated. **Disconnection of an existing tap and installation of a relocated tap shall be in accordance with Section 8-7-3 and Section 8-7-4.**

**If the tap is relocated elsewhere on the same property and applied to the same use, a** tap permit and the payment of the connection charge shall be required for the relocation ~~of each water tap~~. **If the tap is relocated to a different property or applied to a different use on the same property, a water tap fee** ~~A fee~~ in an amount equal to the difference between the tap fee paid for the existing tap and the current tap fee for the new tap at the new location shall be collected. (1788)

Section 6, Section 8-7-15 is hereby deleted and reserved for future use.

~~8-7-15: INDIVIDUAL SERVICE REQUIRED: EXCEPTIONS: A tap, service pipe, and meter must be installed for each premise, unit or structure located on a parcel of land. Under single or condominium ownership, in which case one tap, service pipe, and meter may be permitted. Water and sewer taps shall serve the same premises, units, or structures. The minimum rate shall be charged for each consumer, and the consumer in whose name the service is registered shall be responsible for the payment of the total amount due from all consumers so served. (1311)~~

Section 7. Section 8-7-25 of the Westminster Municipal Code is hereby amended to read as follows:

**8-7-25: WATER TAP FEE CREDITS:**

(A) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land necessitate a tap larger than that which is existing, the following provisions shall apply:

1. Upon issuance of the tap permit for the new service tap, a tap fee credit, equal to the current **water resources & treated water elements** ~~plant investment element~~ and, when applicable, the fire protection element for the existing tap size as described in Section 8-7-3, shall be granted.

2. The applicant shall be responsible for abandoning and removing the existing service line from the meter to the corporation stop at the water main. An appropriate street cut permit shall be required to assure proper inspection and reconstruction.

3. In the event a **five-eighth by three-quarter-inch (5/8" x 3/4")** or a three-quarter-inch service tap is removed, relocated, or abandoned, the water meter is and shall remain the property of the City. The owner shall be responsible for returning that meter to the City.

(B) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land will necessitate a tap or taps smaller than that which is existing, credit shall be given as follows:

1. Upon issuance of the tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current **water resources & treated water elements plant investment** fee of the **smaller new** tap from the current value of the water resources and treated water elements ~~plant investment~~ fee of the original tap.
2. The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.
3. In no instance will refunds be granted.
4. No credit shall be given for the connection charge or the fire protection element.

(C) If any tap is installed and completed without receiving proper inspection and approval by the City, no tap fee credit shall be given.

(D) Abandonment. If a demolition or vacation of a unit results in an abandonment of a water tap, no cash refund shall be granted for any taps released from service, and no tap fee credit shall be granted at the time a new tap permit is issued.

Section 8. Section 8-8-1 of the Westminster Municipal Code is hereby modified to read as follows:

**8-8-1: DEFINITIONS:** For the purpose of this Chapter certain words and terms used herein are defined as follows:

**BIOCHEMICAL OXYGEN DEMAND (BOD):** Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Centigrade (20° C), expressed in parts per million.

**BUILDING DRAIN:** Means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the service sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

**CITY MANAGER:** Means the manager of the City of Westminster, Adams and Jefferson Counties, Colorado, or his designee.

**DWELLING UNIT:** A single unit providing ~~living~~ **complete independent living** facilities for one or more persons including permanent provisions for sleeping, **eating, cooking** and sanitation. ~~Each motel and hotel room for rental or lease shall be defined as a dwelling unit.~~

**EASEMENT:** Means an acquired legal right for the specific use of land owned by others.

**FLOATABLE OIL:** Is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE:** Means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods, and from the handling, storage, and sale of produce.

**INDUSTRIAL WASTES:** Means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

**METRO DISTRICT:** Means the Metro Wastewater Reclamation District, located at 6450 York Street, Denver, Colorado, 80229. (A2030)

**MOBILE HOME:** Any dwelling unit built on a permanent wheeled chassis exceeding either 8 feet in width or 32 feet in length and designed for long term residential occupancy in a temporary or permanent location which is capable of being towed over public streets or highways as a unit or in sections and duly licensable as such.

**NATURAL OUTLET:** Means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**PERSON:** Means any individual, firm, company, association, society, corporation, or group.

**pH:** Means the logarithm of the reciprocal of the hydrogen-ion concentration. the concentration is the weight of hydrogen-ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

**POTW:** Means publicly owned treatment works.

**PROPERLY SHREDDED GARBAGE:** Means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2"), (1.27 centimeters) in any dimension.

**SANITARY SEWER:** Means a publicly controlled sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

**SERVICE SEWER:** Means the extension from the building drain to the sanitary sewer or other place of disposal.

**SEWAGE:** Is the spent water of the community.

**SEWER:** Means a pipe or conduit that carries wastewater or drainage water.

**SINGLE-FAMILY DETACHED:** A single dwelling unit contained in a free-standing structure which has no party walls with other structures.

**SLUG:** Means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) (in case of heavy metals - three (3) times the average twenty-four (24) hour concentration or flows during normal operation and may adversely affect the wastewater facilities.

**STORM DRAIN:** (sometimes termed **STORM SEWER**): Means a drain or sewer for conveying water, ground water, drainage water, or unpolluted water from any source, excluding sewage and industrial wastes.

**STORM WATER:** Means the surface runoff from rainfall and other storm events.

**TAP:** Means an opening or connection between the service sewer and the sanitary sewer through which sewage is discharged. (A2030)

**TOTAL SUSPENDED SOLIDS:** Means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and referred to as nonfilterable residue.

**UNPOLLUTED WATER:** Means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**WASTEWATER:** Means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any incidental groundwater, surface water, and storm water that may be present.

**WASTEWATER FACILITIES:** Means the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT PLANT:** Means any arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

**WATERCOURSE:** Means a natural or artificial channel for the passage of water either continuously or intermittently.

Section 9. Section 8-8-3 of the Westminster Municipal Code is hereby modified to read:

**8-8-3: SANITARY SEWERS, SERVICE SEWERS AND CONNECTIONS:**

(A) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any sanitary sewer or appurtenance thereof without first obtaining a utility tap permit from the City Manager. The application for a utility tap permit shall be made in writing upon a form furnished by the City and shall state clearly the tap size, address and person applying for the tap and any other information as the City may reasonably require. The service sewer may be installed as part of the sanitary sewer construction if prior approval has been received from the City. Every applicant for a utility tap permit shall be required to obtain the permit prior to the use of the sanitary sewer.

(B) No one shall be entitled to purchase or pay for a utility tap permit prior to issuance of a building permit for the premises for which the tap is to be used, provided, however, that the foregoing restriction may be waived by the City Manager upon a finding that the proposed utility permit will not require the issuance of a building permit.

(C) All costs and expense incidental to the installation, connection and maintenance of the service sewer, from and including the tap on the sanitary sewer, shall be borne by the owner(s). **The City will specify all materials that the owner is to furnish pursuant to adopted City Standards and Specifications. The sewer tap and service line shall be installed in accordance with adopted City Standards and Specifications.** The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the service sewer.

(D) A tap and service sewer must be installed for each premise, unit or structure served; except where two (2) or more premises, units or structures are located on a single subdivided parcel of land under single or condominium ownership in which case one tap and service sewer may be permitted. Water and sewer taps shall serve the same premises, units or structures.

(E) It shall be the duty of the owner to use all necessary precaution to assure that there is no ground or surface water infiltration into or exfiltration from his service sewer. If such infiltration is found to be present, the owner shall, at his own cost, correct the condition upon order of the City Manager. Yard, roof or parking area drains or nonsanitary sewage sump pump discharge lines shall not be connected to the sanitary system.

(F) No persons shall abandon any service sewer without first obtaining a permit under the building regulations of this Code. Such service sewer shall be sealed with a stopper and filler material at the tap specified by the City. Old service sewers may be used in connection with new units only when they are found, on examination and test by the City, to meet all requirements of this code. The cost of the examinations and tests shall be borne solely by the applicant.

