



WESTMINSTER  
COLORADO

OCTOBER 23, 2000  
7:00 P.M.

**Please turn OFF Cell phones and pagers during meetings**

**AGENDA**

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. Proclamation re Red Ribbon Week October 23-29, 2000
  - B. Proclamation re Business Appreciation Week – October 23-29, 2000
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. Employee Health Insurance Contract Renewals with BlueCross BlueShield, Kaiser, and Delta Dental
  - B. Councillor's Bill No. 90 re American Skandia Business Assistance at CirclePoint (Atchison-Hicks)
  - C. Councillor's Bill No. 91 re Municipal Court Judge Salary for 2001 (Dixon-Atchison)
  - D. Councillor's Bill No. 92 re Door to Door Solicitation Hours of Operation (Moss-Merkel)
  - E. Councillor's Bill No. 93 re 2000 Budget Supplemental Appropriation (Merkel-Hicks)
9. Appointments and Resignations
  - A. Swearing In of New City Councillor, Tim Kauffman
  - B. Resignation of Tim Kauffman from Special Permit and License Board
10. Public Hearings and Other New Business
  - A. TABLED Councillor's Bill No. 88 re Galerie Promenade LLC Lease at the Ice Centre
  - B. Councillor's Bill No. 94 re Community Development Block Grant Fund Appropriation
  - C. 2001 Community Development Block Grant Projects
  - D. Public Hearing re PDP for Northridge at Park Centre, 106 acres at NWC of 121<sup>st</sup> Avenue & Pecos Street
  - E. Preliminary Development Plan for Northridge at Park Centre
  - F. Public Hearing re Annexation, and PDP for Asbury III Subdivision, 94<sup>th</sup> Avenue west side of Teller Street
  - G. Resolution No. 81 re making findings of facts re Asbury III Subdivision Annexation
  - H. Councillor's Bill No 95 Annexing Asbury III Subdivision
  - I. Councillor's Bill No. 96 Zoning Asbury III Subdivision
  - J. Preliminary Development Plan for Asbury III Subdivision
  - K. Public Hearing Rezoning, PDP/ODP Ranch Creek Villas, located at the SEC of 120<sup>th</sup> Ave & Federal Blvd
  - L. Councillor's Bill No. 97 Rezoning Ranch Creek Villas from C-1 to PUD
  - M. Preliminary and Official Development Plan for Ranch Creek Villas Subdivision
  - N. Resolution No. 82 re Prime Center at NorthRidge as Economic Development Project
  - O. Councillor's Bill No. 98 re 2000 Utility Fund Supplemental Appropriation
  - P. Backwash Valve for Semper Water Treatment Facility from Lindsey Fabricators for \$39,000
  - Q. Resolution No. 83 Sale of 16 acre feet of Antero Reservoir Water Rights for \$150,000
  - R. Councillor's Bill No. 99 re 2001 Water and Sewer Rates

**10. Public Hearings and Other New Business (continued)**

- S. Councillor's Bill No. 100 re Big Dry Creek Watershed Grant Appropriation of \$49,217
- T. Biological Monitoring Services Contract with Aquatics Associates for \$42,017
- U. Councillor's Bill No. 101 Appropriation for Legacy Ridge Driving Range Barrier Fencing
- V. Legacy Ridge Driving Range Barrier Fencing contract with Fence Consulting Services for \$32,370
- W. Resolution No. 84 re State Parks Trails Grant for Bike and Trails Master Plan for US 36 Corridor
- X. State Trails Planning Grant Sponsorship and Management
- Y. Resolution No. 85 re Computer Equipment for Financial Management System
- Z. Revised Employment Contract with City Attorney, Martin McCullough

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

- A. Councillor's Bill No. 89 re Bed Bath & Beyond Business Assistance Package (Merkel-Atchison)

**12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**

- A. Financial Report for September, 2000
- B. City Council
- C. Request for Executive Session
  - 1. Negotiations on Contract Amendment re Business Assistance Agreement
  - 2. Attorney-Client discussion

**13. Adjournment**

**14.**

**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS:**

**A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

**B.** Any person wishing to speak other than the applicant will be required to fill out a "Request to Speak or Request to have Name Entered into the Record" form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

**C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

**D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

**E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

**F.** City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

**G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

**H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;

**I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

**J.** Final comments/rebuttal received from property owner;

**K.** Final comments from City Staff and Staff recommendation.

**L.** Public hearing is closed.

**M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, OCTOBER 23, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Dixon led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Pro Tem Dixon, and Councillors Atchison, Hicks, Merkel and Moss. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Mayor Heil was absent.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Hicks to accept the minutes of the meeting of October 9, 2000 with no additions or corrections and the minutes of the minutes of the special meeting of October 16, 2000 with the correction that Councillor Merkel made the motion and Councillor Atchison seconded the motion on the Adams County Intergovernmental Agreements. The motion carried unanimously.

PRESENTATIONS:

Mayor Pro Tem Dixon presented a proclamation to School District 50 Westminster Area Community Awareness Action Team representatives Cindy Jeffries and Phil and Phyllis Aschenbrenner, proclaiming the week of October 23 as Red Ribbon Week in the City.

Mayor Pro Tem Dixon presented a proclamation to Business Advisory Group representative Dottie Murphy proclaiming the week of October 23 as Business Appreciation Week in the City.

CITIZEN COMMUNICATION:

Joe Armstrong, 4765 West 101<sup>st</sup> Place, President of the Mile High Figure Skating Association, addressed Council on the ice skating competition held in August, and upcoming U.S. Junior Figure Skating Championship to be held in December at the Sun Microsystem Ice Centre, and thanked Council for the City's support.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Employee Health Insurance Contract renewals - Authorize the City Manager to renew contracts with BlueCross BlueShield, Kaiser, and Delta Dental; authorize a four-tier rate structure with the employer and employee premium rates as shown on the attachments and charge the expense to the appropriate Central Charges accounts in the General, Golf, Water and Wastewater Funds; Councillor's Bill No. 90 – American Skandia Business Assistance Agreement; Councillor's Bill No. 91 – Municipal Court Judge Salary for 2001; Councillor's Bill No. 92 – Door to Door Solicitation Hours of Operation; and Councillor's Bill No. 93 – 2000 Budget Supplemental Appropriation.

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

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

SWEARING IN OF NEW CITY COUNCILLOR:

The newly selected Councillor, Tim Kauffman was sworn into office by Municipal Court Judge John Stipech.

At 7:30 P.M. the Mayor Pro Tem called for a recess. At 7:35 P.M. Council reconvened.

RESIGNATION FROM SPECIAL PERMIT AND LICENSE BOARD:

A motion was made by Atchison and seconded by Moss to accept the resignation of Tim Kauffman from the Special Permit and License Board due to his appointment to City Council. The motion carried unanimously.

FINANCIAL REPORT:

Council reviewed the Financial Report for September 2000.

ORDINANCE NO. 2828 – BED, BATH & BEYOND/TOWN CENTRE ASSISTANCE AGREEMENT:

A motion was made by Merkel and seconded by Atchison to adopt Councillor's Bill No. 89 on second reading as amended, which authorizes the execution and implementation of the amended Business Assistance Agreement with Gallagher and Associates, LLC for the attraction of Bed, Bath and Beyond and to aid in the initiation of the redevelopment plan for Towne Center at Brookhill Shopping Center in place by Spring, 2002. Upon roll call vote, the motion carried unanimously.

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

A motion was made by Atchison and seconded by Hicks to remove Councillor's Bill No. 88 from the Table. The motion carried unanimously.

A motion was made by Atchison and seconded by Merkel to postpone indefinitely Councillor's Bill No. 88 relating to the leasing of retail space at the Sun Microsystems Ice Centre by Galerie Promenade, LLC. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 94 – COMMUNITY DEVELOPMENT BLOCK GRANT APPROPRIATION:

A motion was made by Hicks and seconded by Merkel to pass Councillor's Bill No.94 on first reading to appropriate 2000 Community Development Block Grant funds in the amount of \$667,000. Upon roll call vote, the motion carried unanimously.

2001 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS:

A motion was made by Hicks and seconded by Merkel to approve the proposed list of 2001 Community Development Block projects as proposed. The motion carried unanimously.

PUBLIC HEARING ON NORTHRIDGE AT PARK CENTRE PRELIMINARY DEVELOPMENT PLAN:

At 7:43 P.M. the meeting was opened to a public hearing on the Preliminary Development Plan for the Northridge at Park Centre Subdivision, generally located at the northwest corner of 121<sup>st</sup> Avenue and Pecos Street. Planning Manager David Shinneman entered a copy of the agenda memorandum, Planning Commission recommendation and other related items as exhibits. Marcus Gaultier, Development Manager, was present to address Council. No one spoke in opposition. At 8:02 P.M. the public hearing was declared closed.

NORTHRIDGE AT PARK CENTRE PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Moss and seconded by Hicks to approve the Preliminary Development Plan for the Northridge at Park Centre Subdivision and require the PDP to meet the City's minimum landscape standards based on a finding that the plan is in conformance with the Westminster Comprehensive Land Use Plan and section 11-5-14 of the Westminster Municipal Code. The motion carried unanimously.

PUBLIC HEARING ON ANNEXATION AND PDP FOR ASBURY III SUBDIVISION:

At 8:05 P.M. the meeting was opened to a public hearing on the Annexation and Preliminary Development Plan for the proposed Asbury III Subdivision, generally located south of the 94<sup>th</sup> Avenue alignment on the west side of Teller Street. Planning Manager David Shinneman entered a copy of the agenda memorandum, Planning Commission recommendation and other related items as exhibits. Jeff Collins, President of Asbury Development, Owner Shirley Lombardy and Myron Fritzier, 7202 West 92<sup>nd</sup> Place, were present to address Council and spoke in favor of the application. No one spoke in opposition. At 8:20 P.M. the public hearing was declared closed.

RESOLUTION NO. 81 – ASBURY III SUBDIVISION ANNEXATION FINDINGS OF FACT

A motion was made by Atchison and seconded by Hicks to adopt Resolution No. 81 making certain findings of fact as required by State Statutes for the Asbury III subdivision annexation. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 95 – ASBURY III SUBDIVISION ANNEXATION:

A motion was made by Atchison and seconded by Hicks to pass Councillor’s Bill No. 95 on first reading annexing the Asbury III property to the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 96 – ZONING ASBURY III SUBDIVISION:

A motion was made by Atchison and seconded by Hicks to pass Councillor’s Bill No. 96 on first reading zoning the Asbury III property from Jefferson County A-2 to City of Westminster Planned Unit Development. Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR ASBURY III SUBDIVISION:

A motion was made by Atchison and seconded by Hicks to approve the Preliminary Development Plan for Asbury III as submitted. The motion carried unanimously.

PUBLIC HEARING ON REZONING, PDP/ODP FOR RANCH CREEK VILLAS:

At 8:22 P.M. the meeting was opened to a public hearing on the rezoning, and Preliminary and Official Development Plan for the Ranch Creek Villas Subdivision, generally located at the southeast corner of 120<sup>th</sup> Avenue and Federal Boulevard. Planning Manager David Shinneman entered a copy of the agenda memorandum, Planning Commission recommendation and other related items as exhibits. Ron Wesel, Dianne Cullen, 2744 West 118<sup>th</sup> Avenue, and President of the Wildflower Townhomes Association Lee Mooney, 2878 W. 119<sup>th</sup> Avenue, addressed Council with questions and concerns. At 9:10 P.M. the public hearing was declared closed.

COUNCILLOR’S BILL NO. 97 – REZONING RANCH CREEK VILLAS PROPERTY:

A motion was made by Atchison and seconded by Hicks to pass Councillor’s Bill No. 97 on first reading rezoning the Ranch Creek Villa property from C-1 to Planned Unit Development based on a finding that the rezoning is in compliance with the City of Westminster Comprehensive Land Use Plan, and Section 11-5-3 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN FOR RANCH CREEK VILLAS SUBDIVISION:

A motion was made by Atchison and seconded by Hicks to approve the Preliminary and Official Development Plan for the Ranch Creek Villas Subdivision based on a finding that the plan is in conformance with the Westminster Comprehensive Land Use Plan, and Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code; and that the recommendation of approval includes a waiver of the  $\frac{3}{4}$  of an acre Public Land Dedication over and above the City Code requirement in recognition of the developer's commitment to provide attached garages. The motion carried unanimously. Council asked Staff to look at other fence material for the proposed wall along Federal Boulevard.

RESOLUTION NO. 82 – PRIME CENTER AT NORTHRIDGE:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 82 designating Prime Center at NorthRidge officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 98 – 2000 UTILITY FUND SUPPLEMENTAL APPROPRIATION:

A motion was made by Hicks and seconded by Merkel to pass Councillor's Bill No. 98 on first reading providing for supplementary appropriations to the 2000 Utility Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

ACQUISITION OF BACKWASH VALVE FOR SEMPER WATER TREATMENT FACILITY:

A motion was made by Hicks and seconded by Merkel to waive City Charter bidding requirements, authorize Staff to purchase one sleeve valve from Lindsey Fabricators, Inc., in the amount of \$39,000 based on the conclusion that this vendor best meets the City's needs, and charge the expense to the appropriate 2000 Public Works and Utilities account. The motion carried unanimously.

RESOLUTION NO. 83 – SALE OF WATER RIGHTS:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 83 authorizing the City Manager to sign an agreement with East Cherry Creek Valley Water and Sanitation District regarding the sale of sixteen (16) acre feet of Antero Reservoir water for a price not less than \$150,000. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 99 – 2001 WATER AND SEWER RATES:

A motion was made by Moss and seconded by Hicks to pass Councillor's Bill No. 99 on first reading implementing the 2001 Water and Sewer adjustments to become effective January 1, 2001 with the amendment of deleting the last sentence of Section 8-7-9 "THE CITY MANAGER IS ALLOWED TO ADMINISTRATIVELY SET THE TURN OFF AND TURN ON CHARGE IN ACCORDANCE WITH MUNICIPAL CODE SECTION 1-12-2(L)". Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 100 – BIG DRY CREEK WATERSHED GRANT APPROPRIATION:

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 100 on first reading appropriating \$49,217 into the Special Studies Project as a result of the United States Department of Energy Grant. Upon roll call vote, the motion carried unanimously.

BIOLOGICAL MONITORING SERVICES CONTRACT WITH AQUATICS ASSOCIATES:

A motion was made by Atchison and seconded by Hicks to authorize the execution of a contract by the City Manager for biological monitoring services with Aquatics Associates for the amount of \$42,017 and charge the expense to the appropriate budget account in the Special Studies Project account. The motion carried unanimously.

COUNCILLOR'S BILL NO. 101 – LEGACY RIDGE DRIVING RANGE FENCING APPROPRIATION:

A motion was made by Kauffman and seconded by Atchison to pass Councillor's Bill No. 101 on first reading appropriating \$10,000 into the Parks and Major Maintenance General Capital Improvement Project Account, increasing the budget by \$10,000 and authorize the use of these funds for construction of the driving range barrier fencing at Legacy Ridge Golf Course. Upon roll call vote, the motion carried unanimously.

LEGACY RIDGE DRIVING RANGE BARRIER FENCING CONTRACT:

A motion was made by Kauffman and seconded by Atchison to authorize the City Manager to sign a contract with Fence Consulting Services, Inc. in the amount of \$32,370 to construct the barrier fence and authorize a 10% contingency. The motion carried unanimously.

RESOLUTION NO. 84 – STATE TRAILS GRANT APPLICATION FOR BIKES AND TRAIL PLAN:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 84 authorizing the participation/submittal of State Trails Planning Grant application to the State Parks Trails Program for creation of the Bike and Trails Master Plan for the U.S. 36 Corridor. Upon roll call vote, the motion carried unanimously.

STATE TRAILS PLANNING GRANT SPONSORSHIP AND MANAGEMENT:

A motion was made by Merkel and seconded by Hicks to authorize the City to sponsor and manage the State Trails Planning Grant and participate in the grant with a matching funding contribution of \$3,000. The motion carried unanimously.

RESOLUTION NO. 85 – COMPUTER EQUIPMENT FOR FINANCIAL MANAGEMENT SYSTEM:

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 85 approving the Reimbursement Resolution for the FMS Computer Equipment, thus acknowledging the intent to issue lease financing for this equipment, and approving the City's intent to reimburse itself from financing proceeds for the costs of the equipment purchases underwritten by the City prior to the issuance of such financing. Upon roll call vote, the motion carried unanimously.

REVISED EMPLOYMENT CONTRACT WITH CITY ATTORNEY MARTIN McCULLOUGH:

A motion was made by Atchison and seconded by Hicks to approve a revised employment agreement with Martin McCullough serving in the position of City Attorney for calendar years 2001 and 2002, and authorize the Mayor and City Clerk to execute the agreement on behalf of City Council. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 9:35 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000  
**Subject:** Proclamation re Red Ribbon Week  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council is requested to proclaim the week of October 23rd as Red Ribbon Week in the City of Westminster.

**Summary**

The City is supporting the Red Ribbon Campaign again this year. Locally, Westminster in conjunction with the Westminster Area Community Awareness Action Team formerly known as the Westminster District 50 Drug and Alcohol Resource Effort (DARE); local schools, churches and area businesses have joined together to encourage a drug-free lifestyle.

Phil and Phyllis Aschenbrenner, Cindy Jeffries, Eleanor Scott; and Colleen Mazzucca; of the School District 50 Westminster Area Community Awareness Action Team will be present to accept this proclamation.

**Staff Recommendation**

Council proclaim the week of October 23rd as Red Ribbon Week in the City of Westminster.