Where any unit currently having a sewer tap is demolished and construction a new unit on said premises is completed and a certificate of occupancy is issued within one year of the date of demolition, no new tap fee shall be required and the new unit shall be regarded as being serviced by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the sewer tap and the service commitment. Any subsequent construction shall be done in conformance with the City Code of the City of Westminster.

Where any unit currently having a sewer tap is vacant for more than thirty six (36) consecutive months, it shall constitute an abandonment of the sewer tap and service commitment. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.

(G) The size, slope, alignment, materials and construction of all sanitary sewers including service sewers, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of

the building and plumbing code, **adopted City Standards and Specifications**, or other applicable rules and regulations of the City and Metro District. **All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City Manager before installation.**

(H) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a service sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer unless such connection is approved by the City Manager for purposes of disposal of polluted surface drainage.

~~(I) The connection of the service sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City Manager before installation.~~

(J) The applicant for the service utility permit shall notify the City Manager when the service sewer is ready for inspection and connection to the sanitary sewer. The connection and testing shall be made under the supervision of the City Manager.

(K) All excavations for service sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(L) The installation of any tap may be withheld by the City if the applicant is in violation of any law of the City or in default in any agreement with the City. It shall be unlawful to use, or permit to be used, any sewer tap installation until the work is approved by the City. Upon approval the maintenance of the service sewer shall be the responsibility of the property owner.

(M) In the case of subdivision, housing developments, or other areas where sanitary sewers and installations must be extended from the existing sanitary sewers to the area of use, the applicant must provide and install the necessary sanitary sewers, manholes, and appurtenances for the extension in addition to complying with all of the provisions of this Chapter. All such extension installations shall be made under the inspection and supervision of the City Manager. Upon completion and final approval by the City Manager all such sanitary sewers, manholes, and appurtenances incorporated in the extension shall become the property of the City.

(N) When required by the City Manager, the owner(s) of any property serviced by a service sewer carrying industrial wastes shall install a control manhole together with such necessary meters and other appurtenances in the service sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Manager. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 10. Section 8-8-5 of the Westminster Municipal Code is hereby modified to read as follows:

**8-8-5: SERVICE AND USER CHARGES:**

(A) (Repealed by 2197)

(B) RATE SCHEDULES:

1. Residential Fee Schedule: Residential sewer tap fees are based on a three-quarter-inch (3/4") water tap size and assessed on a per-dwelling unit basis equivalent to the ratio of water usage of various dwelling unit types to single-family detached dwelling units.

~~The following residential sewer tap fee schedule shall be applied to all building permits issued prior to April 1, 1993 regardless of when the certificate of occupancy is issued, notwithstanding Section 8-8-5 (C):~~

<del>Residential Rate Schedule</del>	<del>per dwelling unit</del>
<del>Single Family Detached and Mobile Home (1 SC)</del>	<del>\$ 1,200</del>
<del>Single Family Attached (.8 Service Commitment)</del>	<del>\$ 960</del>
<del>Multi Family (.5 Service Commitment)</del>	<del>\$ 600</del>

~~Apartment dwelling unit intended solely for occupancy  
by the elderly (.35 Service Commitment) \$ 420~~

~~The following residential sewer tap fee schedule shall be in effect from April 1, 1993 through December 31, 1993 for all certificates of occupancy issued on April 1, 1993 through December 31, 1993 pursuant to Section 8-8-5 (C):~~

~~Total Sewer Tap Fee~~

<del>Residential Rate Schedule</del>	<del>per dwelling unit</del>
<del>Single Family Detached and Mobile Home (1 SC)</del>	<del>\$ 1,500</del>
<del>Single Family Attached (.8 Service Commitment)</del>	<del>\$ 1,200</del>
<del>Multi Family (.5 Service Commitment)</del>	<del>\$ 750</del>
<del>Apartment dwelling unit intended solely for occupancy by the elderly (.35 Service Commitment)</del>	<del>\$ 525</del>
<del>6/94 8-8-5 (B)</del>	<del>8-8-5</del>

~~Effective January 1, 1994, the following residential sewer tap fee schedule shall be applied pursuant to Section 8-8-5 (C):~~

~~Total Sewer Tap Fee~~

<del>Residential Rate Schedule</del>	<del>per dwelling unit</del>
<del>Single Family Detached and Mobile Home (1 SC)</del>	<del>\$ 1,614</del>
<del>Single Family Attached (.8 Service Commitment)</del>	<del>\$ 1,291</del>
<del>Multi Family (.5 Service Commitment)</del>	<del>\$ 807</del>
<del>Apartment dwelling unit intended solely for occupancy by the elderly (.35 Service Commitment)</del>	<del>\$ 565</del>

**The following water tap fee schedule shall be in effect for all tap fee payments made on or after March 1, 1999 pursuant to Section 8-8-5(C):**

Residential Connection	SC	Total Per DU
Single Family Detached	1.0	\$ 2,200
Mobile Home Space	1.0	\$ 2,200
<10 DU per net acre	0.7	\$ 1,540
>10 DU but <24 DU per net acre	0.5	\$ 1,100
>=24 DU per net acre	0.4	\$ 880
Elderly Housing	0.35	\$ 770

**Beginning on March 1, 2000 and on March 1st of each year thereafter, the sewer tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.**

Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in single-family detached, single-family attached, and multi-family developments are not included in the individual unit sewer tap fees listed above. Tap fees for these uses shall be calculated at the rates listed in Sub-paragraph 2, non-residential fee schedule, below.

2. Non-Residential Fee Schedule: Non-residential sewer tap fees are based on the size of the water tap used by the building served. The table below determines the appropriate sewer tap fee.

~~The following non residential sewer tap fee schedule shall be in effect from April 1, 1993 through December 31, 1993, and shall be applied pursuant to Section 8-8-5 (C):~~

<del>Non-Residential Water Service Tap Size Inches</del>	<del>Sewer Tap Fee</del>
<del>3/4"</del>	<del>\$ 1,500</del>



1"	\$ 2,524
1-1/2"	\$ 4,902
2"	\$ 7,645
3"	\$ 14,884
4"	\$ 24,413
6"	\$ 74,571
8"	\$ 129,850
10" and larger to be determined by City Manager	

Effective January 1, 1994, the following non-residential sewer tap fee schedule shall be applied pursuant to Section 8-8-5 (C):-

Non Residential Water	
<u>Service Tap Size Inches</u>	<u>Sewer Tap Fee</u>
3/4"	\$ 1,589
1"	\$ 2,674
1-1/2"	\$ 5,193
2"	\$ 8,099
3"	\$ 15,767
4"	\$ 25,862
6"	\$ 78,996
8"	\$ 137,554
10" and larger to be determined by City Manager	

The following water tap fee schedule shall be in effect for all non-residential tap fee payments made on or after March 1, 1999 pursuant to Section 8-8-5(C):

<u>Meter Size, Inches</u>	<u>SC</u>	<u>Total Tap Fee</u>
5/8 X 3/4	1.0	\$ 2,200
3/4 1.5	\$ 3,300	
1	2.5	\$ 5,500
1-1/2	5.0	\$11,000
2	8.0	\$17,600
3	17.5	\$38,500
4	30.0	\$66,000
6	62.5	\$137,500
8	90.0	\$198,000
10	145.0	*
12	215.0	*

\*To be determined by the City Manager at the time of application.

Beginning on March 1, 2000 and on March 1st of each year thereafter, the water tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.

The City Manager has the authority to shall review applicant's determination of sewer tap size and may adjust sewer tap fee charges if the projected water use is more than the maximum service commitment for the corresponding water meter size listed in this paragraph. for 2 inch and larger taps based on the user's individual demand characteristics and seasonal non residential taps expected to use less than on service commitment when such adjustments are deemed to be in the best interest of the City.

(C) Payment of the sewer tap fee shall be made no earlier than the date upon the which application is approved for a building permit and no later than the date upon which the certificate of occupancy for the property connecting to the City sewer

system. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

**Payment of the sewer tap fee for any other installation or construction not requiring issuance of a building permit shall be at the time of sewer tap permit application.**

Where additional units are to be served by a sanitary sewer previously installed and currently serving the original units, the service charge for said additional units shall be at the current rates.