**Background Information**

By joining with us as Ribbon by Ribbon...Neighbor by Neighbor...we become united for drug-free youth by participating in this year's Red Ribbon Campaign.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



WHEREAS, Alcohol, tobacco and other drug use by our youth is a threat to the future of our Nation; and

WHEREAS, It is imperative that a unified and visible, commitment of prevention efforts by community members be continued to reduce the demand for illegal drugs; and illegal use of legal drugs; and

WHEREAS, The National Family Partnership and the Westminster Area Community Awareness Action Team (C.A.A.T.) are sponsoring the national, statewide and local Red Ribbon Campaign, offering citizens the opportunity to demonstrate their commitment toward helping children stay drug free as they grow up; and

WHEREAS, The Red Ribbon Campaign will be celebrated in communities across the nation during Red Ribbon Week, October 23 through 29, 2000; and

WHEREAS, Westminster area school students and faculty, businesses, government, law enforcement, religious institutions, service organizations, youth, health providers, senior citizens, sports teams, and individuals will demonstrate their commitment to drug free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, The City of Westminster is committing its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, I, Sam Dixon, Mayor Pro Tem of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim October 23<sup>rd</sup> through 29<sup>th</sup>, 2000 as

### **RED RIBBON WEEK**

in the City of Westminster, and encourage our citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug free community.

Signed this 23<sup>rd</sup> day of October, 2000.

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Sam Dixon, Mayor Pro Tem



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000  
**Subject:** Proclamation re Business Appreciation Week  
**Prepared By:** Alan Thomson, Economic Development Aide

**Introduction**

The Mayor Pro Tem, on behalf of City Council, is requested to proclaim the week of October 23 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 this City. This year the event will be held on Friday, October 27 at the Westin Westminster Hotel. The “Business Appreciation Week” proclamation is an element of the City’s Business Appreciation efforts.

**Staff Recommendation**

Mayor Pro Tem proclaims the week of October 23 as “Business Appreciation Week” in the City of Westminster.

**Background Information**

On October 27, 2000, the City of Westminster will host the 10<sup>th</sup> Annual Business Appreciation Event. This event recognizes the vital role that local business plays in the success of the City. Local businesses provide employment, shopping, entertainment and recreational opportunities for all citizens. Businesses contribute to the City’s General Fund, which is sustained with revenue generated from sales and use tax and property 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 companies found in Westminster is virtually unparalleled in northwest metropolitan Denver.

There are currently 1,582 commercial businesses and 1,257 home occupation businesses located in the City. It is appropriate that they be publicly recognized for their contributions to the community by proclaiming “Business Appreciation Week,” and encouraging all citizens to support their local businesses.

A representative of the 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 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 10<sup>th</sup> Annual Business Appreciation Event on Friday, October 27, 2000 to honor the 2,839 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 this City.

NOW THEREFORE, I, Sam Dixon, Mayor Pro Tem of the City of Westminster, on behalf of the entire City Council and Staff, do hereby proclaim the week of October 23, 2000 as

**BUSINESS APPRECIATION WEEK**

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

Signed this 23<sup>rd</sup> day of October, 2000

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Sam Dixon, Mayor Pro Tem



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** October 23, 2000  
**Subject:** Employee Health Insurance  
**Prepared by:** Matt Lutkus, Deputy City Manager for Administration

### Introduction

City Council action is requested to authorize the City Manager to renew the contracts with BlueCross BlueShield of Colorado, Kaiser, and Delta Dental for employee medical and dental coverages for 2001 and to approve 2001 medical and dental employer and employee contribution rates.

### Summary

Contracts for the City's medical and dental insurance providers are currently up for renewal. Staff is recommending an overall increase of 6.3% in premium revenue for all four plan options effective January 1, 2001. The only change being recommended is the addition of another premium rate tier, employee plus child(ren). The City's cost for these benefits is within the amount included in the 2001 Budget for health insurance.

The recommended rates including the implementation of a four-tier rate structure are predicated on the use of \$138,700 in plan reserves. Drawing down some of the reserves is recommended because the current level of unencumbered reserves of more than \$1.7 million is considerably more than is required for the City's health plan.

### Alternatives

Alternatives to the proposed action would be (1) to structure the premiums so that there is no impact in the projected health fund reserves, and (2) to maintain the current three-tier structure.

### Staff Recommendation

Authorize the City Manager to renew contracts with BlueCross BlueShield, Kaiser, and Delta Dental; authorize a four-tier rate structure with the employer and employee premium rates as shown on the attachments to this memorandum; and charge the expense to the appropriate Central Charges accounts in the General, Golf, Water and Wastewater Funds.

### Background Information

The City has had contracts with Delta Dental since 1984, Kaiser since 1977, and BlueCross BlueShield Triple Choice Plan since 1990. The present funding structure for the BlueCross BlueShield Triple Choice Plan includes the Blue Advantage HMO Program which is a fully insured plan and a self-insured program known as a Minimum Premium Plan for the PRIME and Custom Plus program. Expenses up to \$50,000 per person per year are charged to the City's claims expense account, while expenses beyond this amount are paid through BlueCross BlueShield's specific excess coverage. There are three parts to the Minimum Premium Plan: the administrative cost, the claims expense, and the termination run-out.

The termination run-out is used to cover claims incurred in the final months of a program, but not paid until after the program has ended. Any funds remaining in the claims account after the year has ended are rolled into a reserve account and retained by the City as backup for catastrophic claims and to stabilize rates. As of December 31, 1999, reserves and funds set aside for the termination run-out totaled \$2,572,000. This amount is the total of \$808,000 for the termination runout and \$1,764,000 in unencumbered reserves.

Since 1990, the City has used a blended rate structure so that the cost for all health plan options is the same. This practice has worked well since it streamlines administration of the benefit and discourages employees from changing options based solely on cost.

For year 2001, Staff is recommending an overall increase of 6.3% in the medical/dental rates for both the City and employee contributions. Employees who are maintaining their current coverage level will see increases ranging from 4.5 to 7.2 percent, with the City contributions increasing by the same percentages. (The exception to this is the change in family rates discussed below.). The specific rates vary from the overall 6.3% increase because of the usage of plan benefits and the changes in the insurance option choices employees have made since the last rate review. By way of comparison, the City's benefits broker Gallagher Byerly, Inc., reports that they are seeing increases of approximately 25-30% for most of their clients. The City is not seeing these large increases due its very favorable claims experience, which is at least in part due to a relatively young, healthy workforce, the high emphasis that the City places on wellness, and the drawing down of reserve funds. Assuming that the consultant's projections for increasing claim costs are realized, holding the plan revenue increase to 6.3% will result in a reduction of \$125,400 to the plan reserves.

The only change that City Staff is recommending for 2001 is the addition of a fourth tier to the current three-tier rate structure. From an actuarial standpoint, an employee with only child dependents costs a health plan less than an employee with an adult dependent. The rate for this new tier would therefore be between the employee only and current employee plus one dependent rate levels. If this change is implemented, there will be an increase in the cost of insurance over the projected three-tier level for those retaining family coverage. City Staff is recommending that this change in the rate structure be implemented in 2001, with the plan absorbing the additional premium cost for employees with family coverage.

This total cost of an additional \$13,300 per year can easily be absorbed in the health plan's reserves. Thus, the total estimated decrease in reserves would be \$138,700. The City's consultant agrees that this approach will not impact the overall financial soundness of the health plan. It is important to note that drawing down the reserves has the effect of keeping this year's health insurance increase lower. Thus, the percentage increase for 2001 to 2002 will likely need to be higher than if reserves were not used in 2001.

The review of the benefit packages offered by the other cities in the City's annual survey showed that two have a two-tier structure, employee only and family; five have the same structure as Westminster, a three-tier structure; and one, Fort Collins, has a four-tier structure. According to the City's health benefits consultant Gallagher Byerly, 46% of the twenty four public entities they service have a four-tier arrangement while 33% have a three-tier structure and 21% provide a two-tier structure.

If the current rate structure were replaced with a four-tier structure, employees who currently have couple coverage, who are eligible for the new employee plus child(ren) coverage, would see an increase of 1.7% from the current rates. Employees who are able to move from a family rate to the new employee plus children rate would see a reduction of 48.1%.

The advantages to implementing a four-tier structure to replace the City's current three-tier structure are as follows:

- A four-tier structure which includes a separate rate for employee plus child(ren) more accurately reflects the actual cost of health care for the various groups of employees
- Single parents with children and employees who are able to have their spouse covered by another employer's insurance will benefit with a lower rate.

The disadvantages of implementing the rate change:

- The implementation of a four-tier rate structure could increase the cost of insurance for those employees having family coverage who are not eligible to change to the employee plus children rate.
- Changes in the premium levels could result in some shifts in enrollment beyond what is currently anticipated, creating some level of shortfall in projected plan revenues.

Based on current employee enrollment, the total cost for the City's share of the medical and dental premiums will be \$3,552,000 in 2001. This amount has been included in the General, Golf, Water and Wastewater Funds in the adopted 2001 Budget.

For year 2001, Staff is recommending that the Wellness Incentive Program be continued at the current level. The program provides all employees who join the Wellness Program and who do not smoke a discount toward their health insurance premiums. The program provides discounts of \$10 per month for employees with employee only, \$20 for employees with employee plus spouse or employee plus children coverage, and \$30 for employees with family coverage. To be a member of the Wellness Program, an employee agrees to participate in an annual fitness test and have a blood lipid profile, to meet with the Wellness Coordinator, to set personal fitness goals, and to participate in at least one fitness event per year. Employees can also attend various educational offerings such as brown bag lunches on nutrition, breast cancer, heart disease, etc. that are offered throughout the year. As of September 2000, there were 658 employees enrolled in the Wellness Program.

Staff continues to look at alternative methods for providing health insurance benefits. Several options will be reviewed with City Council in 2001 for consideration for the 2002 plan year. Given the dynamic nature of the health industry, it is prudent to regularly review health benefit options, such as various self-funding variations, to determine the most cost-effective means for providing quality health care benefits to employees and their families.

General Services and Finance Staff and Bob Kauffman, the City's consultant from Gallagher Byerly, Inc. will be available to answer any questions Councillors may have on the City's health benefit and the proposed changes during Monday evening's City Council meeting.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000  
**Subject:** Swearing in of New Councillor  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested for the swearing in of the newly selected City Councillor by Municipal Court Judge John Stipech.

**Summary**

On September 11<sup>th</sup>, City Council accepted the resignation of Suzanne Smith from City Council.. The term of office for this position will expire on November 12, 2001.

City Council set the deadline of September 22, 2000 for applications from citizens interested in filling this vacancy, with a total of 13 application being submitted, with one withdrawal after the deadline. A total of 12 candidates were interviewed by City Council.

At the October 9<sup>th</sup>, City Council meeting, Tim Kauffman was selected to fill this vacancy.

**Staff Recommendation**

Have Municipal Court Judge John Stipech swear into office Tim Kauffman, the newly selected Councillor.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000  
**Subject:** Special Permit and License Board Resignation  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to accept the resignation of Tim Kauffman from the Special Permit and License Board.

**Summary**

Tim Kauffman has recently submitted his letter of resignation due to his appointment to City Council. Tim was originally appointed to the Special Permit and License Board on February 9, 1998, and has served continually since that time.

Recently, City Council set the deadline of October 31, 2000 for citizens to apply for the Boards and Commissions pool. It is recommended that a new appointment be made when the interview process has been completed for the new Board and Commission applicants.

**Policy Issue**

There are no policy issues related to this resignation.

**Staff Recommendation**

Accept the resignation of Tim Kauffman from the Special Permit and License Board.

**Background Information**

A copy of the resignation letter from Tim Kauffman is attached.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment





**WESTMINSTER**  
**COLORADO**

## Agenda Memorandum

**Date:** October 23, 2000

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

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

## Introduction

City Council action is requested to remove Councillor's Bill No. 88 from the table and approve a motion to postpone this item indefinitely.

## Summary

At the September 25, 2000, regular City Council Meeting, City Staff requested that City Council table Councillor's Bill No. 88 related to the leasing of retail space at the Sun Microsystems Ice Centre. It was Staff's opinion, after conferring with the City Attorney's Office, that certain terms of the lease that were being proposed by the lessee, Galerie Promenade, L.L.C., were not in the best interest of the Ice Centre enterprise. Staff requested that this item be tabled with the hope that a better agreement could be negotiated. However, after arranging the subject meeting, it became apparent to both Hyland Hills and City Staff that these differences would not soon be resolved. At this time, negotiations have stalled and Staff is pursuing other alternatives. Therefore, Staff recommends postponing this item indefinitely so that either an agreement with Galerie Promenade, L.L.C. can be worked out or a new tenant found.

## Policy Issue

Does City Council wish to keep this item tabled with the hope that a better lease agreement benefiting the Ice Centre enterprise can be negotiated in the near future?

## Staff Recommendation

1. Remove Councillors Bill No. 88 from the table.
2. Postpone Councillor's Bill No. 88 indefinitely.

## Background Information

Additional detail on this item is provided in the background section of the agenda memorandum dated September 25, 2000, that is attached.

## Alternatives

City Council could remove this item from the table and deny approving Staff's recommendation as outlined in the agenda memorandum dated September 25, 2000.

Respectfully submitted,

William M. Christopher, City Manager

Attachment: Agenda memorandum dated September 25, 2000



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Councillor’s Bill No. 94 Re 2000 CDBG Fund Appropriation and Proposed 2001 CDBG Budget and Projects

**Prepared by:** Robin Byrnes, Community Development Programs Coordinator

**Introduction**

City Council action is requested to pass on first reading the attached Councillor’s Bill appropriating 2000 Community Development Block Grant (CDBG) funds in the amount of \$667,000 awarded by HUD on October 1, 2000. This is a formal appropriation of 2000 CDBG funds, which was discussed during the Council Study Session held on October 16, 2000. The proposed 2001 CDBG allocation of \$666,000 is proposed to be allocated to the 2001 CDBG projects that are outlined below. The 2001 CDBG final allocation will not be known until March of 2001. At that time staff will submit to City Council a 2001 CDBG Fund Appropriation Ordinance for their review and approval.

**Summary**

Annually, the City of Westminster receives Community Development Block Grant funds (CDBG) from the Department of Housing and Urban Development (HUD). In 2001, the City will receive approximately \$666,000. The 2000 CDBG final allocation from HUD was \$667,000. The 2000 CDBG Action Plan is housed within the five year Consolidated Plan that was approved by HUD on October 1, 2000. The City is required by HUD to submit an Action Plan that outlines its proposed uses for the funding. This Action Plan is due to HUD on November 15 of each year in order for the City to receive its allocation at the start of the CDBG program year, which is January 1. Therefore, the 2001 CDBG Action Plan is due to HUD on November 15, 2000.

The CDBG funds are intended to be used for Community Development projects, which primarily benefit the City’s low to moderate-income populations and address blight conditions in the City. Accordingly, CDBG projects must meet a national objective of serving low to moderate income people. Examples of national objective are: low to moderate income census tracts, slum/blight surveys that document need and presumed benefit to special populations as determined by HUD which are seniors, head start centers, food distribution centers, homeless, domestic violence, etc. Examples of eligible project activities: are economic development, public facilities improvements, housing, acquisition, etc. Staff requests that the following budget for the expenditure of 2001 CDBG funds be reviewed by City Council and that the Council approve the projects as part of the 2001 CDBG Action Plan.

Sources of Funding:

2001 CDBG Allocation:	\$666,000
2000 Reallocation of Funds:	\$326,000
1999 Reallocation of Funds:	\$211,554
1996 Reallocation of Funds:	\$ 589

**TOTAL FUNDS TO ALLOCATE TO CDBG PROJECT \$1,204,143**

The funds that have been reallocated are from projects that have been delayed or unspent in a timely manner as defined by HUD. HUD is also requiring all Grantees nationwide to reduce the amount of CDBG funds that are available and not being spent. HUD calls this the “rate of expenditure”, which can not exceed 1.5 years of fund allocation in the HUD line of credit at any given point of the program year. The official “rate of expenditure” determination for the City will occur on October 31, 2000. On this date, the City’s “rate of expenditure” will be 1.53. By reallocating the funds the City will be able to get its “rate of expenditure” below 1.5 thereby putting the City in compliance with HUD regulations as well as a congressional mandate to spend the funds in a timely manner.

**The following are the proposed CDBG projects to be funded in 2001**

CDBG Program Planning and Administration	\$120,000
76 <sup>th</sup> Avenue Library Building Design/Engineering Costs	\$120,000
Terrace Park Improvements (Phase 2)	\$ 60,000
Mountain Terrace Apartment Repairs (Rocky Mt. Mutual Housing)	\$ 50,000
73 <sup>rd</sup> Avenue Street Reconstruction	\$600,000
Greenbriar Apartment Landscaping final phase (AdCo Housing Authority)	\$ 25,000
Career Enrichment Park Improvements	\$ 50,000
Bradburn Garden Apartments Playground	\$ 25,000
Lowell Boulevard Shopette Landscaping\Site Improvements	\$ 35,000
Kings Mill Head Start Playground Construction	\$ 62,000
First Time Home Buyer’s Program	\$ 57,143
<b>TOTAL OF 11 PROPOSED PROJECTS</b>	<b>\$1,204,143</b>

**Policy Issues**

Council will need to decide the best use of the CDBG funds while complying with HUD criteria. Failure to spend the money in a timely manner can result in a recapturing of the City’s allocation of CDBG funds.

**Staff Recommendation**

1. Pass Councillor’s Bill No. 94 on first reading to appropriate 2000 CDBG funds in the amount of \$667,000.
2. Approve the proposed list of 2001 CDBG projects as proposed.

**Background**

The proposed 2001 CDBG budget and projects were developed from input provided by Westminster residents, City staff, and independent organizations operating in the City. Public notices, flyers, and community meetings were held by staff in the Community as well as several internal meetings among City staff. The following is a summary of each proposed project.

**76<sup>th</sup> Avenue Library Building/Design Engineering Costs** **\$120,000**

The 76<sup>th</sup> Avenue Library is located at 3031 West 76<sup>th</sup> Avenue. The project activities would be to conduct an architectural/design study to explore options for improving/expanding the existing library building or constructing a new facility at either the present site or an alternative site. The City has also allocated funding in the 2001 – 2005 Capital Improvement Program for the design and construction of this project.

**Terrace Park** **\$60,000**

Terrace Park is a 1.2-acre park located at 7080 Canosa Court in south Westminster. Funds would be used for the renovation of the park, including the playground, basketball court and sidewalk replacement. Terrace Park was allocated 2000 CDBG funds in the amount of \$50,000 which were used to construct concrete walkways and plaza, handicapped ramping and survey work. The 2001 CDBG allocation will complete the upgrades and improvements to finish Terrace Park.

**Mountain Terrace Mutual Housing Community Health and Safety Repairs** **\$50,000**

Rocky Mountain Mutual Housing Association, Inc. owns and operates the Mountain Terrace Apartment Complex, which has 152 low to moderate-income rental units, located at 3650 West 84<sup>th</sup> Avenue. Project activities will include the replacement of the sidewalks, stairwells and the replacement of 36 furnaces. This project also received \$110,116 in funding from the Colorado Housing and Finance Authority. The 2001 CDBG funds from the City of Westminster will complete the funding necessary to complete all proposed facility improvements. This project would be supportive of Councils affordable housing objective.

**73<sup>rd</sup> Avenue Street Reconstruction** **\$600,000**

This project will address the street reconstruction and beautification of 73<sup>rd</sup> Avenue from Lowell to Bradburn Boulevard. The project would assist in the preservation and restoration of the historic area in south Westminster. Project activities will address street reconstruction, irrigation, soil preparation, lawn, grasses and landscaping, and historic street lighting.

**Village of Greenbriar Landscaping Improvements** **\$25,000**

Greenbriar Village Apartments is a 144 unit apartment complex located at 84<sup>th</sup> Avenue and Federal Boulevard. The Adams County Housing Authority is owner/operator and is in the final phases of completing landscaping/irrigation and sidewalk improvements. The 2001 CDBG funds would provide funding for the final phase of this highly visible project.

**CDBG Program Administration** **\$120,000**

The program administration funds would cover the salaries of 1.0 Community Development Program Coordinator and a .5 FTE Secretary. HUD allows Grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. HUD has requested that the City increase the administration/planning budget to build program and compliance capacity. Administrative costs associated with the administration of the CDBG program would be funded to include: professional fees, meeting expenses, professional training, supplies/materials, etc. Staff is requesting an increase to meet the increase in administrative duties resulting from HUD oversight and added administrative tasks. The program currently must adhere to the following: submission of the 5 year Consolidated Plan, annual action and performance reports, citizen participation activities and community meetings, development of an Impediments to Fair Housing Plan, minority business contract reports, environmental reviews, Davis Bacon wage act, Communities 2020, Section 3, Lead Based Paint, national objective and eligibility review, and contracting and procurement regulatory procedures.

**Career Enrichment Park Improvements** **\$50,000**

The Career Enrichment Park is located on 72<sup>nd</sup> Avenue and Lowell in south Westminster. Funds would be utilized in conjunction with capital improvement funds to begin the park upgrades. The money would be used to initiate design/engineering and address improvements to the pedestrian paths, parking, landscaping and recreational/park space. These improvements would be in compliance with the recently finalized CEP Master Plan.

**Bradburn Garden Apartment Playground** **\$25,000**

The Bradburn Garden Apartments is low to moderate affordable housing located on 75<sup>th</sup> Avenue and Bradburn Boulevard. A new owner invested approximately \$1.0 million to completely rehabilitate the complex. The project was financed through Low Income Housing Tax Credits (LIHTC) from the Colorado Housing and Finance Authority (CHFA). The CDBG funds would provide for a children's playground to service the low to moderate-income residents and children living at the apartment complex.

**Lowell Boulevard Shopette Site Improvements** **\$35,000**

This project would address blight conditions related to the shopping "center". The funds would be utilized to begin sidewalk, parking and landscaping improvements prior to rehabilitating the exterior of the buildings.

**Jefferson County Head Start** **\$62,000**

The Kings Mills Head Start Center is located on 9018 Field Street in Westminster. The City has leased the Kings Mill Library to the Jefferson County Head Start Program. This project would fund the installation and ground drainage improvements for the new playground. This facility received \$319,000 from the Department of Health and Human Services to remodel two of the Head Start classrooms in the facility. This project will assist in constructing a necessary playground.

**First Time Home Buyer's Program** **\$57,143**

The Adams County Housing Authority currently administers a First Time Home Buyer's Program. Funding for down payment assistance to homebuyers purchasing housing in Westminster originally came from the Federal Home Loan Bank. These funds are no longer available and currently there is no financial mechanism in place to provide down payment assistance to low to moderate-income Westminster residents wanting to purchase homes. This program would provide down payment assistance to low to moderate income families living in Westminster that want to transfer from rental housing to homeownership. Funding from the Colorado Housing and Finance Authority would also be added to the City's CDBG 2001 allocation to this project to leverage and increase the amount of down payment assistance that would be provided to a prospective home buyer.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **94**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 2728 in the amount of \$0 is hereby increased by \$667,000 which, when added to the fund balance as of the City Council action on October 23, 2000 will equal \$667,000. The actual amount in the CDBG Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the Community Development Block Grant award from the U.S. Department of Housing & Urban Development for the 2000 program year.

Section 2. The \$667,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
CDBG 2000 Block Grant 76-0426-760	\$0	<u>\$667,000</u>	\$667,000
Total Change to Revenues		<u>\$667,000</u>	
EXPENSES			
CDBG 2000 Block Grant 76-30-88-614-303	\$0	<u>\$667,000</u>	\$667,000
Total Change to Expenditures		<u>\$667,000</u>	

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

Section 4. This ordinance shall take effect upon its passage after 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 23rd day of October, 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of November, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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



## WESTMINSTER COLORADO

### Agenda Memorandum

**Date:** October 23, 2000

**Subject:** Preliminary Development Plan for the Northridge at Park Centre Subdivision

**Prepared by:** Margo Schultz, Planner II

### Introduction

City Council is requested to hold a public hearing and take action on the request for approval of the Preliminary Development Plan (PDP) for the Northridge at Park Centre Subdivision.

### Summary

The proposed Northridge at Park Centre subdivision is a 106 acre parcel of land that was previously included as a part of the original Park Centre Preliminary Development Plan (PDP) approved in 1985. The applicants are proposing that the new PDP and subdivision name be approved for the 106 acre parcel in order to update and more clearly delineate the development standards that would be required for development of this parcel. The site is intended to be developed as a full-service office/business park, containing a variety of employment generating uses.

### Applicant/Property Owner

Northridge Investors LLC  
Managed by Russ Hatle, Imprimis Corp.  
73020 El Paseo, Suite 4  
Palm Desert, CA 92260

### Location

The property is located at the northwest corner of 121<sup>st</sup> Avenue and Pecos Street. The 106 acre parcel is bounded on the north by City owned open space (at approximately the 124<sup>th</sup> Avenue alignment), 121<sup>st</sup> Avenue on the south, the Arabian Registry parcel on the west, and Pecos Street on the east.

### Size of Site

The size of the property is 106 acres total.

### Description of Proposed Uses

The land use areas designated for the site include the following:  
(See attached map showing proposed parcels).

Parcels 1, 2, 3, 4, 5: Office, research and development and support commercial uses are identified for the lots that will front onto Pecos Street, for the lots north of the existing 121<sup>st</sup> Avenue, and for the lots proposed on the east side of the Tejon Street extension. This area encompasses approximately 26 acres.

In conformance with the Business Park land use designation defined in the Westminster Comprehensive Land Use Plan, the PDP indicates that commercial support uses are limited to a range of 10 to 25 percent of the total floor area (restricted to 50 percent of the ground floor) of a development and shall primarily serve employees of the business park campus. The PDP indicates that buildings developed on the lots that will front onto Pecos Street north of the proposed 122<sup>nd</sup> Avenue intersection, are envisioned to be of Class A Office quality, with architectural articulation and ample use of high quality exterior accent materials in order to complement the existing three-story brick buildings located on the east side of Pecos Street, that have long been the signature buildings for the Park Centre development.

Parcels 6 & 7: Office, and research and development uses are identified for an approximate seventeen (17) acre area along the north side of 121<sup>st</sup> Avenue. A proposal for a three building office-flex project will be reviewed for approval subsequent to the approval of the Northridge at Park Centre PDP.

Parcels 8, 9 & 10: Office, research and development, light industrial, and warehousing uses are identified for an approximate 9.5 acre area on the northwest side of the proposed 121<sup>st</sup> Avenue and Tejon Street intersection. A note has been added to the PDP indicating that distribution centers are specifically prohibited.

Parcels 11, 12 & 13: Office and research and development uses with a campus-like setting and arrangement are identified for an approximate 45 acre area that will be developed in the middle and northern sections of the 106 acre parcel.

### **Comprehensive Land Use Plan (CLUP) Designation**

The Comprehensive Land Use designation for this site is Business Park. The office, research and development, support commercial, light industrial, and warehousing (non distribution centers) uses listed as allowed uses on the PDP are in conformance with the uses allowed in the Business Park land use designation.

### **Major Issues**

There are no major issues related to the proposed PDP.

### **Policy Issue(s)**

The City of Westminster Landscape Regulations indicate that for lots up to 10-acres in size, a minimum of 20 percent of the developable area of the site shall be landscaped. The rear lot lines of the proposed Lots 1, 2, 3, 4, and portions of 13, extend into and include a portion of the “Northridge Reserve” area. The Reserve area is intended to function primarily as an open space and drainage area, and will be landscaped with native vegetation, as is illustrated in the landscape drawing portion of the PDP. The applicants were originally requesting that they be allowed to add a note to the PDP indicating that the “Reserve Area” be allowed to serve as one-fourth of the landscape area that will need to be provided for the development of Lots 1, 2, 3, 4 and portions of 13. Subsequent to the Planning Commission meeting, the applicant is now requesting that they be allowed to add a note to the PDP that if during the review of the ODP, the Staff determines that all of the other site planning criteria has been met, and the project is of exemplary design, that a portion of the “Reserve Area” may be counted towards fulfilling the landscape area requirement.



Staff is not recommending that this note be added to the PDP drawing for the following reasons:

- 1) Under the PUD zoning process, Staff is empowered to recommend approval of this type of variance from the Landscape Regulations requirement, when and if it is warranted. Each site will be reviewed on a case by case basis, and a recommendation made at the time of the site specific Official Development Plan review.
- 2) This type of site specific language would be highly unusual for a Preliminary Development Plan.

#### Planning Commission Recommendation

The Planning Commission heard the case on October 10, 2000. No one spoke in favor or in opposition of the application. The Planning Commission voted unanimously to recommend approval of the Preliminary Development Plan for the Northridge at Park Centre Subdivision and require the PDP to meet the City's minimum landscape standards. The recommendation was based on a finding that the plan is in conformance with the Westminster Comprehensive Land Use Plan and Section 11-5-14 of the Westminster Municipal Code. However, all agreed this should be determined at the time of the ODP review. The Planning Commission agreed that the landscape requirements should be determined at the time of the ODP review.

#### **Staff Recommendation**

1. Hold a public hearing.
2. Approve for the Preliminary Development Plan for the Northridge at Park Centre Subdivision and require the PDP to meet the City's minimum landscape standards based on a finding that the plan is in conformance with the Westminster Comprehensive Land Use Plan and section 11-5-14 of the Westminster Municipal Code.

#### **Alternative(s)**

1. Approve the Preliminary Development Plan for the Northridge at Park Centre subdivision and allow a note to be added to the PDP that if during review of the ODP, the Staff determines that all of the other site planning criteria has been met, and the project is of exemplary design, that a portion of the "Reserve Area" may be counted towards fulfilling the landscape requirements for Lots 1, 2, 3, 4 and 13 .
2. Deny the Preliminary Development Plan for the Northridge at Park Centre Subdivision.

#### **Background Information**

The applicants are seeking approval the PDP in order to clearly delineate the development standards that would be required for development of this parcel in regard to building heights, setbacks, parking standards, landscaping, public improvements, etc. The document identifies the overall performance standards that will be required for development regarding architectural design standards, building materials and signage. The plan also identifies roadways and major circulation patterns and drainage for the subdivision.

As indicated on the PDP the site is broken into two anticipated phases of development. As proposed, Phase one will consist of the development of the proposed Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and 10. It is anticipated that Lot 10 may need to be further subdivided. A subdivision plat showing these proposed lots, and the dedication of the associated roads will be filed subsequent to the approval of the PDP by City Council. As proposed, Phase two will consist of the development of Lots 11, 12 and 13.

It is anticipated that Lots 11, 12, and 13, will also be shown on the subdivision plat, but will be further subdivided in the future. More details regarding the road circulation, grading, and detailed development standards for the Lot 11, 12 and 13 areas will be submitted in the future commensurate with the market demand and absorption.

### **Architectural/Building Materials**

The architectural performance standards outlined in the PDP indicate that the buildings within each area of development within the subdivision should maintain a consistent architectural style and theme including complementary building materials, colors, forms, roof style, and detailing. The standards indicate that building elevations must take into account the character of the surrounding buildings. Multi-level buildings that are responsive to the significant slopes that step down to the north, and to the mountain views to the west are encouraged. The standards require that all sides of the buildings are to be treated with similar architectural style, materials, and detailing (360 degree architecture). The PDP states that building development on the lots that will front onto Pecos Street north of the proposed 122<sup>nd</sup> Avenue intersection, are envisioned to be of Class A Office quality, with architectural articulation and ample use of high quality exterior accent materials in order to compliment the three-story, brick, signature office buildings that are currently existing on the east side of Pecos Street.

A list of acceptable building materials is listed on the PDP and includes brick, integral color concrete block, high quality tilt-up concrete, pattered or architectural concrete, stone, tile, architectural metal cladding, (no butler buildings), and stucco.

### **Public Land Dedication/Parks/Trails**

Although the area will be privately owned, an open space area approximately 2,200' long by 300' wide, (approximately 15 acres) will be preserved as open space through the middle of the site. A proposed landscape plan for the reserve area is included in the PDP that preserves the existing vegetation and enhances the native seeding and shrubs in this area. The topography in this reserve area consists of steep slopes that create a wide ravine in the middle of the reserve. The reserve area will function as a master drainage and detention system for the business park. In conjunction with phase one of the project, the developer will construct an 8' wide concrete trail through the reserve area in a north/south direction for use by the general public. The trail will connect the Westminster city trail system existing to the north of the site, to the 8' wide concrete trails that will be constructed in conjunction with the major collector streets throughout the business park.

### **Access and Circulation**

The road circulation that has been identified thus far for the business park includes 122<sup>nd</sup> Avenue as the main collector street that will connect Pecos Street on the east with the proposed Federal Boulevard/Zuni Street extension on the west. This road is intended to be an enhanced two (2) lane minor collector with a 64' right-of-way from Pecos to the future round-about intersection of "Theme Street", and an 84' right-of-way with a landscaped center median from the future "Theme Street" to the Federal Boulevard extension. The applicants will be required to build a 625' long portion of 122<sup>nd</sup> Avenue beginning at Pecos Street during the first phase of development, and will be required to build the remainder of 122<sup>nd</sup> Avenue through to Federal Boulevard upon completion of the Federal Boulevard extension that will be constructed to the west of the Northridge site. In conjunction with the phase one improvements, Tejon Street will be extended north of the 121<sup>st</sup> Avenue alignment for a distance of approximately 450', and will end in a temporary cul-de-sac until such time as "Theme Street" is built.

A future “Theme Street” is shown on the PDP drawings and is proposed as a part of the Phase Two development of the business park. The PDP indicates that Theme Street is tentatively proposed as an 84' right-of-way, that would allow for two lanes of traffic, a raised center median, and a landscape and sidewalk area on each side of the road. Theme Street is intended to provide additional circulation in an east-west manner through the Northridge business park site, and to provide a unified traffic system that will tie the Northridge development together with the other parcels that will be developing to the west of the site in the future.

During the review of the Northridge PDP, the firm of Downing Thorpe James (DTJ) was hired by the City of Westminster to assist the Staff in developing ideas for the overall traffic system for the Northridge site, and for the three neighboring sites to the west, two sites are currently under development review, and one site the owners are choosing not to develop at this time. Through a series of studies, DTJ assisted Staff in identifying a potential road system that takes into account the steep topography in the area, and could help to enhance the overall identity of the area through the use of a unified, distinctive road section (the Theme Street), landscaping, and other common elements such as the use of round-abouts that are being identified for potential location at three key intersections. The effected properties include the Arabian Horse Registry site – 30 acres undeveloped, the Fairways Business Park site – 60 acres (PDP currently under review), and the Viewpoint Technology Center site – 20 acres (ODP currently under review). City Staff has been meeting regularly with the owners and consultants of all the effected properties to explore the potential for integrating the proposed “Theme Street” and round-abouts into the development plans for the various properties. (See attached drawing).