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly rate for use of the City of Westminster sanitary sewerage system by residential, including multiple unit residential, and public users shall be a sum equal to two dollars and thirty five cents (\$2.35) per thousand (1,000) gallons multiplied by the average monthly water consumption per user during the period December 1 through March 31. The minimum monthly rate for use of the City of Westminster's Sanitary Sewage System by multiple units and commercial users shall be a sum equal to two dollars and seventy cents per thousand (1,000) gallons multiplied by the average monthly water consumption per user during the period December 1 thru March 31. The minimum monthly sewer charge for commercial users may be appealed to the Utility billing division for user charges resulting from the average monthly water consumption during the period of December 1 through March 31 and may be adjusted if the water consumed during the months of June 1 through September 30 is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days service.

Any new occupant of a residential unit shall be charged fifteen dollars and fifty cents (\$15.50) sewer charge until an experience rate has been established. Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available or consumption of similar accounts.

(E) The City will determine average numeric criteria for the quality and quantity of sewage collected from commercial users. The City will assess a surcharge rate for non-residential users discharging waters and wastes with quality characteristics greater than the average commercial user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users the higher strength wastes.

(F) (Rep. by 1312)

(G) Statements for sewer service charges shall be dated and sent out to users at regular intervals. Such statements shall be added to and made a part of the water bill, if customers receive water service from the City, or by separate billing if water service is not provided by the City.

Delinquent sewer bills shall be collected in the same manner as delinquent water charges, including the discontinuance of water service for nonpayment of sewer charges. Any payment received for combined water and sewer bills which is for less than the sum of water and sewer bills, shall be first applied to the sewer charge, and any remainder to the water charge.

For customers not receiving City water service, these same provisions shall apply, except that instead of discontinuance of water, a one dollar (\$1) late charge shall be added to the next bill at the time of billing, to cover additional accounting charges. If a sewer charge is not paid in nine (9) months a lien shall be filed on the property for the balance then due, plus a ten dollar (\$10) filing fee. If the lien is not paid in fifteen (15) months, the service line shall be disconnected from the City's main and plugged. Service shall not be restored until the account is paid in full plus the actual cost of disconnecting the service line. Reconnection shall be the responsibility of the owner. If such disconnection is required, the City shall notify the Health Department and agency furnishing water to the premise of the action to be taken.

(H) Owners or agents in charge of business blocks or other buildings occupied by more than one tenant using water from the same service pipe and/or discharging sewage through the same service sewer shall be required to pay the same rate for the whole of such building, unless a separate water meter is installed for each tenant.

(I) Repealed by Ordinance 1430

(J) These rates and charges are established so that each user class pays its proportionate share of the costs of wastewater treatment services and the City Manager is hereby directed to annually review the charge structure to assure that proportionality between user classes is maintained and to recommend modifications as appropriate. Each user shall be notified annually by the City of its user charges.

(K) Reduction of Tap Fee: A nonresidential customer requesting a reduction in the assignment of the tap fee may apply for such reduction to the Building Division. The request must provide calculations showing the actual sewage discharge level. If approved, the reduction in tap fee may only be reduced to the next lowest full water tap size.

Section 11. Section 8-8-14 of the Westminster Municipal Code is hereby modified to read as follows:

**8-8-14: RELOCATION OF SEWER TAPS:** Existing sewer taps may be disconnected and relocated to another location if both the location of the existing tap and the location to which the tap is being moved are under the same ownership or permission for the disconnection and relocation in a written form, acceptable to the City, to move the tap is obtained from the property owner from which the tap is being relocated. A utility permit shall be required for the relocation of any sewer tap. ~~A fee in an amount equal to the difference between the tap fee paid for the existing tap and the current tap fee at the new tap at the new location shall be collected.~~ **Disconnection of an existing tap and installation of a relocated tap shall be in accordance with Section 8-8-3.**

**If the tap is relocated elsewhere on the same property and applied to the same use, a tap permit and the payment of an inspection shall be required for the relocation. If the tap is relocated to a different property or applied to a different use on the same property, a fee** ~~A fee~~ in an amount equal to the difference between the tap fee paid for the existing tap and the current tap fee for the new tap at the new location shall be collected.

Section 12. This ordinance shall take effect upon its passage after the second reading.

Section 13. The title and purpose of this ordinance shall be published prior to its second reading. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of October, 1998.

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

ATTEST:

\_\_\_\_\_  
Mayor

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

Date: October 12, 1998

Subject: Councillor's Bill No. Re: Water and Sewer Rate  
Adjustments

Prepared by: Kelly DiNatale, Water Resources Manager  
Ellen Richardson, Utility Billing Manager  
Katie Parrot, Water Resources Intern

#### Introduction

City Council action is requested on the attached Councillor's Bill that implements the proposed water and sewer rate adjustments for budget years 1999 and 2000..

#### Summary

As provided in the City Charter, the Water and Wastewater Utility operations require rate structures that will produce sufficient revenues to cover all of their costs. A rate increase for both water and sewer is necessary to produce sufficient revenues to meet the proposed 1999 Budget and to provide revenues sufficient to meet upcoming system replacement and rehabilitation needs.

The proposed increases, which cover a two year period, range from an average of 18 cents per block for residential water and 15 cents per 1,000 gallons for residential sewer to 13 cents for commercial water and 10 cents per 1,000 gallons for commercial sewer. Residential rates recommendations equal an increase of 7.2% in the average user's annual water bill, and 6.4% for the average annual sewer bill. Commercial rate recommendations equal a rate increase of 4.1% for water and 3.7% for sewer. The lesser increases for commercial rates are based on an analysis of water demands and bring commercial rates more in line with rate model recommendations.

The above increases in residential water rates eliminate the need to increase the residential meter service charge, which is \$2.10 per month.

A comprehensive analysis of industrial, commercial and institutional demand (ICI) will be undertaken in the next 12 months in conjunction with the ICI water conservation study. Included in this analysis will be a comprehensive evaluation of the financial impacts and alternative rate structures for townhomes and apartments, which are currently charged the commercial rate. Recommendations may also be made on adjustments to commercial tap fees and the development of water conservation rates for ICI users.

Changes have also been recommended in 1999 for water and sewer tap fees, which are covered in a separate agenda memorandum. If the recommended tap fees are not adopted, it may be necessary to have additional water and sewer rate adjustments to cover growth related capital improvement costs that are not recovered via tap fees.

The recommended water and sewer rate increases have been calculated assuming that the adjustments will be good for two years; thus there would not be an adjustment proposed for the year 2000. Barring any unforeseen costs or catastrophic event, the next adjustment for water and sewer rates would be implemented, at the earliest, in 2001.

Water and Sewer Rate Adjustments

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#### Staff Recommendation

Pass Councillor's Bill No. on first reading implementing the proposed Water and Sewer rate adjustments.

#### Background Information

When the utility rate model was originally developed in 1992, the consultant pointed out that regular rate increases would be required to keep the utility well maintained and to provide sufficient revenues to cover rising costs, even if the increases were only due to inflation. Increases were implemented effective in 1993, 1996 and 1997. Increasing the rates for 1999 will cover inflation since the last increase of two years ago; protect the utility by ensuring that adequate funds will be available for pending utility rehabilitation and replacement projects; and keep it "on track."

Over the past year, Staff, in conjunction with a consultant, THC-Utility Management Specialists, have completed a comprehensive update of the Utility Fund rate model. Models are very helpful, but are not an exact science. Many variables have to be considered, different assumptions have to be made, and exact revenues are hard to predict. The proposed rate increase is designed to keep up with inflation; make Utility Fund revenues less sensitive to climatic variations while maintaining a strong conservation incentive; and minimize the necessity of having to adopt large rate increases in the future. It is intended that the rate increases, if adopted, will be good for two years.

#### WATER

Residential: Westminster's residential water rates are structured in tiered blocks, with a different rate in each block. Rather than apply an across-the-board increase, it is usually better to adjust each block individually. This helps assure that the criteria on which the model was based are maintained. Staff is recommending a rate increase that averages 18 cents per block. This rate increase would meet the revenue as reflected in the proposed budget of \$17.7 million.