### **Site Design**

The intent of the developer is to create a unique setting for the business park that includes preservation and enhancement of open spaces, meandering trails linking to the City’s trail system, an enhanced primary road system and landscaping, and the use of unique and distinctive sign features at all of the primary entrances to the business park. The existing steep topography and other natural features of the site were taken into consideration by the applicant in identifying potential uses for the various areas of the site, incorporating such things as the preservation of existing views, opportunities for new views, drainage patterns and the preservation of certain natural features. The minimum building setbacks to all of the collector streets will be 50-ft. per the Westminster Commercial Guidelines.

### **Signage**

The PDP shows a primary signage feature at 122<sup>nd</sup> and Pecos including a 4' tall stone wall, and an upright monolithic stone or concrete monument sign surrounded by landscaping. Secondary signage is shown for the corners of 121<sup>st</sup> and Pecos and 121<sup>st</sup> and Federal that will include a 2' tall stone wall and an upright monolithic stone or concrete monument sign surrounded by landscaping.

### **Service Commitment Category**

Category C (Non Residential Development)

### **Referral Agency Responses**

Urban Drainage comments have been integrated into the grading and drainage plans currently under review for Phase One improvements.

**Public Comments**

A surrounding property owner meeting was held, with approximately 20 people in attendance. The comments made by those in attendance were favorable, and there were no negative comments expressed.

**Surrounding Land Use and Comprehensive Land Use Plan Designations**

- To the north: Public open space
- To the south: 121<sup>st</sup> Avenue
  - To the west: The Arabian Horse Registry property. Currently zoned PUD. CLUP shows Business Park.
- To the east: Pecos Street

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Annexation and Preliminary Development Plan for the Proposed Asbury III Subdivision.

**Prepared by:** David Falconieri, Planner III

**Introduction**

City Council action is requested to hold a public hearing and act on the request by Asbury Homes for Annexation and Preliminary Development Plan (PDP) approval for a nine lot Single-Family Detached custom home development.

**Summary**

**Applicant/Property Owner**

Asbury Development, Jeff Collins, President, Shirley Lombardy, Owner

Location

South of the 94<sup>th</sup> Avenue alignment on the west side of Teller Street.

Size of Site

4.9 acres

Description of Proposed Use

A single family detached residential subdivision containing eight new homesites and a ninth lot for the existing residence.

Comprehensive Land Use Plan (CLUP) Designation

The CLUP designation for this property is defined under the Northeast Comprehensive Development Plan as Subarea A. The proposed development complies with the requirements of that subarea.

Major Issues

1. The proposed development qualifies under section 11-3-5(B) W.M.C. as an infill development and therefore would receive Service Commitments under the Category A allocation.
2. The property is governed by the provisions of the Northeast Comprehensive Development Plan that has been adopted into the Westminster Comprehensive Land Use Plan (CLUP). As a result of that previous City Council action, no amendment to the CLUP is required as part of the approval of this request. The proposal meets the requirements of the Northeast Comprehensive Development Plan.

Policy Issue(s)

The 1996 Intergovernmental Agreement (IGA) between Jefferson County and the City specifies that the City has a community of interest for all of the properties located in the Northeast Comprehensive Development Plan area and established a policy to annex those properties when owners petition.

### **Planning Commission Recommendation**

This case was heard by the Planning Commission on October 10, 2000. . The Planning Commission voted unanimously to recommend that the requested annexation, zoning and PDP be approved as submitted. During the public hearing, five individuals spoke in favor of the application. Three others expressed concerns regarding the traffic on Teller Street, one asking if a 4-way stop was possible at Teller Street and 94<sup>th</sup> Avenue. The Planning Commission responded that this issue would be studied at the ODP stage

### **Staff Recommendation**

1. Hold a public hearing
2. Adopt Resolution No. 81 making certain findings of fact as required by State Statutes.
3. Pass Councilor's Bill No. 95 annexing the Asbury III property to the City.
4. Pass Councilor's Bill No. 96 zoning the Asbury III property from A-2 in Jefferson County to City of Westminster Planned Unit Development.
5. Approve the Preliminary Development Plan for Asbury III as submitted.

### **Alternative(s)**

Determine that the Asbury III property should not be annexed at this time, and take no further action.

### **Background Information**

#### Discussion of Major Issues:

1. This is the third Asbury development to be proposed in the area of Teller Street and 94<sup>th</sup> Avenue. The first has been built out and the second is under construction at this time. Both of the previous developments also qualified under the infill provisions of the Growth Management Plan and did not have to compete for Service Commitments.
2. The Northeast Comprehensive Development Plan requires that new residential lots within this sub-area have a minimum lot size of 12,500 square feet. The plan also requires that all infrastructure improvements such as curb, gutter and sidewalk be constructed to City standards. Combined with the Fritzler property that was recently annexed to the City, this parcel will complete the improvement of Teller Street from the newly constructed 92<sup>nd</sup> Lane north to 96<sup>th</sup> Avenue.

#### Architectural/Building Materials

The PDP requires that the proposed custom homes meet or exceed all of the requirements of the Single-Family Detached Guidelines. A minimum of 30 percent of the front elevation shall be brick or masonry.

#### Public Land Dedication, Parks/Trails

There are no trails that impact this site. The public land dedication shall be paid as cash-in-lieu of land in the amount of 10 percent of the valuation of the land.

#### Access and Circulation

The proposed access point will be from a single cul-de-sac extension of 94<sup>th</sup> Avenue. This will be a public right-of-way that will meet City standards. The existing home will remain and will access Teller Street from an existing private drive.

#### Site Design

The exact lot layout will be determined at the time of Official Development Plan (ODP) approval. A maximum of eight additional lots are proposed.

Signage

A single entry sign would be permitted under the current Sign Code. Details of the sign will be provided at the time of ODP approval.

Service Commitment Category

As stated previously, eight Service Commitments would be required, to be allocated out of Category A.

Referral Agency Responses

No responses have been received.

Public Comments

As part of the adoption of the Northeast Comprehensive Development Plan, many public meetings were held. The proposed development meets the requirements of that plan.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The property is entirely surrounded by property which is designated as “Northeast Comprehensive Development Plan” in the CLUP, except for Cambridge Farms to the south and west that is designated “Single-Family Detached - Medium Density”. The property to the south, east and west is zoned Planned Unit Development (PUD) and to the north R-E and A-2 (County).

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO **81**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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

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

WHEREAS, City Council has previously adopted Resolution No. 67 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.



3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 23rd day of October, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Asbury III Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **95**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

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A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

Beginning at the southeast corner of said Tract 20; thence N00°16'02"W along the east line of said Tract 20, a distance of 327.46 feet to the northeast corner of said Tract 20; thence S89°07'17"W along the north line of said Tract 20; a distance of 650.01 feet to the northwest corner of said Tract 20; thence S00°07'10"E, along the west line of said Tract 20, a distance of 328.10 feet to the southwest corner of said Tract 20; thence N89°03'55"E along the south line of said Tract 20, a distance of 650.87 feet to the point of beginning, said parcel containing 4.89 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 23rd day of October, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 13th day of November, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Asbury III Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **96**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

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A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster PUD. A parcel of land located in Section 23, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at the southeast corner of said Tract 20; thence N00°16'02"W along the east line of said Tract 20, a distance of 327.46 feet to the northeast corner of said Tract 20; thence S89°07'17"W along the north line of said Tract 20; a distance of 650.01 feet to the northwest corner of said Tract 20; thence S00°07'10"E, along the west line of said Tract 20, a distance of 328.10 feet to the southwest corner of said Tract 20; thence N89°03'55"E along the south line of said Tract 20, a distance of 650.87 feet to the point of beginning, said parcel containing 4.89 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 23rd day of October, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 13th day of November, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Asbury III Zoning



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Ranch Creek Villas Rezoning, Preliminary and Official Development Plans

**Prepared by:** Margo Schultz, Planner II

**Introduction**

City Council is requested to hold a public hearing and act on the request for approval of the rezoning from C-1 to Planned Unit Development (PUD), and Preliminary and Official Development Plan for the Ranch Creek Villas Subdivision.

**Summary**

The intent of the rezoning of the property from C-1 to PUD is to bring the property into conformance with the existing Office/Residential land use designation shown for the property on the Westminster Comprehensive Land Use Plan. The Preliminary and Official Development Plan is for 136 single-family attached residential units which are proposed for development on the 19 acre site, at a density of 7.1 dwelling units per acre (gross). Of the 19 acre site, 15 acres is non-floodplain, developable land. The net density of the 136 residential units will therefore be at 9 dwelling units per acre.

**Applicant/Property Owner**

Front Range Partnership (Loup Development)  
44 Inverness Drive East, Building E  
Englewood, Colorado 80112

**Location**

The property is located at the southeast corner of 120<sup>th</sup> Avenue and Federal Boulevard.

**Size of Site**

**The size of the property is 19 acres total.**

Description of Proposed Use

The property will be developed as 136 single-family attached units total, consisting of 17 buildings, with 8 units per building. The units will be sold as condominiums.

**Comprehensive Land Use Plan (CLUP) Designation**

The Comprehensive Land Use designation for this site is Office/Residential, allowing a density of up to 10 dwelling units per acre, when developed as residential. The proposed residential development will be at a density of 9 dwelling units per acre, and is in conformance with the CLUP.

## Major Issues

This project involves a rezoning from C-1 to Planned Unit Development (PUD) and includes a Preliminary and Official Development Plan for 136 condominium units. The following findings support the rezoning from C-1 to PUD (Single-Family Attached Residential).

- 1) The proposed rezoning will bring the property into conformance with the Westminster Comprehensive Land Use Plan.
- 2) The condominium units will be compatible with the single-family attached units located on the south side of 119<sup>th</sup> Avenue.
- 3) The traffic study for the condominium development shows an anticipated 797 average daily trips. A recent traffic study on file at the City for a similar sized site being developed for commercial uses shows an anticipated 10,380 average daily trips.
- 4) The Westminster Municipal Code does not require Public Land Dedication for sites being developed for commercial use. The two acre site at the northwest corner of Decatur Street and 120<sup>th</sup> Avenue currently being dedicated as Public Land Dedication (PLD) could potentially have developed as a Commercial/Office use, and would not have been dedicated for public use.

## Policy Issue(s)

Following the first City Staff review of the concept plan for the site, the applicants revised the entire site plan and included different residential unit types to accommodate a request by Staff that the units have attached garages. Although attached garages are not a minimum requirement of single-family attached residential projects, Staff encouraged the developer to revise the plans to include attached garages (rather than detached garages or no garages) in order to create a more upscale development in keeping with the surrounding Ranch neighborhoods.

In the annual Category B competition, the applicants agreed to dedicate (or pay cash-in-lieu of) three-fourths of an acre of Public Land Dedication (PLD) over and above what would be required by Municipal Code. The estimated fair market value for this three-fourths acre would be approximately \$72,000. The applicants have submitted a letter outlining the \$504,373 in costs they believe they accrued as a result of having to change the plan and building elevations, and are requesting that these costs be considered toward the elimination of the \$72,000 owed as fee-in-lieu of public land dedication. As a result of this analysis, the applicants believe that the number of incentive points awarded in the competition for attached garages should be increased to more accurately reflect the costs associated with attached garages.

Staff is in agreement with this assessment, and has revised the draft 2001 Single-Family Attached competition documents to reflect higher incentive points for attached garages. Staff recommends that the three-fourths acre PLD owed over and above the Westminster Municipal Code requirement for PLD be waived for this project in recognition of the developer's commitment to include attached garages.

## Planning Commission Recommendation

This case was heard by the Planning Commission on October 10, 2000. The Planning Commission voted 5-2 to forward a recommendation of approval to City Council on the rezoning of the property from C-1 to Planned Unit Development (PUD) and the Preliminary and Official Development Plan for the Ranch Creek Villas subdivision. The recommendation was based on a finding that the rezoning is in compliance with the City of Westminster Comprehensive Land Use Plan and Section 11-5-3 of the Westminster Municipal code and that the Preliminary and Official Development Plan is in conformance with the Westminster Comprehensive Land Use Plan, and Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code.

Commissioner Smithwick voted against the proposal stating that he is very concerned with the traffic between 112<sup>th</sup> Avenue and 120<sup>th</sup> Avenue on Federal Boulevard, and that he would like to see the City contact CDOT to see if a traffic signal can be placed along Federal Boulevard in proximity to this location.

Commissioner Lockridge stated his belief that with the approval of this development, the City is creating a hazardous and unsafe condition. He also stated that he is not comfortable in relying on things that have reportedly been indicated in a traffic study, unless he has reviewed the study.

At the hearing, five people expressed concerns about the proposed development adding more traffic to 119<sup>th</sup> Avenue, since turning left onto Federal Boulevard to head south is already very difficult because of heavy Federal Boulevard traffic. A number of people inquired about the possible addition of a traffic signal in the future somewhere between 112<sup>th</sup> Avenue and 120<sup>th</sup> Avenue on Federal Boulevard. This would help to insure that future traffic would be able to turn left out of the Ranch subdivision and Ranch Reserve subdivision to head south on Federal Boulevard. Staff has attached a map showing the road system surrounding the proposed development. The possibility of a traffic signal being installed at the intersection of Federal Boulevard and the Ranch Reserve Parkway (114<sup>th</sup> Avenue) has been discussed with CDOT and is still under review, subject to meeting the required warrants.

Several of the citizens also indicated that it is difficult for vehicles headed south on Federal Boulevard from 120<sup>th</sup> Avenue to turn left (east) onto 119<sup>th</sup> Avenue since there is no separate left turn lane on Federal Boulevard. The developer's traffic study indicates that a left turn lane will be added at this location in conjunction with the Ranch Creek Villas construction to eliminate this problem. Several of the Planning Commission members requested that the City Staff explore the possibilities for relieving the traffic congestion in the area including further exploring the possibility of a traffic signal addition for Federal Boulevard (somewhere between 112<sup>th</sup> Avenue and 120<sup>th</sup> Avenue) with CDOT.

### **Alternatives**

Deny the Preliminary and Official Development Plan for the Ranch Creek Villas Subdivision, and the development of the property would not be allowed at this time.

Deny the request to waive the three-fourths acre of public land dedication over and above the Municipal Code requirement.

### **Staff Recommendation**

1. Hold a public hearing.
2. Pass Councillor's Bill No. 97 rezoning the Ranch Creek Villas property from C-1 to Planned Unit Development (PUD), based on a finding that the rezoning is in compliance with the City of Westminster Comprehensive Land Use Plan, and Section 11-5-3 of the Westminster Municipal Code.
3. Approve the Preliminary and Official Development Plan for the Ranch Creek Villas Subdivision based on a finding that the plan is in conformance with the Westminster Comprehensive Land Use Plan, and sections 11-5-14 and 11-5-15 of the Westminster Municipal Code. The recommendation of approval includes a waiver of the  $\frac{3}{4}$  of an acre Public Land Dedication over and above the City Code requirement in recognition of the developer's commitment to provide attached garages.



## **Background Information**

In order to bring the property into conformance with the Westminster Comprehensive Land Use Plan, and in order to develop the property for single-family attached residential units, the applicants have requested that the property be rezoned to Planned Unit Development (PUD). The property is currently zoned C-1. The applicants, Loup Development, competed in the 1999 Single-family Attached Residential Competition, and were awarded Service Commitments for up to 144 units. They are currently proposing 136 units for development.

### Architectural/Building Materials

The proposed development plan includes seventeen (17) buildings with eight (8) condominium units each. The units include six different styles of condominiums ranging in size from 1,290 square feet to 1,536 square feet. The units will be primarily two story, with some one-story flats on the second floor. The proposed building materials are lap siding and synthetic stone veneer, with composition asphalt shingles. The units include second story balconies that are integral to the building, and outdoor patios at the ground level at the rear of the buildings. A 1,700 square foot, one story clubhouse will also be constructed of masonry and stone, and will include an outdoor patio area, 20' x 40' swimming pool, and a mail kiosk.

### Public Land Dedication, Parks/Trails

At 9 to 10 dwelling units per acre, the applicant owes 17 percent of the developable land, or 2.5 acres as Public Land Dedication (PLD). This requirement is being satisfied by the dedication of 2.09 acres of developable land, and 4.07 acres of floodplain land. The floodplain land when accepted at one-sixth the value of developable land, as allowed by the Westminster Municipal Code section 11-6-8(A) 3, is equivalent to .5 acres of developable land. The combined 2.09 acres and .5 acre fulfill the PLD requirement. The City intends to preserve this land as undeveloped public open space that will preserve the views to the Ranch Golf Course from 120<sup>th</sup> Avenue. The developer will be doing some minor grading in the floodplain drainage area in order to clean up some existing concrete rubble.

As committed to in the competition, the developer will be constructing an 8' wide concrete trail for a length of 500' on the eastern property line of the site. A pedestrian easement is being dedicated, and the trail will be for use by the general public as a bike-hike trail. The City will be constructing the trail through the area being dedicated for open space, and will connect the trail to the 8' wide concrete sidewalk, which will be constructed by the developer along 120<sup>th</sup> Avenue. As committed to in the competition, the developer will be constructing the 8' wide detached concrete sidewalk for the full length of the site along 120<sup>th</sup> Avenue, including the area of the road adjacent to open space dedication area.

### Access and Circulation

(See attached vicinity map illustrating street improvements). In conjunction with this project, the developers will be doing the following street improvements:

- 1) Reconstructing the turn radius for the free right turn located at the southeast corner of 120<sup>th</sup> Avenue and Federal Boulevard in order to meet the standards of the Colorado Department of Transportation (CDOT).
- 2) Adding an additional lane adjacent to the developable portion of the property along 120<sup>th</sup> Avenue to serve as an acceleration/deceleration lane.
- 3) Add a new left turn lane for traffic headed south on Federal Boulevard to turn left (east) into 119<sup>th</sup> Avenue.

Due to the volume of traffic at the intersection of Federal Boulevard and 120<sup>th</sup> Avenue, and due to the proximity of the development to the intersection, there was not sufficient room for CDOT to approve access into the site from the two major arterial streets. The primary access to the subdivision will be off 119<sup>th</sup> Avenue at approximately the center of the site, with a secondary access off 119<sup>th</sup> Avenue at the eastern portion of the site.

### Site Design

The proposed site plan takes advantage of the topography of the site that slopes down approximately 35' from 119<sup>th</sup> Avenue to 120<sup>th</sup> Avenue. A number of the building units drop the finish floor elevation from unit to unit within the building in order to step the building down the slope. The stepped building elevations help to create character interest to the building elevations and variety in the roof forms.

A large detention pond has been provided at the northwest corner of the site and will also provide added open space for the development. In order to accommodate the detention pond, and provide mitigation of the traffic noise from 120<sup>th</sup> Avenue for the residents, the buildings have been set back approximately 120' from the edge of the street. This setback is in keeping with the recommendations of the Arterial Streets and Highways Buffering Standards developed by City Staff in conjunction with Ballofet Associates. Also in keeping with the standards, an 8' tall double-sided wood wall will be installed approximately 30' from the edge of Federal Boulevard, in order to mitigate the noise and other impacts of the road for the units located adjacent to Federal Boulevard. The wood wall will step gradually down the slope along Federal Boulevard, and will have 2' wide stone veneer columns every 50 feet.

### Signage

One 32 square foot sign with individual metal letters will be mounted on a 7' tall x 11' wide stone wall to be located at the southeast corner of 119<sup>th</sup> Avenue and Federal Boulevard.

### Service Commitments

Service commitments for 144 units were awarded to this project by City Council when this project competed in the 1999 Single-Family Attached Residential Competition. The applicants are proposing to build 136 units.

### Referral Agency

Referral comment recommendations received from the Colorado Department of Transportation (CDOT) and Urban Drainage and Flood Control (UDFCD) have been incorporated into the road and drainage improvements proposed for the subdivision.

### Public Comments

A neighborhood meeting held at the Ranch Country Club building was attended by approximately twenty-five (25) neighboring property owners. Although there was some concern expressed about the potential for increased traffic along 119<sup>th</sup> Avenue, the majority of those in attendance were in favor of the project due to the quality of the proposed units and site plan, and the preference for a residential project rather than an office project.

Surrounding Land Use and Comprehensive Land Use Plan (CLUP) Designations

- To the North: Across 120<sup>th</sup> Avenue, vacant land designated as Business Park on the CLUP.  
To the South: Across 119<sup>th</sup> Avenue, existing townhomes and apartments designated as Multi-Family on the CLUP.  
To the West: Across Federal Boulevard, and vacant CDOT land and floodplain.  
To the East: Decatur Street and Ranch Association open space corridor east of Decatur Street is existing single-family designated as Single-Family Detached – Medium Density on the CLUP.  
To the Southeast: Golf course and Single-Family designated as Private Park/Open Space and Single-Family Detached – Medium Density on the CLUP.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **97**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for a rezoning of the property described below from C-1 to Planned Unit Development (PUD) has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-2.

b. That Council has completed a public hearing on the requested rezoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed rezoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-2 and 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for rezoning.

e. That the proposed zoning is consistent with the land use category shown in the Westminster Comprehensive Land Use Plan for the property proposed for rezoning.

f. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for rezoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from C-1 to Planned Unit Development (PUD). A parcel of land located in the northeast quarter of Section 5, Township 2 south, Range 68 west of the Sixth Principal Meridian, County of Adams, State of Colorado, being more particularly described as follows:

Commencing at said northeast corner of said Section 5, thence S 00°20'52" W along the east line of the said northeast quarter a distance of 110.00 feet to a point on the southerly right-of-way line of Colorado State Highway No. 128; thence N 89°24'13" W along said southerly right-of-way line and parallel with the north line of said northeast quarter a distance of 1352.85 feet to a point on the westerly right-of-way line of Decatur Street, said point also being the true point of beginning; thence S 00°32'58" W along said westerly right-of-way line a distance of 329.81 feet; thence along the arc of a curve to the right a distance of 136.14 feet, having a radius of 100.00 feet, a delta of 78°00'00", and whose chord bears S 39°32'58" W a distance of 125.86 feet; thence S 78°32'58" W a distance of 20.00 feet; thence along the arc of a curve to the left a distance of 350.54 feet; having radius of 626.30 feet, a delta of 32°04'10", and whose chord bears S62°30'53" W a distance of 345.99 feet; thence S 46°28'48" W a distance of 374.64 feet to a point on the northerly right-of-way line of 119<sup>th</sup> Avenue; thence along said northerly right-of-way line the following two (2) courses:

- 1) Along the arc of a curve to the left 253.46 feet, having a radius of 340.00 feet, a delta of 42°42'45" W, and whose chord bears N 68°05'39" W, a distance of 247.63 feet;
- 2) N 00°13'14" E a distance of 601.09 feet;
- 3) S 89°46'46" E a distance of 30.00 feet;
- 4) Along the arc of a curve to the right 187.28 feet, having a radius of 212.90 feet, a delta 50°24'04", and whose chord bears N 25°25'16" E a distance of 181.30 feet to a point on the southerly right-of-way line of 120<sup>th</sup> Avenue; thence S 89°24'13" E along said southerly right-of-way line a distance of 1154.32 feet to the true point of beginning.

The above described parcel contains 19.12 acres more or less.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of 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 23<sup>rd</sup> day of October, 2000.

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

ATTEST:

\_\_\_\_\_  
Mayor

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

Ranch Creek Villas Subdivision Rezoning



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Resolution No. 82 re Prime Center at NorthRidge

**Prepared by:** Becky Johnson, Economic Development Program Coordinator  
Margo Schultz, Planner II

**Introduction**

City Council action is requested to designate Prime Center at NorthRidge as an Economic Development Project, for the purpose of allowing the Official Development Plan to receive Administrative Review per City Code subsection 11-5-8(B). The project meets the City's economic development goals and qualifies for economic development assistance. This request reflects a time sensitive situation to accommodate office space for two Westminster businesses.

**Summary**

The City Code permits administrative approval for an Official Development Plan (ODP), for a non-residential project under 20 acres in size, by the City Manager, if City Council determines that the project furthers the economic development goals of the City, or if it qualifies for economic development assistance. The process of Administrative Review does not guarantee approval of the Official Development Plan.

**Policy Issue**

The policy issue for City Council's consideration is whether or not this project meets the criteria of an Economic Development Project, for the purpose of allowing the Official Development Plan to receive Administrative Approval.

**Staff Recommendation**

Adopt Resolution No. 82 designating Prime Center at NorthRidge officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan.

**Background Information**

Prime Center at NorthRidge is owned by Prime West, LLC. This site comprises approximately 17 acres at the northwest corner of 121<sup>st</sup> Avenue and Pecos Street and is planned for speculative office/flex use. A total of 167,400 square feet of office space being created by this project will contribute significantly to the economic vitality of the City. Voyant Technologies, an existing high tech Westminster business, is currently located in the Global Crossing Conferencing building (formerly Frontier/ConferTech). They are expanding in the City and plan to occupy approximately 80,000 square feet in Prime Center. In an agreement between Voyant and Prime West, space is to be delivered June 1, 2001, as Global Crossing Conferencing is also in need of the space currently utilized by Voyant Technologies. In an effort to keep this schedule, Prime West has requested that the City administratively approve this project. In effect this accommodates the needs of two Westminster businesses. Additional space will be available for further primary job creation.

Prime Center at NorthRidge must meet staff requirements in order to receive Administrative Review. Staff believes that this development meets the general criteria required by the Code. As proposed, in phase one, the buildings will be set back 180 feet from the street (121<sup>st</sup> Avenue) and will include a large landscaped courtyard. Building materials include cast in place concrete and brick. This site is zoned for the use intended; conforms to the adopted Comprehensive Land Use Plan; and therefore, should be considered an economic development project. Allowing Administrative Review is important to the timing and financing of the project.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **82**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

DECLARING THE PRIME CENTER AT NORTHRIDGE DEVELOPMENT AS AN ECONOMIC DEVELOPMENT PROJECT FOR THE PURPOSE OF RECEIVING ADMINISTRATIVE REVIEW OF THE OFFICIAL DEVELOPMENT PLAN

WHEREAS, the City is engaged in the development of the Prime Center at NorthRidge, three office buildings, totaling approximately 167,400 square feet; and

WHEREAS, the project will result in providing opportunities for additional space for primary job creation and additional tax revenues to the City of Westminster; and,

WHEREAS, when Prime Center at NorthRidge's Official Development Plan meets staff approval, Administrative Approval will be granted; and,

WHEREAS, Prime Center at NorthRidge Center is an office complex comprised of a 17 acre site; and,

WHEREAS, Section 11-5-8(B) of the Westminster Municipal Code allows that an Official Development Plan (ODP) for a non-residential project under 20 acres in size may be administratively approved by the City Manager if it is determined that the project furthers the City's economic development goals, or if it qualifies for economic development assistance.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that Prime Center at NorthRidge be designated as an economic development project for the purposes of receiving Administrative Review as outlined in the Westminster City Code, Section 11-5-8 (B), enabling the City Manager to administratively approve the Official Development Plan for the project, upon staff recommendation.

Passed and adopted this 23rd day of October, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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





**WESTMINSTER**  
**COLORADO**

## Agenda Memorandum

**Date:** October 23, 2000

**Subject:** Councillor's Bill No. 98 re 2000 Utility Fund Supplemental Appropriation

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

### Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating settlement funds received from HDR Inc. and Chemco Equipment Company (Chemco) related to the Semper Water Treatment Facility litigation into the Utility Capital Improvement Fund.

### Summary

As previously reviewed and approved by City Council, a settlement was reached in litigation with HDR, Inc. and Chemco related to the Semper Water Treatment Facility construction project. The settlement with HDR provided a cash payment of \$1,000,000 to the City in addition to other considerations. The settlement with Chemco provided for \$34,500. The Chemco funds are recommended to be appropriated into the Semper Rehabilitation Capital Improvement Fund account for use in modifying the lime feed system provided by Chemco. The HDR funds are proposed to be appropriated as follows: \$300,000 into the Semper Rehabilitation CIP contingency account and \$700,000 into the Clearwell CIP account for construction, project management, construction easement acquisition and project contingency.

### Policy Issue

The policy issue for City Council is where to earmark the appropriation of the settlement funds described above for use to mitigate damages realized by the City at the Semper Water Treatment Facility or utilize these funds to increase reserves.

### Staff Recommendation

Pass Councillor's Bill No. 98 on first reading providing for supplementary appropriations to the 2000 Utility Capital Improvement Fund.

### Background Information

The Utility Fund will be increased to reflect an appropriation of \$1,034,500 in settlement funds received in 2000 from HDR, Inc. and Chemco. The funds are recommended to be used to fix the lime feed system originally provided by Chemco at the Chemical Storage Building, provide additional funds required for the Semper Clearwell construction and increase the contingency in the Semper Rehabilitation Capital Improvement Account.

Staff will be coming back to Council, in the near future, to consider authorizing additional legal expenditures related to the Semper litigation.

**Alternatives**

Do not appropriate the funds to mitigate the damages incurred at the Semper Water Treatment Facility and utilize these funds to increase Utility Fund reserves.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **98**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2728 in the amount of \$25,023,856 is hereby increased by \$1,034,500 which, when added to the fund balance as of the City Council action on October 23, 2000 will equal \$45,570,636. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of settlement funds received from HDR, Inc. and Chemco Equipment Company related to Semper Water Treatment Facility litigation.

Section 2. The \$1,034,500 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
<b>REVENUES</b>			
Reimbursements Misc. 20-1477-400	\$25,000	<u>\$1,034,500</u>	\$1,059,500
Total Change to Revenues		<u>\$1,034,500</u>	
<b>EXPENSES</b>			
Appropriation Holding – Semper Rehabilitation			
20-35-88-555-189	\$32,197	\$334,500	\$366,697
Appropriation Holding – Semper Clearwell			
20-35-88-555-329	0	<u>700,000</u>	700,000
Total Change to Expenditures		<u>\$1,034,500</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 23rd day of October, 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of November, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Acquisition of Backwash Valve for Semper Water Treatment Facility

**Prepared by:** Tom Settle, Water Treatment Superintendent

**Introduction**

City Council action is requested to authorize the purchase of one Lindsey-brand sleeve valve in the amount of \$39,000 to replace a faulty backwash control valve at the Semper Water Treatment Facility. Funds are available in the Public Works and Utilities Department accounts for this expense.

**Summary**

The existing backwash control valve for the Semper Facility is a key control component in the process of ensuring high quality drinking water which meets all applicable standards. The existing valve has presented operational problems since its original installation in 1996 and has failed on three different occasions. The initial failures of the valve were deemed to be manufacturing errors and were handled as warranty items. The valve manufacturer has informed Staff that in its opinion, the more-recent failures are a result of improper application of the particular valve and recommends it be replaced with a more-appropriate valve design. The valve was specified by HDR, Inc. in the 1996 Semper expansion work. The City has reached a settlement with HDR on all issues related to the project and City Staff will utilize some of the HDR settlement funds for this expenditure.

Appropriate valve designs were reviewed by Staff and a pressure-reducing “sleeve valve” design has been determined to be proper for the existing situation. Five sleeve valve manufacturers were contacted by Staff for specifications and quotes. Only one manufacturer, Lindsey Fabricators, Inc., was identified that met the dimensional specifications necessary to fit the existing space limitations. The valves are manufactured and shipped as ordered and have a 22 week lead time.

**Policy Issues**

Should City Council approve the purchase of a new backwash control valve to ensure that maximum control of filter backwash be maintained in order to facilitate water production and meet water quality standards?

**Staff Recommendation**

Waive City Charter bidding requirements, authorize Staff to purchase one sleeve valve from Lindsey Fabricators, Inc., in the amount of \$39,000 based on the conclusion that this vendor best meets the City’s needs, and charge the expense to the appropriate 2000 Public Works and Utilities account.

**Background Information**

One of the most important processes at the Semper Water Treatment Facility is that of filtration, which in turn, requires backwashing the collected contaminants from the filter beds. The filters are backwashed with potable water from the City’s distribution system using a network of piping and a control valve that regulates pressure and flow.

The backwash system includes a primary and a backup control valve. Using the primary valve, Staff can wash two of Semper's 26 filters at one time while the backup valve limits the process to one filter washed at a time. Dual backwash is important to plant operations during the high-demand summer season. The existing primary backwash valve has presented repeated problems, including complete failure on two occasions. Staff has worked with the valve manufacturer over the past three years to resolve the problems with no success. The manufacturer has indicated that backwash flow control is not a correct application for the valve that is currently installed. Staff recommends using a pressure-reducing sleeve valve for this application.

The control valve purchased for the backwash system must fit within the constraints of the existing run of piping in the Facility. The Lindsey valve is the only valve found that will install with the necessary fittings, a 20" AWWA 125 flange on the inlet and a 14" AWWA 125 flange on the outlet. All other valves will require reducers to go from the 20" inlet pipe down to 14" for the valves and meter and then additional reducers to go back to the 20" backwash pipe. There is physically not enough room to fit everything in the space available. Lindsey has quoted a delivered price of \$39,000 for the valve specified. The 22-week delivery time means that the order must be placed very soon in order to insure installation prior to the 2001 summer season.

#### **Alternatives**

An alternative to the proposed purchase would be to not purchase the valve. This alternative would leave the Semper Facility operating its backwash processes with the stand-by system, which is no longer designed for full, continuous operation due to sizing, age and condition.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** October 23, 2000

**Subject:** Resolution No. 83 re Sale of Water Rights

**Prepared by:** Dan Strietelmeier, Senior Water Resources Engineer

### Introduction

City Council action is requested to adopt the attached Resolution authorizing the City Manager to execute an agreement with East Cherry Creek Valley Water and Sanitation District (ECCV) concerning the sale of water rights.

### Summary

Staff has negotiated an agreement with ECCV for the sale of sixteen (16) acre-feet of Antero Reservoir water.

Antero Reservoir is located on the Upper South Platte River in Park County and is owned by Denver Water. Westminster purchased the Antero Reservoir water in 1995 in anticipation of negotiating a delivery method with Denver Water. Negotiations on delivery methods and joint water supply projects with Denver Water continued for several years until Staff determined the projects were not cost effective to Westminster.

The Antero water cannot be delivered to Westminster in an efficient and cost effective manner without the involvement of Denver Water.

The negotiated agreement with ECCV will provide Westminster with a return on the original investment (based on the 1995 purchase price) for the Antero Water. The original purchase price in 1995 was \$93,000 and the water will be sold for not less than \$150,000, which after deducting the Antero Company annual assessments, is a 9.2% annual return.

The proceeds from the sale can be used to purchase additional water rights that are of less risk, more cost effective and of a higher yield to the City.

### Policy Issue

The policy issue would be the determination of whether this transaction conforms to Section 14.2 of the City Charter which states "The City may sell, exchange, or otherwise dispose of, at any time, any property, fixtures, or equipment constituting part of the City's utility plants or systems if, in the judgment of {the} Council, the sale, exchange, or other disposition will result in improvement in the capacity, efficiency, or service of the utility plants or systems."