Commercial: The commercial rate is a flat rate. Based on the model, an increase of 13 cents per 1,000 gallons is recommended. Staff will be studying the commercial meter service charge and may recommend a variable charge based on meter size to better reflect

actual costs as part of the analysis of commercial tap fees that will be undertaken over the next 12 months.

#### METER SERVICE CHARGE

The proposed water rates will produce sufficient revenues to eliminate the need to increase the Meter Service Fee in 1999.

#### SEWER

Sewer charges are based on winter water usage, which means weather conditions have little impact. The rate is a flat rate. Based on the model, an increase of 15 cents per 1,000 gallons for residential and a 10 cent increase per 1,000 gallons for commercial is recommended. This rate increase would provide sufficient revenues to meet the revenue as reflected in the proposed budget of \$7.6 million.

#### WATER AND SEWER RATE SURVEY

The annual water and sewer rate study, recently distributed, indicated that the average Westminster utility customer paid \$462.58 in 1997 for both water and sewer. Under the proposed rate increase, that same customer using the same amount of water would pay \$494.60 in 1999; an increase of \$32.02 per year or \$2.70 per month. These tables and figures (see attachments) are applicable up through and including the year 2000.

Water and Sewer Rate Adjustments

Page 3

Table 1 and Figure 1 show the survey results of comparative water bills for a water customer using the Westminster average residential consumption of 125,000 gallons per year. Westminster would continue to be ranked in the middle of the survey group for annual water bills, even with the recommended increases.

Table 2 and Figure 2 show the survey results for sewer bills for the same average residential water customer. The recommended sewer increase would place Westminster above the median, but it is important to note that the survey does not show any potential rate increases by any of the other sewer providers. In addition, a small adjustment in sewer rates (\$10 or less annually) can result in a large jump in the comparative rankings.

Table 3 and Figure 3 show the combined annual water and sewer bill for the average customer. In the survey, Westminster current rates ranked 8th out of 14; 6 providers had higher combined rates and 7 providers had lower combined rates. Although other providers are contemplating rate increases in 1999, none have been adopted yet. Realistically, some of these providers will increase rates. However, even if they do not, Westminster's proposed rate structure will still rank the average customer 8th out of 14 for the surveyed providers.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.                      COUNCILLOR'S BILL NO.  
SERIES OF 1998                      INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE RATES FOR WATER SALES AND SEWER  
USER CHARGES

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City of Westminster operates a water and wastewater  
enterprise utility; and

WHEREAS, the City Charter requires that the utility be  
self-supporting; and

WHEREAS, the last water rate increase and the last rate increase  
for sewer user charges took effect January, 1997; and

WHEREAS, costs to operate the Water and Wastewater Utility have  
increased; and

WHEREAS, since the Utility is operated as an enterprise exempt  
from the TABOR amendment, the City Council may set the rates to  
adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to minimize the need for large increases  
in the future; and

WHEREAS, water rates have been designed so as to encourage  
conservation.

NOW THEREFORE, be it ordained by the City Council of the City of  
Westminster as follows:

Section 1. Title VIII, Chapter 7, Section 7, Subsection (B),  
Westminster Municipal Code, is hereby amended as follows:

(B) RESIDENTIAL: Three (3) dwelling units or less served by one  
meter primarily used for residential occupancy shall be charged a  
\$2.10 per month meter service charge plus:

1.80 PER 1,000 gallons	First 4,000 gallons
2.60 PER 1,000 gallons	5,000 TO 25,000 gallons

3.99 PER 1,000 gallons	26,000 gallons and over
\$1.95 PER 1,000 GALLONS	FIRST 4,000 GALLONS
\$2.80 PER 1,000 GALLONS	5,000 TO 25,000 GALLONS
\$3.99 PER 1,000 GALLONS	26,000 GALLONS AND OVER

per unit. Unit consumption shall be determined by dividing the number of gallons consumed by the number of units using one meter. Notwithstanding the above, residential customers who use more than fifty thousand (50,000) gallons for two (2) billing cycles in a twelve (12) month period will be billed at the rate of three dollars and thirty cents (\$3.30) per one thousand (1,000) gallons for any usage exceeding 50,000 gallons. If usage exceeds 50,000 gallons for more than two billing cycles in a twelve month period, the first two (2) qualifying cycles will be billed at the \$3.30 rate.

Section 2. Title VIII, Chapter 7, Section 7, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) MULTIPLE UNITS, COMMERCIAL AND PUBLIC: Multiple residential units consisting of four (4) units or more, commercial units and public users consisting of municipal, county and state facilities, church facilities, school district facilities and recreation district facilities shall be charged ten dollar and fifty cents (\$10.50) monthly meter service charge plus three dollars and seventeen cents (\$3.17) THREE DOLLARS AND THIRTY CENTS (\$3.30) per thousand (1,000) gallons for all water delivered through the meter.

NON-IRRIGATION ACCOUNTS FOR MULTIPLE RESIDENTIAL UNITS CONSISTING OF FOUR (4) UNITS OR MORE THAT ARE NOT INDIVIDUALLY METERED AND THAT ARE CLASSIFIED AS TOWNHOMES OR CONDOMINIUMS AND CAN DEMONSTRATE THAT THEY ARE EIGHTY PERCENT (80%) OWNER OCCUPIED ON A COMPLEX WIDE BASIS SHALL BE CHARGED A TEN DOLLAR AND FIFTY CENTS (\$10.50) MONTHLY METER SERVICE CHARGE PLUS TWO DOLLARS AND FIFTY FOUR CENTS (\$2.54) PER THOUSAND (1,000) GALLONS FOR ALL WATER DELIVERED THROUGH THE METER. THE DIRECTOR OF FINANCE IS AUTHORIZED TO PRESCRIBE AND ACCEPT SUCH FORMS OF DOCUMENTATION AS THE DIRECTOR MAY DEEM SUFFICIENT TO DEMONSTRATE AN APPLICANT'S ELIGIBILITY FOR THE RATE DESCRIBED IN THIS PARAGRAPH. FOR PURPOSES OF THIS SECTION, A TOWNHOME OR CONDOMINIUM IS A RESIDENTIAL UNIT PHYSICALLY ATTACHED TO ANOTHER RESIDENTIAL UNIT AND SEPARATELY OWNED.

Section 3. Title VIII, Chapter 8, Section 5, Subsection (D), Westminster Municipal Code, is hereby amended as follows:

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly rate for use of the City of Westminster sanitary sewerage system by residential, including multiple unit residential, and public users shall be a sum equal to two dollars and thirty-five cents (\$2.35) TWO DOLLARS AND FIFTY CENTS (\$2.50) per thousand (1,000) gallons multiplied by the average monthly water consumption per user during the period December 1 through March 31. The minimum monthly rate for use of the City of Westminster sanitary sewerage



system by multiple units and commercial users shall be a sum equal to two dollars and seventy cents (\$2.70) TWO DOLLARS AND EIGHTY CENTS (\$2.80) per thousand (1,000) gallons multiplied by the average monthly water consumption per user during the period December 1 through March 31. The minimum monthly sewer charge for commercial users may be appealed to the Utility Billing division for user charges resulting from the average monthly water consumption during the period of December 1 through March 31 and may be adjusted if the water consumed during the months of June 1 through September 30 is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days service. Any new occupant of a residential unit shall be charged fifteen dollars and fifty cents (\$15.50) sewer charge until an experience rate has been established. Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available or consumption of similar accounts.

Section 4. This ordinance shall be effective for any water charges billed after December 31, 1998.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of October, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998

**Subject:** Councillor's Bill No. re Creation of Department of Information Technology

**Prepared by:** David Puntteney - Data Processing Manager

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading which would create a new Department of Information Technology, effective January 1, 1999.

### **Summary**

Under the City's Charter (section 4.6) "The City Council shall establish by ordinance such departments of the City as it deems necessary or advisable."