### Staff Recommendation

Adopt Resolution No. 83 authorizing the City Manager to sign an agreement with East Cherry Creek Valley Water and Sanitation District regarding the sale of sixteen (16) acre feet of Antero Reservoir water for a price not less than \$150,000.

### **Background Information**

In 1995, Westminster entered into an agreement with Lee R. Senter for the purchase of sixteen (16) acre-feet of Antero Reservoir water. The anticipated yield of the Antero Water after delivery losses was fifteen (15) acre-feet per year. The location of Antero Reservoir prohibits Westminster from being able to use the water directly, so part of the 1995 agreement included negotiating a delivery contract through Denver Water. The agreement also included an option to sell the water back to the seller within one year, however, after one year Staff decided to keep the water to sell at a later date.

At the time of the purchase, Westminster was in negotiation with Denver Water on several joint water supply projects, which could have included delivery of the Antero water to Westminster. Recent water supply planning analysis has shown that participating in a joint water supply project with Denver is not a recommended supply alternative. As a result, the Antero Reservoir water was put back on the market and after several purchase inquiries, an arrangement was negotiated with ECCV. ECCV plans to construct a pipeline that will deliver the Antero Water to the District which is located in the southeast Denver metro area.

### **Alternative**

An alternative to entering into an agreement with ECCV would be to continue to own the Antero Reservoir water and solicit additional offers on the open market.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **83**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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WHEREAS, the City of Westminster owns sixteen (16) acre-feet per year of Antero Reservoir water;

WHEREAS, East Cherry Creek Valley Water and Sanitation District ("ECCV") is a special district that provides water and sewer services within its service area; and

WHEREAS, ECCV is willing to enter into a Purchase and Sale Agreement with the City for the Antero Reservoir water; and

WHEREAS, the proposed sale will result in the improvement of the capacity, efficiency, and service of the City's water and wastewater utility system as required by Section 14.2 of the City Charter;

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

1. The City Manager is hereby authorized to enter into the attached Purchase and Sale Agreement with ECCV, and the deeds and closing documents required to be executed on behalf of the City, in order to comply with the requirements of the agreement.

PASSED AND ADOPTED this 23rd day of October, 2000.

ATTEST:

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Mayor Pro Tem

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City Clerk





## WESTMINSTER

### Agenda Memorandum

**Date:** October 23, 2000

**Subject:** Councillor's Bill No. 99 re 2001 Water and Sewer Rates

**Prepared by:** Bob Krugmire, Water Resources Engineer  
Bob Eiche, Treasury Manager  
Kelly DiNatale, Water Resources and Treatment Manager

### Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading that implements the 2001 proposed water and sewer rate adjustments.

### Summary

The proposed 2001 and 2002 Utility Fund budgets are predicated on a 7% overall increase (which spans a 24 month time line) in operating revenues in 2001. The recommended revenue increase is required to meet cash flow requirements for operating costs, pay-as-you-go capital improvement projects and the new debt service for the Reclaimed Water System, Standley Lake Renovation and the new Water Treatment Facility. The renovation of Standley Lake Dam, a 90 year old facility, and the construction of the new Water Treatment Facility, a replacement for the 45 year old England Water Treatment Facility, are used to provide service to existing water customers. As a result, it is necessary to recover a portion of these costs through water rates.

City Council normally adjusts water and sewer rates every two years. Staff, utilizing water billing records and the long-range financial planning model, has analyzed water and sewer rates and usage patterns and recommends the following changes to water and sewer rates in order to meet the revenue requirements. These rates, effective January 1, 2001, are to be effective for two years and barring unexpected costs, no increase would be recommended for calendar year 2002.

1. Single Family Residential Water Rates: Adjust the residential block rates by adding \$0.05 to the middle block, going from \$2.80 to \$2.85 per 1,000 gallons for usage between 5,000 and 25,000 gallons per month. The "lifeline rate" of \$1.95 per 1,000 gallons for the first 4,000 gallons would remain unchanged as well as the third block of \$3.99 for usage greater than 25,000 gallons.
2. Single Family Meter Service Charge: Increase the residential Meter Service Charge from \$2.10 per month to \$3.75. The recently completed cost allocation study found that the cost to provide residential meter reading and billing services is \$4.45 per month per account. Additional increases in the Meter Service Charge should be considered in future years to bring the Meter Service Charge up to the level of recovering actual costs. The monthly water bill for the average customer, including the recommended rate adjustment and meter service charge, would increase by \$2.03.
3. Meter Service Charge for Non-Single Family Residential: Adjust the Meter Service Charge for all non Single Family Residential meters to reflect the costs associated with maintaining and replacing larger meters. Currently, the rate is \$10.50 for all meter sizes. The meter service charges for 5/8", 3/4" and 1" meters would decrease and larger meter sizes would increase. A chart of the proposed changes is included in the background information section of this Agenda Memo.

4. Commercial Water Rates: Adjust commercial water rates from \$3.30 to \$3.45 per 1,000 gallons and establish an increasing block rate structure by creating a second tier of \$3.85 per 1,000 gallons for high usage to encourage conservation. Studies have shown that, as a group, Westminster commercial users are the most inefficient user class in the City. In addition to promoting water conservation through the recommended increasing block rate structure, a water conservation study for non-residential use is underway. It is anticipated that the increasing block rate structure, coupled with the commercial water conservation program, will eventually reduce commercial usage and thus lower commercial water bills. This increase combined with the meter service increase will result in an approximate 5% annual increase in rates over the 2001-2002 period for commercial users.
5. Residential Irrigation, Townhome, Condo, Public/Quasi-Public Users: Create a new user class for residential irrigation water users (Homeowner Associations), townhouse and condo master meter users, apartments and Public/Quasi-Public users (City facilities, other public agencies, schools and churches). Most of these users are currently charged commercial rates with the exception of some churches, which are charged residential block rates. The recommended rate is the same as the first commercial block, \$3.45 per 1,000 gallons. Additionally, townhome communities that apply for, and can prove at least 80% owner occupancy, are entitled to receive a blended rate (currently \$2.54 per 1,000 gallons). The blended rate is recommended to increase to \$2.85.
6. Sewer Rates: Adjust residential and public rates from \$2.50 to \$2.68 and Commercial from \$2.80 to \$2.99 per 1,000 gallons of average winter water usage. In addition to covering inflationary costs, this adjustment is required to pay the debt service and operating costs on the Reclaimed Water System. As in nearly all reclaimed systems across the country, reclaimed systems typically do not recover all costs through tap fees and user charges (particularly in the start-up stage), but instead require some subsidies from the water and wastewater funds. Since the Reclaimed Water Treatment System can also be used to assist the Big Dry Creek Wastewater Treatment Facility in meeting future discharge regulations, it is appropriate to recover a portion of these costs through wastewater rates.
7. Shaw Heights: Shaw Heights water users, per the perpetual comprehensive agreement, are charged the corresponding in-City rates plus 10%.
8. Other: There are also housekeeping measures covering an increase to the City's low-income rebate amount, charges for Utility turn-on and turn-off, bad check charges, and calculation of sewer charges. These miscellaneous charges were discussed with City Council in December of 1999.

Table 1 shows the average annual increase for each user class for the two-year period. Figures 1-3 show how Westminster residential water and sanitary sewer rates compare to other area water providers.

The table below shows the total average annual increases to the various user groups. These increases include the effects of the Meter Service Charge modifications in addition to the rate adjustments. The commercial increase is greater as a result of the increasing block rate structure.

<b>Average Annual Increases to User Groups</b>	
<b>User Class</b>	<b>Average Annual Increase</b>
Single Family Residential Water	3.6%
Single Family Residential Sewer	3.5%
Commercial Water	4.8%
Residential Irrigation, Townhome, Condo, Public/Quasi-Public Users Water	3.1%
Non-residential Sewer	3.5%

**Policy Issues**

- Should the meter service charges, water and sewer rates and tap fees recover the costs of providing water and sewer services?
- Is it appropriate to institute a second tier water rate for commercial users to encourage water conservation and recover a portion of water resources costs?
- Should operating and capital improvement budgets be reduced further to minimize the recommended adjustments? (Note that growth limitations or service reductions could result potentially, depending on the nature of the budget reductions.)

**Staff Recommendation**

Pass Councillor's Bill No. 99 on first reading implementing the 2001 Water and Sewer rate adjustments to become effective January 1, 2001.

**Background Information**

In 1992, a comprehensive water and sewer rate study was completed. That study recommended the implementation of a monthly meter service charge for single-family residential accounts and an increasing meter service charge for larger meters. A monthly meter service charge of \$2.00 was instituted as an initial step, but has only been increased \$0.10 in the past 8 years. The recent cost allocation study indicated that the meter service charge for a single-family meter should be \$4.45 per month. There have been regular water and sewer rate increases to cover inflationary and other costs on an every other year basis. These regular increases were recommended to keep the Utility Fund in good financial condition to meet short and long-term operational and capital improvement costs. The increasing meter service charge for non-residential meters was not implemented initially due to data limitations. These limitations have now been surmounted.

Staff recommends the implementation of the schedule shown below. Meter Service Charges would decrease for 5/8", 3/4" and 1" meters and increase for larger meter sizes. Charts comparing meter service charges for area water provisions are attached.

<b>Proposed Meter Service Charges</b>	
<b>Meter Size</b>	<b>Proposed Monthly Charge</b>
5/8"	\$ 4.45
3/4"	\$ 7.50
1"	\$ 10.00
1-1/2"	\$ 15.00
2"	\$ 20.00
3"	\$ 40.00
4"	\$ 40.00
6"	\$ 50.00
8"	\$ 90.00
10"	\$ 110.00

**COMMERCIAL**

Staff reviewed over 800 separate commercial accounts, looking at their assumed consumption based upon meter size and compared this against actual usage over a number of years. It was determined that over 55% of commercial accounts in the City are using more than their assumed consumption based upon their respective meter size. It is interesting to note that, in an average year, the accounts using less than their assumed consumption, based upon meter size, used 102,000,000 gallons less while the accounts using more than their assumed consumption, based upon meter size, used 628,000,000 gallons more. This is a clear indication that there are many commercial users with excessive water usage.

Based upon these results, Staff is recommending a two-tier water conservation block rate structure for commercial accounts, establishing blocks at \$3.45 and \$3.85 per 1,000 gallons, respectively. The breakpoint between the \$3.45 block and the \$3.85 block would be set at 25,000 gallons (on a monthly basis) for 5/8" x 3/4" meters and would be increased accordingly for larger meter sizes based upon their service equivalents. The \$3.85 second block rate is less than the \$3.99 upper block rate for single family residential users in order to phase in this second tier rate. It is recommended that this rate be examined at the end of the two-year rate period in conjunction with the commercial water conservation study to determine if this rate should be the same as the residential third block.

<b>Commercial Block Rate Structure Breakpoint Table</b>				
<b>Meter Size</b>	<b>Meter Size Code</b>	<b>Service Equivalents Based Upon Meter Size</b>	<b>Total Number Of Accounts Reviewed</b>	<b>Meter Specific Breakpoint (1,000 gals)</b>
5/8" x 3/4"	1	1	292	25
3/4"	2	1.5	47	37
1"	3	2.5	192	62
1-1/2"	5	5	196	125
2"	6	8	126	200
3"	8	17.5	24	437
3" x 3/4"	9	17.5	8	437
4"	10	30	3	750
4" x 1"	11	30	7	750
6"	12	62.5	3	1,562
6" x 1-1/2"	13	62.5	1	1,562
6" x 3"	14	62.5	1	1,562
8"	15	70	0	1,750
10"	20	215	1	5,375

**HOUSEKEEPING MEASURES**

The low income rebate amount has not been modified since it was set at \$50.00 in 1992. Taking into account changes in rates since 1992, it is proposed that this rebate amount be increased to \$75.00.

In November of 1999, Council approved the implementation of an increasing charge for residential and commercial customers when water service must be terminated. The reasons for implementing the change were two-fold:

- Reduce the number of turn-offs to reduce peak workloads, and
- Eliminate the \$50,000 subsidy made by customers who were not shut off.

There is sufficient data to state both goals have been met during 2000. The number of shut-offs during the peak month of the irrigation season decreased from 424 in 1999 to 231 in 2000 (down 45%) even though consumption was up over 12%. Year-to-date shut-offs are down 28% through September. The proposed changes clarify the referenced section for shut-off charges.

The proposed change regarding bad checks is only being made because the current code references a subsection that no longer exists.

The change of dates for the calculation of sewer charges has no impact on revenue, reflects actual practices, and clarifies the time period used to calculate average winter usage.

### **Alternatives**

1. Do not adjust water and sewer rates and instead reduce expenditures to balance the budget. The operating and capital improvement budgets for 2001 and 2002 have been carefully scrutinized and reduced to minimize the need for rate adjustments. Additional reductions in expenditures could affect the schedule for renovating Standley Lake Dam, which is under a directive from the State Engineer, construction of the new Water Treatment Facility, ongoing operations, maintenance and system replacement and renewal activities or central charges and transfers to the General Fund.
2. Do not adjust water and sewer rates, but instead seek other sources of revenues. The Utility Fund is heavily impacted by the new debt service payments for the Reclaimed Water System. Most of the initial capacity of the \$17 million first phase is to provide water to sites under contract including City Park and the Legacy Ridge and the Heritage at Westmoor Golf Courses.
3. Do not implement a second tier rate for commercial users and instead recover the revenues from other users or reduce expenditures. Water demand studies indicate that commercial users are the most inefficient user class. In addition, commercial users generally use more water than comparable residential use and have not paid their share of initial water resources related capital costs. Water rate pricing, including increasing block rate structures, sends a strong water conservation message. If the City is successful in the commercial water conservation program, a corresponding decrease in revenues will eventually be realized and will be factored in future revenue projections.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

ORDINANCE NO.

COUNCILLOR'S BILL NO. **99**

SERIES OF 2000

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, 1999; 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 1, Subsection (H), Westminster Municipal Code, is hereby added and Sections (I) through (M) are re-lettered as follows:

(H) RESIDENTIAL IRRIGATION, APARTMENT, TOWNHOME/CONDO, PUBLIC/QUASI-PUBLIC USERS: CLASS OF WATER USER THAT INCLUDES HOMEOWNER'S ASSOCIATIONS, TOWNHOUSES (FOUR UNITS OR MORE) AND CONDOMINIUMS WITH MASTER METERS, APARTMENTS (FOUR UNITS OR MORE), CITY FACILITIES, OTHER PUBLIC AGENCIES INCLUDING SPECIAL DISTRICTS FORMED UNDER COLORADO LAW, SCHOOLS, AND CHURCHS.

(~~H~~)(I) SERVICE COMMITMENT: The average water service provided to one single-family detached dwelling unit.

(~~I~~)(J) SERVICE PIPE: A branch pipe with its fittings and connections through which water is taken.

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

(~~K~~)(L) STREET: Any street, avenue, alley, lane or other thoroughfare.

(~~L~~)(M) TAP: An opening or connection in the mains through which water is taken.

Section 2. 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~~ \$3.75 per month meter service charge plus:

BLOCK RATE	CONSUMPTION RANGE
\$ 1.95 per 1,000 gallons	First 4,000 gallons
<del>\$ 2.80</del> \$ 2.85 per 1,000 gallons	5,000 to 25,000 gallons
\$ 3.99 per 1,000 gallons	26,000 gallons and over

per meter. 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 50,000 gallons for two billing cycles in a twelve month period will be billed the rate of ~~\$3.30~~ \$3.45 per 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 qualifying cycles will be billed at the ~~\$3.30~~ \$3.45 rate.

Section 3. Title VIII, Chapter 7, Section 7, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) ~~MULTIPLE UNITS, COMMERCIAL AND PUBLIC: Multiple residential users 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 a ten dollar and fifty cent (\$10.50) monthly meter service charge plus three dollars and thirty cents (\$3.30) per thousand (1,000) gallons for all water delivered through the meter.~~ RESIDENTIAL IRRIGATION, TOWNHOME/ CONDO (CONSISTING OF FOUR UNITS OR MORE), PUBLIC/QUASI-PUBLIC USERS SHALL BE CHARGED ~~\$2.10~~ A MONTHLY METER SERVICE CHARGE BASED ON THE METER SIZE AS LISTED IN SCHEDULE A PLUS:

\$3.45 PER 1,000 GALLONS

Non-irrigation accounts for multiple residential units consisting of four (4) units or more that are not individually metered and that are classified as town homes 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 BASED ON THE METER SIZE AS LISTED IN SCHEDULE A plus: two dollars and ~~fifty four~~ EIGHTY-FIVE cents (~~\$2.54~~) (\$2.85) 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 town home or condominium is a residential unit physically attached to another residential unit and separately owned.

Section 4. Title VIII, Chapter 7, Section 7, Subsection (D), Westminster Municipal code, is hereby added and Subsections (D) and (E) are renumbered (E) and (F) as follows:

(D) COMMERCIAL: COMMERCIAL USERS SHALL BE CHARGED A MONTHLY METER SERVICE CHARGE BASED ON METER SIZE AS LISTED IN SCHEDULE A PLUS:

~~\$3.30~~ \$3.45 per 1,000 gallons FOR THE NUMBER OF GALLONS USED PER MONTHLY BILLING UP TO THE BREAKPOINT FOR THE METER SIZE LISTED IN SCHEDULE A.

\$3.85 PER 1,000 GALLONS FOR ALL CONSUMPTION EXCEEDING THE BREAKPOINT ON A MONTHLY BASIS FOR THE APPLICABLE METER SIZE AS LISTED IN SCHEDULE A.