Over the past several years, the responsibilities of Data Processing, a Division of the Finance Department, have expanded in scope and importance within the City. The number of employees supported by the division has grown by more than 40% since the beginning of 1996, with new hardware, software and computer technology installed in all City Departments. In 1998, 72% of the City employees rely on services provided by the division. Staff recognizes the expanding role that technology plays in enhancing organizational efficiency and service delivery. Some examples of these new technologies include Internet, Intranet, Interactive Voice Response (IVR) systems, e-commerce, data/voice/video communications, fiber networks, palmtop computing, document imaging/management, etc. While the City has achieved success in the past with technology implementation, the growing importance of a strategic and focused approach to technology demonstrates the need to create a Department of Information Technology.

Current Data Processing Division staff in the Department of Finance would be transferred to the the new Information Technology Department. David Puntteney, current Data Processing Manager, would be appointed as the Department Head. In addition to the current Data Processing functions, the new Information Technology Department will assume responsibility for telecommunications systems and the coordination of new City-wide technology endeavors.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading pertaining to the creation of the Department of Information Technology.

### **Background Information**

Historically, the Data Processing Division's primary role had been to provide technical support for hardware and software used by the Finance Department for Sales Tax return processing, utility billing, budget, purchase orders, general ledger, and accounts payable. While these applications continue to be essential, the services offered by the division have expanded well beyond the financial systems.

The division now provides support for over 550 employees and many applications throughout all City departments. Advances in the capabilities of technology and the importance of city-wide integration and sharing of information has increased the need for a strategic and coordinated approach in the selection and implementation of technology. By creating the Department of Information Technology, the City will improve the opportunity to fully exploit the capabilities of new and emerging technologies to achieve success in meeting organizational goals and objectives.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 1998

COUNCILMAN'S BILL NO.  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE TO CREATE THE DEPARTMENT OF INFORMATION TECHNOLOGY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The following Chapter 9 is hereby added to Title III of the Westminster Municipal Code, to read as follows:

CHAPTER 9 DEPARTMENT OF INFORMATION TECHNOLOGY

3-3-1: DEPARTMENT CREATED: There is hereby created a Department of Information Technology which shall consist of the Director of Information Technology and such other personnel as may be provided by the City Council.

3-3-2: APPOINTMENT OF DIRECTOR OF INFORMATION TECHNOLOGY: The Director of Information Technology shall be appointed by and be responsible to the City Manager. Such appointment shall be for an indefinite period pursuant to Section 1-13-3 of this Code. The Director of Information Technology shall be the head of the Department of Information Technology and shall have general supervision over all personnel assigned to the Department.

3-3-3: DUTIES AND RESPONSIBILITIES:

(A) The Director of Information Technology is responsible for the efficient and effective operation of the Information Technology Department as well as performing those duties prescribed by the City Manager.

(B) The Director of Information Technology is responsible for providing strategic vision and direction for the use of technology throughout the City.

Section 2. This ordinance shall take effect on January 1, 1999.

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 12th day of October, 1998.

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

ATTEST:

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Mayor

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City Clerk



**Date:** October 12, 1998

**Subject:** Resolution No.        re Policy on Financial Assistance Involving Rehabilitation of Existing Retail Shopping Centers

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

### **Introduction**

A formal policy has been drafted for City Council's consideration which addresses the City's financial participation in the updating and rehabilitation of existing retail shopping centers.

### **Summary**

The attached resolution has been prepared to articulate City Council's formal policy on the City's financial involvement in assisting existing retail shopping centers where the owner is desirous of updating, rehabilitating the physical center and improving the tenant mix. Several of the retail existing centers in Westminster are approaching an age and point in the life cycle of retail centers that this policy would be strategic and helpful to both retain and update such center owners and at the same time provide direction to City Staff in working with the retail business community.

### **Recommendation**

Adopt Resolution No.        which sets forth the City's formal policy on providing financial assistance to existing Westminster retail shopping centers which are desirous of updating, rehabilitating and improving the tenant mix to assure the continued viability of these retail centers.

### **Background**

The City of Westminster has demonstrated a fiscal philosophy of assisting the business community where new retail centers or primary job creation type companies wish to locate in Westminster. Westminster certainly enjoys a portion of its fiscal success due to the aggressive business assistance philosophy which City Council has endorsed over the past several years. Now a new "chapter" involving Business Assistance Packages is evolving with the aging of several of the existing retail shopping centers throughout the City. It has been discussed with City Council that a formal policy would be helpful to the business community and to City Staff on this subject so that when inquiries are made from the private sector, Staff would be able to articulate City Council's philosophy.

Accordingly, Staff has developed the attached resolution to reflect discussions with City Council on this topic. Basically, the policy involves the following key points:

- > The rehabilitation/upgrade of the existing retail center must be at least \$1 million in documented expenses.
- > Ideally, the tenant mix will be changed and improved as part of the updating and rehabilitation of the subject center.

- > The City would participate in the financial assistance by rebating 25% of the incremental increase in sales tax revenues on subsequent sales volume generated after the renovated center is completed. The historical sales tax remittance from all tenants in the subject retail center for the previous 24 months would be used as the "base" to calculate the incremental increase in sales tax in which the City would share 25%.
- > The timeline to achieve the 25% reimbursement of the developer's documented reinvestment cost shall be open ended as to the number of years that the payout would take. The calculation would be on sales tax revenue only; use tax payments would not be eligible.
- > The developer would not receive any interest from the City on the multi-year payback using the incremental sales tax revenue.
- > Such agreements would be in compliance with TABOR requirements by including an annual appropriation of sales tax revenues to be rebated.

The philosophy behind this approach is that the City and the private retail center owner both stand to gain or lose financially depending on the degree of viability and competitiveness of the respective commercial center. It behooves the City to be a financial partner to encourage the retail center owner to reinvest in his or her center to remain viable with a dynamic tenant mix which, in turn, attracts shoppers to the respective center. This joint venture approach then sets the stage for improving retail sales and, in turn, the amount of City Sales Tax realized. As part of that reinvestment endeavor, it is argued that the City should be a financial partner with the retail center owner and rebate a portion of the increased sales tax revenue.

There are other options regarding a City-wide policy on the topic of financial assistance by the City on rehabilitating and updating existing retail centers. The following possibilities have been identified:

1. City Council could take the position of not offering any assistance using the argument that it is fundamentally the retail developers responsibility to invest their own funds exclusively to remain competitive in an over-retailed market.
2. City Council could adopt a policy whereby a higher percentage would be repaid to a developer. This would reflect a policy of a stronger joint venture on an equal partner basis between the City and the developer. This would probably be quite unique among other cities in Colorado and non-urban renewal development settings.
3. City Council could establish a policy whereby there is revenue sharing based on gross sales tax receipts (compared to incremental increased sales) for some specified ensuing period of time after the redeveloped center is open and has the advantage of the new improvements. This approach would not involve an increment calculation, but would be determined by some percentage of lump sum of the gross dollars irrespective of whether or not the renovated center is producing at a higher sales volume level. It can be argued on this policy approach that the City is giving back revenue that, in part, it has previously relied upon where the calculation is not tied to the increase above the historic base amount.

In surveying the existing retail centers throughout Westminster, Staff would suggest that there are several "eligible" centers that either need attention or will be in need in the not too distant future. A sample selection of such centers are listed below:

- \* Mission Commons Shopping Center on the northwest corner of 88th Avenue and Wadsworth Parkway
- \* Brookhill Shopping Center I on the northeast corner of 88th Avenue and Wadsworth Boulevard
- \* Brookhill Shopping Center II at the northeast corner of 88th Avenue and Pierce Street
- \* Office Max retail center at 88th Avenue and Sheridan Boulevard
- \* 84th Avenue and Federal Boulevard center anchored by Safeway
- \* Standley Shores Shopping Center at 100th Avenue and Wadsworth Parkway
- \* Northgate Shopping Center at the southeast corner of 72nd Avenue and Federal Boulevard

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

FISCAL POLICY ON FINANCIAL ASSISTANCE PERTAINING TO UPDATING AND REHABILITATION OF EXISTING RETAIL SHOPPING CENTERS

WHEREAS, the Westminster community has several retail centers located throughout the Westminster City limits; and

WHEREAS, the City of Westminster relies heavily on Sales and Use Tax revenue to fund basic municipal services, finance needed capital improvements and make debt service payments on existing Sales Tax Revenue Bonds; and

WHEREAS, it is financially prudent to assist existing retail shopping centers to be competitive and maintain their viability in attracting shoppers so that they are financially successful and, in turn, the City enjoys a dependable revenue stream; and

WHEREAS, the Westminster City Council has studied in depth the alternative policy actions surrounding the City providing financial assistance to encourage retail center owners to reinvest in their respective centers to achieve competitiveness and viability; and

WHEREAS, the City Council has concluded that it is in the best interest of the whole community and City government to have the City provide partial financial assistance in joint venture endeavors so that existing retail centers are updated, upgraded and the tenant mix is improved.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby establish a formal financial policy to assist existing retail centers as follows:

1. The updating, rehabilitation and/or reconfiguring of an existing Westminster retail center must consist of a minimum of \$1 million in private investment which are documentable.
2. The improvements should be noticeable to the general public to attract increased shopping activity in the subject center.
3. The tenant mix should be reviewed and, where possible, improved to attract further shopper interest.
4. The City will share with the retail center owner 25% of the incremental increased sales tax revenue generated at the center above the prior two year historic sales tax receipt base.
5. The length of time in which the City will participate in rebating 25% of the incremental sales tax revenue above the base shall be open ended.

PASSED AND ADOPTED this 12th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998

**Subject:** Councillor's Bill No. re Mission Commons Shopping Center Renovation Business Assistance Package

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

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading approving a Business Assistance Package for the Mission Commons Shopping Center located at the northwest corner of 88th Avenue and Wadsworth Parkway.

### **Summary**

In an earlier item on City Council's agenda, adoption of a new policy on financial assistance involving rehabilitation of existing retail shopping centers was recommended by City Staff. If Council is in support of this policy, the following request for Sales Tax Rebate is recommended with Jim Sullivan, General Partner of the Mission Commons Shopping Center.

He has previously detailed a \$2,000,013,185 remodeling budget for the Mission Commons Center which was built in 1984. He is requesting a \$1 million Assistance Package to be paid from City collected Sales Tax over a period of time to be determined. City Staff is recommending a 25% Sales Tax Rebate based on the incremental increased Sales Tax above the prior two year historic tax base. Under the policy, Mission Commons would be entitled to \$500,000 over some undetermined period of time which would be determined by the level of effectiveness of the remodeled center with the addition of Gateway Computers.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading authorizing the City Manager to execute and implement, in substantially the same form, the attached Assistance Agreement with Mission Commons Shopping Center, James M. Sullivan, General Partner.

### **Background Information**

Jim Sullivan, General Partner of the Mission Commons Shopping Center, has been in discussions with City Staff since this past summer on his interest in working with the City to accomplish a noticeable remodeling of the Mission Commons Shopping Center. In addition, he has been successful in garnering Gateway Computers which has occupied the vacant Michael's space in the center. Gateway Computers is a major retail computer firm which will be a very effective anchor at the center along with T.J. Maxx, which has renewed its lease for several years. The lease renewal for T.J. Maxx was contingent upon Sullivan Hayes' financial commitment to renovate the center.

The Mission Commons partners developed a remodeling budget of \$2,000,013,185 which is attached for City Council's information. This budget reflects a complete remodeling of the center including new site signage, lighting, landscaping, site paving, new roof and complete facia renovation. Jim Sullivan has requested a \$1 million Sales Tax Rebate from the City which reflects one-half of the projected remodeling cost. Staff believes that it is important to work from a financial policy that would be consistently applied to not only Mission Commons Center but other existing centers which wish to remodel in the future.

Accordingly, Staff is recommending the policy articulated in the previous agenda item. Under this policy, the Sullivan Partnership would be eligible for a 25% rebate of sales tax generated above the prior two year historic base for the total Mission Commons Shopping Center. This would equate to a rebate of \$500,000 over some undetermined length of time. The performance of the tenant mix in the center will dictate the length of time in which Sullivan would be reimbursed.

No payments would be made to the Sullivan Partnership until the historic level is achieved in a given year.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BUSINESS ASSISTANCE AGREEMENT  
FOR THE REMODELING AND UPDATING  
OF THE MISSION COMMONS SHOPPING CENTER  
IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered this 26th day of October, 1998, between the CITY OF WESTMINSTER (City), and Metzger One, Limited Liability Company (owner) pertaining to the remodeling and updating of the Mission Commons Shopping Center.

WHEREAS, the City wishes to provide certain financial assistance to Metzger One LLC to aid in the remodeling and upgrading of the existing Mission Commons Shopping Center located at the northwest corner of 88th Avenue and Wadsworth Parkway within the City, and

WHEREAS, the remodeled center shall include Gateway Computers which will occupy the former Michael's retail space in the center and T.J. Maxx will remain in the center for a minimum of five years under a new lease, and

WHEREAS, the updated and upgraded center, along with the improved tenant mix, will produce increased sales tax receipts above the previous two year historic base; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by improving the existing center which, in turn, will provide a more viable and competitive retail shopping center within the City.

In consideration of the mutual promises set forth below, the City and Metzger One LLC agree as follows:

1. The rehabilitation/upgrade of the existing retail center shall be approximately \$2 million in documented expenses.
2. The City will participate in providing financial assistance by rebating a maximum of 25% of the incremental increase in Sales Tax revenues on subsequent sales volume generated after the renovated center is completed. The historic Sales Tax remittance from all tenants in the subject retail center for the previous 24 months will be used as the "base" to calculate the incremental increase in Sales Tax revenue in which Metzger One LLC will share 25%.
3. The timeline to achieve the 25% reimbursement of the owner's documented reinvestment cost shall be open ended as to the number of years that the payout would take. The calculation shall be exclusively on Sales Tax revenue with no consideration for any use tax payments made to the City.
4. The Developer/Retail Center Owner shall not receive any interest payment from the City on the multi-year payback using the incremental Sales Tax revenue.
5. Any Sales Tax rebate to the Company shall not occur until the historic 24 month base Sales Tax revenue amount has been satisfied.  
Quarterly payments shall be made to the center owner using 25% of the incremental amount received by the City above the historic base calculation. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter.
6. This instrument shall constitute the entire Agreement between the City and Metzger One LLC and supercedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter. This Agreement is personal to Metzger One LLC and its assigns and does not run with the land.

7. Subordination - The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in Sales and Use Tax revenues in excess of the Sales and Use Tax revenues necessary to meet such existing or future bonded indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations in respect to the use of Sales Tax revenues for bond repayment purposes. For the purpose of this Agreement, the terms "bonded indebtedness", "bonds", and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, General Obligation Bonds, Revenue Bonds, Revenue Anticipation Notes, Tax Increment Notes, Tax Increment Bonds and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by Sales and Use Tax Revenues of the City.

8. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code.

METZGER ONE LLC  
MISSION COMMONS SHOPPING CENTER

CITY OF WESTMINSTER

By \_\_\_\_\_  
James M. Sullivan, Manager

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

ATTEST

ATTEST

By \_\_\_\_\_  
Title

By \_\_\_\_\_  
Michele Kelley, CMC  
City Clerk

**Date:** October 12, 1998

**Subject:** Resolution No. re 92nd Avenue, Marshall to Yates Street Project

**Prepared by:** David W. Loseman, Senior Projects Engineer

### **Introduction**

City Council action is requested to authorize the acquisition of rights-of-way and easements needed for the construction of the 92nd Avenue, from Marshall Street to Yates Street through condemnation proceedings, if necessary. Further City Council action is requested to authorize the expenditure of an amount not to exceed \$290,000 for the purchase of rights-of-way and easements and any legal fees and closing costs associated with the land purchases needed for the improvements to 92nd Avenue. Funds for this expense are available in the 92nd Avenue project account in the General Capital Improvement fund.