**SCHEDULE A**

<b>METER SIZE CODE</b>	<b>METER SIZE</b>	<b>NUMBER OF SERVICE COMMITMENTS</b>	<b>MONTHLY METER SERVICE CHARGE</b>	<b>BREAKPOINT FOR SECOND TIER BASED ON METER SIZE (GALLONS)</b>
1	5/8" X 3/4"	1	\$ 4.45	25,000
2	3/4" x 3/4"	1.5	\$ 7.50	37,500
3	1"	2.5	\$ 10.00	63,000
5	1-1/2"	5	\$ 15.00	125,000
6	2"	8	\$ 20.00	200,000
7	2" x 5/8"	8	\$ 20.00	200,000
8	3"	17.5	\$ 40.00	438,000
9	3" x 3/4"	22.5	\$ 40.00	563,000
10	4"	30	\$ 40.00	750,000
11	4" x 1"	30	\$ 40.00	750,000
12	6"	62.5	\$ 50.00	1,563,000
13	6" x 1-1/2"	62.5	\$ 50.00	1,563,000
14	6" x 3"	62.5	\$ 50.00	1,563,000
15	8"	70	\$ 90.00	1,750,000
20	10" x 12" x 6"	75	\$ 110.00	1,875,000

~~(D)~~ (E) CONTINUANCE OF CUSTOMER CHARGES: Monthly customer charges shall be assessed in all cases including where no water is consumed until such time as City personnel are specifically requested to discontinue water service at the meter.

~~(E)~~ (F) Rebate: Effective ~~January 1, 1992~~ JANUARY 1, 2001, a ~~fifty dollar (\$50)~~ SEVENTY-FIVE DOLLAR (\$75) rebate shall be given once annually to low-income residential users who submit an application on a form prescribed by the Finance Director.

1. For purposes of this paragraph, "low income" shall be the current Federal poverty level, plus TEN PERCENT (10%) ~~percent~~.

2. The Director of Finance is authorized to prescribe and accept such forms of eligibility as the Director may deem sufficient to demonstrate an applicant's eligibility for the rebate provided for in this section.

3. Such rebate will be paid in the form of a credit applied to the water account of the eligible residential user.

Section 5. Title VIII, Chapter 7, Section 9, Subsections (A) and (B) of the Westminster Municipal Code, are hereby amended as follows:

**8-7-9 DELINQUENT PAYMENTS AND SERVICE CHARGES:**

(A) Statements for the rates and charges for the water service shall be dated and sent out to users at regular intervals. Water meters shall be read within a timeframe of 27 to 33 days. In the event a water bill is not paid by the forty-fifth day following the date of the bill, the Water Billing Supervisor, or his delegate, shall be authorized to forthwith disconnect service; and the water so disconnected shall not again be reconnected until the delinquent bill and a disconnect charge of ~~ten dollars (\$10)~~ for turning the water off and ~~ten dollars (\$10)~~ for turning the water on have been paid. THE CITY MANAGER IS ALLOWED TO ADMINISTRATIVELY SET THE TURN OFF AND TURN ON CHARGE IN ACCORDANCE WITH MUNICIPAL CODE SECTION 1-12-2 (L).

(B) Any account paid with a check subsequently returned by the bank, will be charged a service charge equal to the service charge assessed by Section 1-8-5 3.



Section 6. Title VIII, Chapter 8, Section 5, Subsection (D) of the 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 sewage system by residential, including multiple unit residential, and public users shall be a sum equal to two dollars and ~~forty~~ SIXTY-EIGHT cents (~~\$2.50~~) (\$2.68) per thousand (1,000) gallons multiplied by the average monthly water consumption per user BILLED during the ~~period~~ MONTHS OF ~~December~~ JANUARY ~~+~~ 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 ~~eighty~~ NINETY-NINE cents (~~\$2.80~~) (\$2.99) per thousand (1,000) gallons multiplied by the average monthly water consumption per user BILLED during the ~~period~~ MONTHS OF ~~December~~ JANUARY ~~+~~ 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 BILLED during the period of ~~December 1~~ JANUARY through March ~~31~~ and may be adjusted if the water consumed BILLED during the months of ~~June 1~~ JULY 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 7. This ordinance shall be effective for any water charges billed after December 31, 2000.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23<sup>rd</sup> day of October, 2000.

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

ATTEST:

\_\_\_\_\_  
Mayor

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



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** October 23, 2000

**Subject:** Councillor's Bill No. 100 re Big Dry Creek Watershed Grant and Biological Monitoring Services

**Prepared by:** David Carter, Laboratory Services Coordinator

#### Introduction

City Council action is requested to pass the attached Councilor's Bill, on first reading, to authorize appropriating a United States Department of Energy Grant in the amount of \$49,217. City Council action is also requested to authorize the execution of a contract with Aquatics Associates to provide biological monitoring services, in the amount of \$42,017, to be paid by the DOE grant, for the Big Dry Creek Watershed Association.

#### Summary

Coordinated creek water quality sampling has been done by the cities of Westminster, Broomfield, and Northglenn for the past eight years and has resulted in increased efficiency and greater overall coverage when compared to the individual sampling programs previously done by each city. In 1997, the United States Department of Energy/Rocky Flats joined the group, and through an Intergovernmental Agreement (IGA) and an Environmental Protection Agency (EPA) Regional Geographic Initiative (RGI) grant formed the Big Dry Creek Watershed Association. Through the IGA, the group has attempted to cooperatively assess the water quality in Big Dry Creek. Equitability in the costs associated with the sampling program was a main focus of the IGA and is the reason that the DOE is giving the association a grant for further biological monitoring on Big Dry Creek and Walnut Creek. Because of the restrictions placed on the DOE, the only way they can give the association any funds is through a grant process.

The grant will be used to perform a complete biological monitoring event on Big Dry Creek and Walnut Creek in order for the group to see the overall health of the whole watershed from top to bottom. The grant will also be used to further the actions of the Big Dry Creek Watershed Association in reaching out to the watershed community as a whole. Authorization of this contract will allow the City to retain Aquatics Associates to provide biological monitoring of Big Dry Creek and Walnut Creek, all relevant sample analysis, and final report preparation for the Big Dry Creek Watershed Association. These services will enhance the ongoing activities by the Cities of Westminster, Broomfield and Northglenn, the United States Department of Energy (DOE) and Rocky Flats in the performance of comprehensive monitoring of the Big Dry Creek watershed. Since 1997, the association has increased the frequency of biological monitoring of Big Dry Creek along with providing a forum for watershed coordination through the EPA RGI and the EPA 319, non-point source, grant programs. The DOE grant for \$49,217 will be used for the same purposes and will be administered by the City of Westminster under the Big Dry Creek Basin Water Quality Agreement.

Aquatics Associates was chosen for this project because of the expertise they have gained over the last few years working with the association on the current biological monitoring program and because they meet the DOE requirement regarding the use of minority/women owned businesses in grant funded projects.

The group decided not to go out for competitive bids on this project because of the lack of qualified personnel in this field and because of Aquatics Associates past history with the watershed association. The entire group was in favor of retaining Aquatics Associates for this project.

### **Policy Issue**

Should the City of Westminster authorize the appropriation of a United States Department of Energy Grant in the amount of \$49,217 to study the aquatic environment in the Big Dry Creek Watershed.

Should the City of Westminster execute a contract with Aquatics Associates to provide the biological monitoring services covered for under the DOE grant.

### **Staff Recommendation**

1. Pass Councillor's Bill No. 100 on first reading appropriating \$49,217 into the Special Studies Project as a result of the United States Department of Energy Grant.
2. Authorize the execution of a contract by the City Manager for biological monitoring services with Aquatics Associates for the amount of \$42,017 and charge the expense to the appropriate budget account in the Special Studies Project account.

### **Background Information**

A biological monitoring program was initiated in 1997 by the Cities of Westminster, Broomfield and Northglenn, the United States Department of Energy (DOE) and Rocky Flats to enhance the current water quality monitoring program begun by the three cities. The goal was to document the abundance and distribution of fish and benthic macro invertebrate populations and characterize the physical habitat at selected locations along Big Dry Creek. The water quality and biological monitoring programs are all covered under the Big Dry Creek Basin Water Quality Agreement between the various entities.

The benefit of this monitoring is an increased understanding of the creek and the impacts on it from the cities' wastewater discharges, and from other sources throughout the watershed. An increased understanding of the creek has, and will continue to benefit the parties during State reviews of existing and proposed stream standards. The Colorado Department of Public Health and Environment (CDPH&E) performs a triennial review of the water quality standards for Big Dry Creek. During these reviews, proposed stream standard changes are considered and ruled upon. Often, changes are made based on general data and observations made by the CDPH&E and do not incorporate data specific to the individual stream being considered. This can result in unnecessarily strict standards being set. Strict stream standards will result in a greater compliance burden being placed on each wastewater treatment plant's discharge.

The DOE grant's focus is to aid in the continuing biological monitoring program on Big Dry Creek and to encourage the continued formation of a watershed group to study the Big Dry Creek watershed and to identify and involve additional stakeholders in the further study and management of the watershed basin. Objectives of the monitoring program are to establish a database that can ultimately be used to determine appropriate surface water quality standards for Segment 1 of Big Dry Creek and document the effects of potential influences in water quality on the aquatic community in Big Dry Creek.

**Alternatives**

Should the City of Westminster choose not to execute the contract, the duties of biological monitoring would either have to be delegated to Staff from the various partnering agencies or go undone. If the contract is not executed, the DOE grant money would have to be returned because the conditions of the grant would not have been met.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **100**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2728 in the amount of \$25,023,856 is hereby increased by \$49,217 which, when added to the fund balance as of the City Council action on October 23, will equal \$44,585,353. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a United States Department of Energy grant award.

Section 2. The \$49,217 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental - Federal			
20-0426-400	\$0	\$49,217	\$49,217
Total change to revenues		<u>\$49,217</u>	
<u>EXPENSES</u>			
Appropriation Holding – Environmental Grant			
20-35-88-555-539	\$0	\$49,217	\$49,217
Total change to expenses		<u>\$49,217</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 23rd day of October 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of November, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Legacy Ridge Driving Range Barrier Fence

**Prepared by:** Ken Watson, Recreation and Golf Facilities Manager  
Richard Dahl, Park Services Manager

**Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading for a supplemental appropriation of \$10,000, the amount of the contribution from L R Corporation and Farms and David Weekly Homes, into the General Capital Improvement Project Fund, for construction of driving range barrier fencing. City Council action is requested to authorize the City Manager to sign a contract with Fence Consulting Services, Inc. in the amount of \$32,370, and authorize a 10% contingency, to install driving range barrier fencing at the Legacy Ridge Golf Course. Funds for this expense are available in the Park Major Maintenance account of the 2000 Capital Improvement Program Fund.

**Summary**

Since its opening in 1994, the Legacy Ridge Golf Course has enjoyed the open character of the surrounding property but, as development occurs, adjustments need to be made to ensure that the safety of the public is maintained and that property damage is minimized. With the recent construction of homes at the north end of the driving range, Staff is recommending that a barrier fence be installed to reduce the chance of golf balls being hit into the yards of adjacent property owners.

When the driving range was constructed, it was agreed upon by all parties involved that the driving range had enough distance to accommodate the majority of the range users. Unfortunately, with the technology that has evolved in golf balls and clubs in recent years, the driving range cannot adequately provide the safe distance required to keep driving range balls within its perimeter. This circumstance has forced the issue of addressing the need to construct the appropriate fencing to protect not only the homeowners, but also the golf course itself. L R Corporation and Farms and David Weekly Homes will contribute \$10,000 towards the project, with the City paying the remaining \$22,370.

The barrier fence proposed for the north end of the driving range is 380 ft long, 16 ft high, and made of 3/8 in braided poly rope supported by black steel posts and 1/4 in steel cable. This type of system is designed to minimize ball penetration while being as unobtrusive as possible.

Fence Consulting Services, Inc. (Contractor) was brought on board to obtain bids from several subcontractors for installation of the driving range barrier fencing. Fence Consulting Services invited three qualified fencing subcontractors to bid on the project and three bids were received. Champion Fence Company (Subcontractor) has submitted the lowest bid for this project and has been recommended by Fence Consulting Services as subcontractor for this project. Bidding results are as follows:

Champion Fence Company	\$32,370
Metro Fence	\$33,410
A-1 Fence Services	\$36,590

## **Policy Issue**

Does the City have responsibility to protect adjacent private property from Legacy Ridge Golf Course driving range golf balls?

## **Staff Recommendation**

1. Pass Councillor's Bill No.101 on first reading appropriating \$10,000 into the Parks Major Maintenance General Capital Improvement Project Account, increasing the budget by \$10,000, and authorize the use of these funds for construction of the driving range barrier fencing.
2. Authorize the City Manager to sign a contract with Fence Consulting Services, Inc. in the amount of \$32,370 to construct the barrier fence and authorize a 10% contingency.

## **Background Information**

Legacy Ridge Golf Course was opened for public play in September of 1994. The golf course, as designed by Arthur Hills, uses existing land grades, man-made land forms and environmental areas to create a course that is both challenging and interesting for golfers of all skill levels. Included with the eighteen-hole championship layout is a nine-acre driving range with four target greens and a two-tiered teeing area that totals one acre in usable tee space. This practice facility also includes 14 mat tee areas that may be used during inclement weather throughout the year.

Legacy Ridge Golf Course was constructed in coordination with a master planned community that will eventually encompass the entire golf course. Housing construction on the front nine of the golf course will possibly reach its build-out stage by the end of 2001. The golf course design was coordinated between Arthur Hills and Community Development to allow suitable setbacks of houses from the golf course to avoid any future conflicts between the golf course and its future residents. Within the last year, construction was started on a housing development that is located around the perimeter of hole #1 that includes home lots located on the north end of the driving range complex. Previously in 1993, during construction of the golf course, a land swap was implemented between the City and the developer of this area to increase the length of the driving range on the north end by approximately 50 feet. This swap was initiated to hopefully ensure that an adequate buffer zone was intact when these future home sites were constructed.

In late 1999, the three home lots located at the north end of the range were built and put up for sale. During this time period, two of these lots were sold and occupied by their residents. In January of 2000, the developer contacted the golf course wanting to meet about a problem with driving range balls clearing the six-foot fence at the north end of the range and breaking windows in the newly-constructed house at the northeast corner of the driving range. At that time, this house had not been sold and was not occupied. A meeting was arranged and discussions were held on ways to keep driving range balls from entering into the homeowners' yards. It was agreed that the most suitable alternative was a fence located on golf course property and high enough to ensure that any ball hit would be deflected back to the golf course.

In June of 2000, a letter was received by the golf course Superintendent concerning property damage and personal safety issues from the homeowner at the northeast corner of the range. The homeowner pointed out that a number of driving range balls had hit his home in a short time period, and he expressed concern about what precautions would be taken to ensure his and his family's safety.

Staff immediately moved the driving range tees to the back tee and have used this tee exclusively since the receipt of this letter until a solution to this problem could be identified. At the time that the homeowner's letter was sent, the average distance from the tee being used and the fence was approximately 297 yards. The revised tee locations have an average distance from the back tee to the fence of 318 yards.

**Alternatives**

- 1) Reject Staff's recommendation to install a barrier fence at the north end of the driving range to protect adjacent property owners.
- 2) Require Staff to explore other options such as landscaping or using golf balls that restrict the flight of the balls. Additional landscaping could cost more than the fence and would still take approximately ten years to mature and be effective. Staff is concerned that the use of low-flight balls would compromise the revenues generated by the driving range beyond the cost of the barrier fence over ten years.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Map and Councillor's Bill



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **101**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851 is hereby increased by \$10,000 which, when added to the fund balance as of the City Council action on October 23, 2000, will equal \$22,068,766. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a financial contribution from L R Corporation and Farms and David Weekly Homes for the construction of driving range barrier fencing.

Section 2. The \$10,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Cash in Lieu - Parks			
75-0955-105	\$0	<u>\$10,000</u>	\$10,000
Total Change to Revenues		<u>\$10,000</u>	
<u>EXPENSES</u>			
Park Major Maintenance project			
75-50-88-555-210	\$169,997	<u>\$10,000</u>	\$179,997
Total Change to Expenditures		<u>\$10,000</u>	

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of October 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of November 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**  
Agenda Memorandum

**Date:** October 23, 2000

**Subject:** Resolution No. 84 re Grant Application for State Trails Grant (Regional US.36 Corridor Bike and Trail System Project)

**Prepared by:** Scott Opie, Landscape Architect

### **Introduction**

City Council action is requested to adopt the attached Resolution authorizing Staff to submit a grant application to the State Trails Planning Grant Program for a cooperative intercity/intercounty bike and trails master plan for the U.S. 36 corridor. City Council is also requested to authorize the City to contribute \$3,000 in matching funds towards this grant and authorize the City to sponsor and manage the grant on behalf of the U.S. 36 Transportation Management Organization (TMO). Funds are available for this expense in the Trails Development account in the Capital Improvements Program fund.

### **Summary**

The U.S. 36 TMO has been working with 'Stakeholders' along the corridor. The Stakeholders include the cities of Broomfield, Superior, Louisville, Lafayette, Boulder, Westminster and Jefferson and Boulder Counties to compile and analyze existing bike and trail master plans with the intent of developing a comprehensive U.S. 36 Corridor Bike and Trail System Master Plan. The TMO and the above Stakeholder representatives have concluded that this project is of the magnitude that warrants private consulting services due to the overall scope.

The TMO has proposed that each Stakeholder provide a \$2,000 to \$3,000 contribution into a collective fund for a matching grant request. The TMO and Stakeholders have determined that one of the above-named entities would have to represent the collective group and apply for and manage the grant throughout the progress of the project. Staff believes that it would be advantageous for Westminster to take the lead and represent the TMO and Stakeholders by applying for and managing the State Trails Grant.