### **Summary**

- > Improvements to 92nd Avenue between Marshall Street and Yates Street were identified as one of the top priorities in the US 36/Sheridan Boulevard/92nd Avenue Prioritization Study prepared by Felsburg, Holt & Ullevig in 1996.
- > Funding for the design and construction of the 92nd Avenue project and other roadway improvements in the City Center area was provided via the passage of the 1997 Street Bond Issue.
- > Final construction plans are nearing completion with construction anticipated to begin in early 1999.
- > Appraisals were prepared by Bonnie Roerig and Associates to determine the Fair Market Value for the twelve (12) fee simple acquisitions and easements necessary to construct this project.
- > The City recently hired Dial and Associates to represent the City in these acquisitions. Pending authorization from Council, Letters of Intent to Acquire will be offered to the affected property owners.

### **Staff Recommendation**

Adopt Resolution No. authorizing the expenditure of up to \$290,000 for the acquisition of sufficient right-of-way and easements for the construction of improvements to 92nd Avenue between Marshall Street and Yates Street, through condemnation proceedings, if necessary, and charge the expense to the appropriate project account in the General Capital Improvement fund.

### **Background Information**

In 1996, the citizens of Westminster approved a \$15 million bond issue for transportation improvements around the Westminster Mall and vicinity. The first project, 88th Avenue between Harlan Street and Sheridan Boulevard, was completed in October 1997. The next two projects, the "Mall Ring Road" and 92nd Avenue are scheduled for construction in early 1999 with completion anticipated in November 1999.

The 92nd Avenue project includes widening the road to provide for three through lanes in both directions between Harlan Street and Sheridan Boulevard as well as constructing double-left-turn lanes at all major intersections. The bridge over US 36 will also be widened and architectural elements will be added to enhance the Westminster City Center area. Landscaping is also included along the Westminster Mall and in a raised median in the center of the road.

The subject of this Agenda Memo is the right-of-way acquisition for the 92nd Avenue project. Appraisals have been prepared by Bonnie Roerig and Associates to determine the Fair Market Value for the twelve acquisitions that are necessary for the construction of this project. Pending Council authorization, Letters of Intent to Acquire will be sent to the following owners:

- Sheridan Commercial, Inc.
- Columbia-Healtone, Inc.
- Wilmington Trust Company
- Plaza Northwest-Greco, Inc.
- Inoue Kohsan, Ltd.
- Franklin Square Homeowners' Association
- William C. and Jamie L. Johnson
- Orell H. Zaeske
- Susan L. and Donald L. Withers
- Montgomery J. and Marcie A. Majeres
- Susan L. Summerhays
- Jeffrey D. Johnson and Heather R. Schaefer

Negotiations with these owners need to begin immediately in order to secure the rights-of-way and easements necessary for this project and to keep this project on schedule. The City's negotiator, Dial and Associates, will attempt to reach agreement with the property owners based on the results of the appraisals. If the negotiations cannot be successfully concluded or if they threaten the project schedule, it is recommended that the City invoke its Right of Eminent Domain to secure the property rights needed. The attached resolution authorizes the City Attorney to proceed with condemnation of the parcels should negotiations fail.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments:Map, Resolution

## RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, the City of Westminster has determined that it is necessary to the public, health, safety and welfare to obtain land to accommodate the construction of 92nd Avenue between Marshall Street and Yates Street;

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

WHEREAS, the City will make an earnest good faith agreement for the subject parcel; and

WHEREAS, a municipal public purpose exists to acquire the property. A delay in the acquisition of the right-of-way and easement could result in a delay in the construction of 92nd Avenue between Marshall Street and Yates Street 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 deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

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

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

1. The City Manager is hereby authorized to enter into an Agreement with the Owners for the acquisition of the property; and

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interest identified in Exhibit A on the basis of the appraised value should the Agreement not be consummated, 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 or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the property 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 property; and

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



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

PASSED AND ADOPTED this 12th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998

**Subject:** Councillor's Bill No. re JeffCo Open Space Fund Appropriation

**Prepared by:** Richard Dahl, Park Services Manager

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating funds in the amount of \$2,463,733 to the Standley Lake Recreation Area project account in the General Capital Improvement Fund.

### **Summary**

On May 1, 1997, Jefferson County adopted Resolution 20-97 funding the Standley Lake Regional Park land acquisition at \$3,000,000. The total area needed for the park is 1,743 acres (park/land acquisition and recreation surface rights) and would be purchased by Jefferson County Open Space (JCOS) from the Farmers Reservoir and Irrigation Company (FRICO).

JCOS and FRICO agreed that the purchase price would include a perpetual easement on the water surface recreation rights of approximately 1,100 acres and 643 acres of real property at Standley Lake currently owned by FRICO. The parties have also agreed that \$1,000,000 of the \$3,000,000 purchase price will be used for water quality mitigation in accordance with the 1994 IGA among the Standley Lake cities.

The Jefferson County Commissioners also committed approximately \$2.4 million to fund the Phase I park improvements consisting of trails, boat ramps, parking lots, main entrance from 100th Avenue, restroom, campground improvements, and fish cleaning station.

The City has received a check from Jefferson County Open space in the amount of \$2,463,733 for the Phase I construction of the Standley Lake Recreation Area.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading appropriating \$2,463,733 from Jefferson County Open Space to the Standley Lake Recreation Area project account in the General Capital Improvement Fund.

### **Background Information:**

The payment of the \$3,000,000 to FRICO from JCOS is a multi-year plan with \$1,000,000 paid at closing and \$1,000,000 paid in each subsequent year. Effective May 27, 1998 all closing documents were signed by Jefferson County Open Space and the Farmers Reservoir and Irrigation Company and the land was immediately conveyed to the City of Westminster.

In 1994, the City entered into an Intergovernmental Agreement (IGA) with the cities of Northglenn and Thornton to develop a park at Standley Lake and the immediately surrounding lands, with JCOS as co-developer of the park. The park would be improved with facilities, but the recreational uses would consist of essentially the same types of limited recreational activities currently in place at Standley Lake, which include boating, camping, picnicking, bank fishing, and hiking.

The City and JCOS Staff have been working on the land purchase for the Standley Lake Recreation Area since 1994. On a parallel track, the design documents for the Phase I improvements have been under development and are ninety-five percent complete. Now that the property is owned by the City of Westminster, completion of the Phase I construction drawings are moving forward with a goal of contract bidding and award to be issued in the latter part of 1998.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

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

SERIES OF 1998

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

A BILL

FOR AN ORDINANCE INCREASING THE 1998 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2566 in the amount of \$17,405,000 is hereby increased by \$2,463,733 which, when added to the fund balance as of the City Council action on September 28, will equal \$17,038,733. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to funding received from Jefferson County Open Space for the Phase I construction of the Standley Lake Recreation Area.

Section 2. The \$2,463,733 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Jefferson County Open Space		
75-0420-020	\$165,000	<u>\$2,463,733</u>
\$2,628,733		
Total change to revenues		<u>\$2,463,733</u>
<u>EXPENSES</u>		
Standley Lake Regional Park		
75-50-88-555-128	\$0	<u>\$2,463,733</u>
\$2,463,733		
Total change to Expenses		<u>\$2,463,733</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of October 1998.

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

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998  
**Subject:** Promenade Staffing, Maintenance Agreement and Operating Budget  
**Prepared By:** Richard Dahl, Park Services Manager

### **Introduction**

City Council action is requested to authorize the City Manager to enter into a two (2) year automatically renewable agreement with the American Multi-Cinema, Inc./Westminster Promenade (AMC) to perform maintenance at the AMC Promenade West Project; and to approve the attached resolution which amends the 1998 Park Services authorized personnel to include the following full time, benefitted Indexed positions for the Westminster Promenade Maintenance Agreement: One (1) Crewleader and one (1) Parkworker I; and to establish an operating budget of \$157,500 which will be funded by the American Multi-Cinema, Inc. contract payment with exception of \$9,500 which will come from City Funds. This small City expense can be absorbed in the 1998 and 1999 Park Services budget.

### **Summary**

Staff has been working with the AMC to improve the maintenance level of the Promenade West project. The main issues involve staining of the concrete pavers caused by gum and drinks, trash, vandalism repair and detail landscape work not being performed to City standards. Currently AMC contracts with a private vendor to maintain the lawn areas, parking lot, irrigation and trash. All other work, such as power washing the plaza and snow removal, is handled on a time and material basis above the base contract amount.

The AMC is interested in having the City of Westminster take over the maintenance of the Promenade West Project and will fund this first year of maintenance operations (November 1, 1998 through December 31, 1999).

The Park Services Division has evaluated the issues regarding the Promenade maintenance and is confident it can provide a higher level of service, at a comparable cost, than is currently being performed on the AMC Promenade West.

The Indexed positions being requested will be authorized only for as long as the City has the maintenance contract and revenue source to maintain the Westminster Promenade Complex.

The following indexed position classifications are requested to maintain the Promenade West Project:

Park Crewleader (G48, \$38,000) This individual will be responsible for coordinating all outside contract work not performed by City personnel, establish maintenance schedules, develop procedures to insure the vigor of all plant material, repair and replace equipment and site furnishings, provide a safe environment for participants, work closely with the AMC management group and perform related tasks as required.

Parkworker I (G35, \$23,407) Assists Crewleader in all daily maintenance operations. Directs the day to day activity of seasonal and temporary workers, schedules and performs maintenance tasks such as sweeping, washing, irrigation repairs, trash removal and related tasks.

The recommended pay and grade level criteria for these positions is based on the 1998 City of Westminster Pay Plan as they relate to existing job classifications. The revenue received by AMC will offset the cost of these positions along with operating expenses for the first year of operations.

**Staff Recommendation**

1. Authorize the City Manager to sign an agreement with American Multi-Cinema, Inc. for the maintenance of AMC Promenade West.

Adopt Resolution No. which amends the Parks, Recreation and Libraries Department authorized personnel for 1998 by adding one (1) Indexed Parks Crewleader and one (1) Indexed Parkworker for maintenance operations at the Westminster Promenade, and establish an operating budget of \$157,500 for maintenance of the AMC Promenade West.

**Background Information**

The proposed budget for the AMC Promenade West Project is as follows:

Personnel

2 Benefitted Index Positions	\$61,000
Seasonal Staff \$15,000	

Contractual

Landscape maintenance	\$43,000
Parking lot sweeping	\$7,000
Equipment lease	\$10,000
Snow removal \$20,000	

Commodities

Supplies	\$1,000
Small tools \$500	

**Total Expenses**      **\$157,500**

Revenue

AMC maintenance agreement funds	\$128,000
AMC projected snow removal funds	\$20,000
General Fund Parks Services funds	<u>\$9,500</u>
	\$157,500

The use of a relatively small amount of City funds to help with the cost of maintaining the Promenade for the first year will guarantee a higher level of maintenance and set the standard for continued development of Promenade East and the Westin Hotel and Conference Center.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

TITLE: WESTMINSTER PROMENADE STAFFING

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

WHEREAS, the salary schedule and authorized personnel schedule for the 1998 year were adopted by City Council by Resolution No. 59, Series of 1997; and

WHEREAS, the City Council is adding personnel to staff the maintenance operations for the Westminster Promenade;

NOW, THEREFORE, be it resolved that the Westminster City Council hereby authorized the salary schedule and authorized personnel schedule for the 1998 year, be amended by modifying the existing specifications for the positions listed below:

Grade	FTE	Position	Class Code
48	1	Park Crewleader	5303
35	1	Parkworker I	5311

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

Passed and adopted this 12th day of October, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 12, 1998  
**Subject:** Big Dry Creek Water Reclamation Facility Gas Line Replacement  
**Prepared by:** Alex Iacovetta, Utilities Operations Manager  
Ray Glasmann, Acting Facility Supervisor

### **Introduction**

City Council action is requested to authorize the City Manager to execute a contract award a contract with Kimmel Mechanical, Inc., to replace the natural gas supply line at the Big Dry Creek Water Reclamation Facility at a cost of \$43,391 and a contingency in the amount of \$4,339. Funds will need to be transferred from the 1998 Utilities Contingency Fund for this expense which will require a resolution to transfer the funds to the appropriate project account. The resolution is attached for City Council consideration.

### **Summary**

The Big Dry Creek Water Reclamation Facility (Facility) requires natural gas for space heating of buildings and for operation of solids treatment processes. The Facility is fed by a 3-inch coated steel line that was installed 21 years ago. Recently it was discovered that this line has corroded, resulting in the formation of holes at several points along the line. Due to the poor condition of the line, Public Service Company of Colorado (PSCo) is recommending total replacement of approximately 450 feet of the line. Replacement of the line will entail cutting and trenching across the existing concrete parking lot and trenching along the route of the existing line to a minimum depth of 2 feet. The new line will be connected to the existing meter and tied into a newer section of line that feeds the rest of the Facility. The estimated time needed to complete this gas line is approximately one month to six weeks from the time that Kimmel Mechanical, Inc., starts the project.

Requests for proposals were sent to five (5) contractors who specialize in this type of repair work.

Kimmel Mechanical, Inc.	\$49,391
Drake Contractors, Inc.	\$52,000
Danella Construction	\$64,463
Front Range Plumbing Company	Declined to bid
K.R. Swerdfeger Construction, Inc.	Declined to bid

### **Staff Recommendation**

1. Adopt Resolution No. 61 authorizing the transfer of \$54,330 from the Wastewater Contingency Account to the appropriate Capital Construction Account in the Utility Fund.
2. Authorize the City Manager to execute a contract between the City of Westminster and Kimmel Mechanical, Inc. in the amount of \$49,391 because it is in the best interests of the City, establish a contingency of \$4,939 and charge the expense to the appropriation project account in the Utility Fund.

### **Background Information**

On September 3, a natural gas odor was reported by one of the Staff. Public Service Company of Colorado (PSCo) was contacted. Through investigation, several locations along the main natural gas line were found to be leaking. The worst spot had a 2 to 3-inch hole corroded into the pipe. PSCo repaired this spot and allowed the line to be placed back in service due to the urgent need for gas to operate the treatment processes, with the understanding that the line would be replaced as soon as possible. The existing line will be replaced with polyethylene piping that will not corrode. Several companies that were contacted declined to bid for the job. These companies each reported that they were too busy with backlogged work to be able to bid on this project. If this replacement line is not installed, an alternate method of heating Facility buildings would need to be chosen, such as electrical heat. The solids treatment processes that rely on natural gas would need an alternate gas supply such as a compressed tank supply that would be delivered via tank truck. Neither of these options are cost effective, as they would require additional capital investment to install electrical heaters and a storage tank and would result in higher monthly costs to operate these systems.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

TO AUTHORIZE A CONTINGENCY TRANSFER FROM THE WASTE WATER PORTION OF THE UTILITY FUND WHICH IS NEEDED TO PAY FOR THE REPLACEMENT OF A NATURAL GAS SUPPLY LINE AT THE BIG DRY CREEK WATER RECLAMATION FACILITY

WHEREAS, the Big Dry Creek Water Reclamation Facility requires natural gas for space heating of buildings and for operation of solids treatment processes; and

WHEREAS, the steel line that feeds natural gas to the Facility has become corroded over time causing natural gas leaks requiring immediate repair; and

WHEREAS, the expenditure required for the replacement of the steel line has been bid by Kimmel Mechanical, Incorporated at \$54,330; and

WHEREAS, this expenditure was not provided for in the 1998 budget; and

WHEREAS, the Waste Water portion of the Utility Fund Contingency account of the 1998 budget year currently stands at \$770,675; and

NOW THEREFORE, be it resolved that the Westminster City Council hereby authorizes a Waste Water Utility Fund transfer of \$54,330 to the Maintenance and Repair Infrastructure account #213549267-000, to provide the funds necessary for a gas line replacement at the Big Dry Creek Water Reclamation Facility.

Passed and adopted this 12th day of October 1998,

ATTEST:

\_\_\_\_\_  
Mayor

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