The TMO and Stakeholders have great optimism that this project would be awarded given its collective body of neighboring partners working together to create a comprehensive Bike and Trails Master Plan for the U.S. 36 Corridor.

### **Policy Issues**

- Does City Council wish to contribute \$2,000 to \$3,000 towards a collective fund to be used as matching dollars for a State Trails Planning Grant to compile and create a comprehensive Bike and Trails Master Plan for the U.S. 36 Corridor?
- Does City Council wish to be the governmental agency to sponsor and manage the State Trails Grant for the TMO?

### **Staff Recommendation**

1. Adopt Resolution No. 84 authorizing the participation/submittal of State Trails Planning Grant application to the State Parks Trails Program for creation of the Bike and Trails Master Plan for the U.S. 36 Corridor.
2. Authorize the City to sponsor and manage the State Trails Planning Grant and participate in the grant with a matching funding contribution of \$3,000.

### **Background Information**

Westminster has been an active member/participant of the U.S. 36 Transportation Management Organization (TMO) since its inception in December of 1998. Increasing traffic congestion in recent years has fostered a growing need for regional trails to promote alternative methods for transportation. Historically, many government entities and private organizations have planned and constructed many large segments of trail within the U.S. 36 corridor without an overall plan in mind. The TMO and its constituents have brought forward, with support from several public interest groups, the idea of a Trails Master Plan for the U.S. 36 Corridor.

Recent TMO meetings with the Cities of Broomfield, Superior, Louisville, Lafayette, Boulder, and Westminster and Boulder and Jefferson Counties have yielded many ideas for creating a project to inventory, analyze, and master plan a bike/trails plan encompassing all of the Denver Metropolitan northwestern communities. Participants have determined that a project of this magnitude would be too time consuming for one entity to complete, therefore a consultant would be required to complete this work. This consultant would be responsible for working with each entity 'Stakeholder' to integrate their individual trail plans into one comprehensive regional trails master plan for the northwest portions of the greater Denver metro area.

A major roadblock for this intergovernmental project is generating a funding source. The Colorado State Parks' State Trails Planning Grant was identified as a possible means of funding this project. It was determined the initial matching costs of the project should be shared among Stakeholders in a cooperative effort. It is estimated that this sourcing of funds, i.e., Stakeholder's contributing \$2,000 to \$3,000 each, could generate approximately \$20,000 to be put forth as 50% matching funds towards a State Trails Planning Grant. If the grant is awarded, the Stakeholder matching funding and grant could generate nearly \$40,000 to finance the production of the Bike and Trails Master Plan for the U.S. 36 Corridor. However, one of the Stakeholders was needed to step forward to host, apply and manage the State Trails Planning Grant as only government agencies are eligible to apply for State Trails Grants. Staff believes that Westminster's history and success in obtaining State Trails Grant could be beneficial toward securing this multi-jurisdictional grant. Staff also believes the City could benefit from this project. By submitting this grant application, the entities are not obligating themselves to any construction costs.

The City of Westminster has served as governmental sponsor for the US 36 TMO on another grant application earlier this year. Staff believes that the City's continued participation and support of the TMO is important as a member of this vital corridor.

This trail planning effort is separate from the discussions which Boulder and Westminster have had to explore connecting trail segments between the two cities.

**Alternatives**

- City Council could direct Staff to not participate in a funding contribution toward the collective fund to be used as dollars toward a 50% matching State Trails Planning Grant. The City could offer to fulfill the role of the grant administrator but not participate as a financial contributor.
- City Council could direct Staff to participate financially, but not sponsor and manage the state trails planning grant.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. 84

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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TRAILS PLANNING GRANT REQUEST TO THE COLORADO STATE PARKS, STATE TRAILS GRANT PROGRAM (GOCO)

WHEREAS, Colorado State Parks has established a State Trails Planning Grant application process to assist with development of trail-related planning and research for eligible jurisdictions within Colorado; and

WHEREAS, the City of Westminster has funds available for and intends to participate in the multi-jurisdictional project to develop a Bike and Trails Master Plan for the U.S. 36 Corridor; and

WHEREAS, matching grant funding from the State Trails Planning Grant Program would assist in the research and development of a multi-jurisdictional Trails Master Plan for the U.S. 36 Corridor for the benefit and enjoyment of those residents of the cities of Broomfield, Superior, Louisville, Lafayette, Boulder, and Westminster and Boulder and Jefferson Counties.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a grant application to Colorado State Parks, State Trails Planning Grant Program (GOCO) on behalf of the US 36 Transportation Management Organization requesting funding for the development of a multi-jurisdictional Trails Master Plan for the U.S. 36 Corridor.

Passed and adopted this 23rd day of October 2000.

ATTEST:

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Mayor Pro Tem

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000  
**Subject:** Resolution No. 85 re: Computer Equipment for the Financial Management System  
**Prepared by:** Mary Ann Parrot, Finance Director

**Introduction**

City Council action is requested to adopt a "Reimbursement Resolution", in acknowledgement and approval of the City's intent to issue \$210,000 financing for lease-purchase of PC equipment for the City's Financial Management System (FMS). Council approved the lease-purchase on August 28, 2000 and funds have been budgeted in this year's budget and for the year 2001 to re-pay the three-year lease.

**Summary**

The Reimbursement Resolution is required for the purchase of computer equipment for the Financial Management System (FMS) for two reasons, both of them legal:

- The City Charter mandates a 30-day waiting period for approval of lease purchasing.
- The Internal Revenue Code requires this type of action for those items which are purchased, and for which the financing is intended to reimburse the City for expenditures on this equipment. Some of the equipment has been purchased during the past several months, and other equipment will be purchased during the next few months. The IRC allows the City to reimburse itself for "hard dollar" equipment and other construction costs for certain periods of time, and to reimburse itself for "soft dollar" consultant and other professional service costs for unlimited periods of time.

Because the FMS project has been underway since mid-year 1999, it was necessary to purchase computer equipment prior to the expiration of the 30-day waiting period mandated in the City charter for lease-purchase financing. This early purchase can be addressed by approval of the Reimbursement Resolution, which allows the City to proceed with its projects, keeping them on time and on budget, at the same time accommodating other rules and regulations.

The resolution will allow the City to pre-pay hardware costs, and subsequently reimburse itself from financing proceeds, once the financing is issued. Staff expects to issue the lease-purchase financing within the next 60 days.

**Policy Issues**

There are no policy issues involved in this request.

**Staff Recommendation**

Adopt Resolution No. 85 approving the Reimbursement Resolution for the FMS Computer Equipment, thus acknowledging the intent to issue lease financing for this equipment, and approving the City's intent to reimburse itself from financing proceeds for the costs of the equipment purchases underwritten by the City prior to the issuance of such financing.

### **Background Information**

Current Federal law mandates that a municipality pass the Reimbursement Resolution, which contains several provisions:

- an announcement and acknowledgement of the municipality's expectation to issue financing
- an announcement and acknowledgement that the municipality will reimburse itself from financing proceeds for equipment costs pre-funded through other means, in this case by the City through the purchase of the computer equipment during the past few months.

If this action is not approved, the City cannot reimburse itself from financing proceeds for construction costs, and would be forced to underwrite these costs from the General Fund. These costs are not currently budgeted.

The recommended action will allow the City to proceed with the FMS project uninterrupted, and allow for the project to proceed smoothly. This action is routinely used in other cities and for other tax-exempt municipal financings across the country. City Council has approved several of these with past financings, including the Ice Centre, 1998 Capital Equipment Certificates and other financing in the past several years.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



SERIES OF 2000

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A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER TO ENTER INTO A TAX-EXEMPT OBLIGATION IN THE FORM OF A LEASE PURCHASE AGREEMENT IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$210,000 TO FINANCE COMPUTER EQUIPMENT; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE EXECUTION AND DELIVERY OF SUCH LEASE.

WHEREAS, the City of Westminster (the "City"), is a municipal corporation duly organized and existing as a home-rule municipality under Article XX of the State Constitution (the "Constitution") and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the City intends and proposes to enter into a tax-exempt obligation in the form of a Lease Purchase Agreement (the "Lease") to finance the acquisition of computer equipment (the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, IN THE COUNTIES OF ADAMS AND JEFFERSON, STATE OF COLORADO:

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the City Council and the officers, employees and agents of the City directed toward the Lease is hereby ratified, approved and confirmed.

Section 2. The City intends to enter into the Lease in the approximate aggregate principal amount of \$210,000 to pay the costs of the Project plus the reimbursement of certain costs incurred by the City prior to the execution and delivery of the Lease, upon terms acceptable to the City, as authorized in an ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by this resolution.

Section 4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 5. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. All acts, orders and resolutions of the Council, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 7. This resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this October 23, 2000.

ATTEST:

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Mayor Pro Tem

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City Clerk

STATE OF COLORADO )  
 )  
COUNTIES OF ADAMS AND )SS.  
JEFFERSON )  
 )  
CITY OF WESTMINSTER )

I, the City Clerk of the City of Westminster, Colorado (the "City"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the City Council (the "Council") of the City at a meeting of the Council held on October 23, 2000.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of October 23, 2000, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:	Mayor Pro Tem Sam Dixon Councillor Herb Atchison Councillor Butch Hicks Councillor Tim Kauffman Councillor Ann Merkel Councillor Ed Moss
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Those Voting Nay:	None
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Those Absent:	Mayor Nancy Heil
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Those Abstaining:	None
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3. The members of the Council were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Resolution.

6. Notice of the meeting of October 23, 2000 in the form attached hereto as Exhibit A was posted at the City Hall, Westminster, Colorado, not less than 24 hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this 24<sup>th</sup> day of October, 2000.

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City Clerk

(SEAL)

EXHIBIT A

(Attach Form of Notice of Meeting)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Revised Employment Contract with Martin McCullough

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

**Introduction**

City Council consideration is requested pertaining to the attached revised Employment Agreement with City Attorney Martin McCullough.

**Summary**

At the time City Council appointed Martin McCullough as City Attorney in February, 1986, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment. Each year, the employment contract is reviewed and revised based on the results of the Council's performance evaluation of the City Attorney. This year's evaluation was completed on September 25. City Council action is requested to extend this contract for the calendar years 2001 and 2002 in substantially the same form as attached. A salary adjustment is being suggested based on salary survey data of other City Attorney positions in the Denver metropolitan area generated by the Department of General Services, as well as the salary survey of public officials published annually by the Colorado Municipal League.

**Staff Recommendation**

Approve a revised employment agreement with Martin McCullough serving in the position of City Attorney for calendar years 2001 and 2002, and authorize the Mayor and City Clerk to execute the attached agreement on behalf of City Council.

**Background Information**

Martin McCullough was appointed City Attorney on February 10, 1986, after holding the position of Acting City Attorney since September 1985. Prior to such positions, he was an attorney with the municipal law firm of Calkins, Kramer, Grimshaw and Harring. Marty holds a B.A. from the University of Virginia, an M.S. from Florida State University and graduated magna cum laude from the University of Houston School of Law in 1982. He is admitted to practice law in Texas and Colorado and is a member of the National Institute of Municipal Law Officers and the Colorado and Denver Bar Associations. Marty has served as president of the Attorneys Section of the Colorado Municipal League, is past president of the Metro City Attorney's Association, and is a member and past chairperson of the Local Government Committee of the Colorado Bar Association. Marty is also a past recipient of the Metro City Attorney's Association's "City Attorney of the Year" and "Leadership" awards.

At the time Council appointed Marty McCullough as City Attorney in February 1986, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment.

The City Attorney's employment agreement has typically followed substantially the same format and covered essentially the same terms and conditions as the City Manager's employment contract. The existing contract between Marty and the City is scheduled to expire December 31, 2001.

The only changes in the revised agreement compared to the existing agreement are as follows:

- > The City Attorney's total salary will increase approximately 4.5% to \$110,570.
- > The increased compensation is to be divided between base salary and deferred compensation. The annual salary will become \$99,570 plus \$11,000 as lump sum deferred compensation.

All other provisions of the contract would remain the same. The proposed agreement would become effective as of January 1, 2001.

City Council was previously provided with a salary survey of other area city attorneys' compensation packages. The average salary of the cities surveyed indicated a median 2000 compensation of \$104,071 and an average of \$109,796, inclusive of deferred compensation. This compares to the 2000 annual salary and deferred compensation for the Westminster City Attorney in the amount of \$105,686.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

## EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2001, by and between the CITY OF WESTMINSTER, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and MARTIN R. McCULLOUGH, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of MARTIN R. McCULLOUGH, as City Attorney of the City of Westminster as provided by City Charter, Chapter IV, Section 4.13; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE; and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

WHEREAS, EMPLOYEE previously accepted employment as City Attorney of said CITY.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

### SECTION 1. DUTIES:

A. CITY hereby agrees to continue the employment of EMPLOYEE as City Attorney of CITY to perform the duties and functions specified in Section 4.13 of the City Charter, Chapter 16 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall prepare and submit a proposed budget for the City Attorney's Office following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

C. EMPLOYEE shall supervise the staff of the City Attorney's Office as may be authorized by the City Council. All employees of the City Attorney's Office shall be employed by the City Attorney in accordance with the provisions of section 1-16-3 of the City Code.

### SECTION 2. TERMS:

A. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of CITY. EMPLOYEE will serve as City Attorney for calendar years 2001 and 2002. EMPLOYEE agrees neither to seek, to accept, nor to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3, paragraph C of this Agreement.

D. This Agreement shall be considered for renewal annually, no later than October 31 of each year to address extending the Agreement, salary, and other changes negotiated between the parties. Each renewal of the Agreement shall be for a specified time. If this Agreement is not renewed, or terminated, as set forth in the Agreement, and the Agreement expires, EMPLOYEE shall continue to work under the terms of the last executed Agreement until a new Agreement is executed or EMPLOYEE is terminated after receiving four (4) months' written notice of termination.

### SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Attorney, then and in that event, the CITY agrees to give EMPLOYEE four (4) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing four (4) months, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the four (4) months' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four (4) months notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs A and C of this Section 3, and paragraph D in Section 2.

### SECTION 4. SALARY:

A. Effective January 1, 2001, the CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$99,570, payable in installments at the same time as other employees of the CITY are paid, plus a lump sum payment in deferred compensation of \$11,000; provided, however, in the event the federal tax code has not been amended as of January 1, 2001, to allow all of the \$11,000 to be deferred, the lump sum deferred amount shall be reduced to the maximum allowed by law and the difference shall be added to EMPLOYEE'S base salary.

B. CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY.



SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Attorney. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 7. PROFESSIONAL DEVELOPMENT:

CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the City, including, but not limited to, the Colorado Bar Association, NIMLO, the Colorado Municipal League, and continuing legal education courses and seminars related to the practice of municipal law. In addition to reasonably funding educational/training programs for EMPLOYEE's professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each year.

SECTION 8. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 9. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, including a monthly car allowance in the amount of \$300 per month, except that when such benefits are in conflict with this Agreement, said Agreement shall control.

SECTION 10. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, longevity pay, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

SECTION 11. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This Agreement becomes effective on January 1, 2001, and shall be in effect through calendar years 2001 and 2002.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. The parties agree that this Agreement is entered into and shall be governed by the laws of the State of Colorado.

F. Nothing in this Agreement shall be construed as creating any multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this Agreement both effective as of the day and year first above written.

Approved by Westminster City Council this \_\_\_\_\_ day of October, 2000.

ATTEST:

\_\_\_\_\_  
Nancy M. Heil, Mayor

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

\_\_\_\_\_  
Martin R. McCullough



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Councillor's Bill No. 89 re Bed, Bath and Beyond/Towne Center at Brookhill Shopping Center Business Assistance Package

**Prepared by:** Susan Grafton, Economic Development Manager

#### **Introduction**

City Council action is requested to adopt on second reading, the attached Councillor's Bill to approve a business assistance package for Bed, Bath and Beyond and the Towne Center at Brookhill Shopping Center, located near the northeast corner of 88<sup>th</sup> Avenue and Wadsworth Parkway. During the October 9 Council meeting, Council approved on first reading the attached Councillor's Bill and Business Assistance Package. Subsequent to the October 9 meeting, minor modifications have been made to the agreement. Action is now requested to approve on second reading the Councillor's Bill to approve the Business Assistance Package as now modified.

#### **Summary**

The attraction of Bed, Bath and Beyond to the Towne Center at Brookhill is strategic to the overall reinvigoration of this key shopping center. It is expected that the new store will generate approximately \$11,251,000 annually in sales as well as having a positive influence in improving the overall tenant mix of the center. The assistance package, which is approximately \$810,000, is being offered to help off-set some of the developer's cost incurred in the attraction of Bed, Bath & Beyond, as well as aid in the center's redevelopment. A definitive redevelopment plan for Towne Center at Brookhill will be put in place by the Spring, 2002. Gallagher and Associates' failure to institute such a plan by the deadline will result in the discontinuance of the Sales Tax Rebate.

#### **Staff Recommendation**

Adopt Councillor's Bill No. 89 on second reading which authorizes the execution and implementation of the amended Business Assistance Agreement with Gallagher and Associates, L.L.C. for the attraction of Bed, Bath and Beyond and to aid in the initiation of the redevelopment plan for Towne Center at Brookhill Shopping Center in place by Spring, 2002.

#### **Background Information**

During the October 9 Council meeting, the issue was raised by City Councillors concerning the need for assurance that a redevelopment plan would in fact be put in place by Spring 2002. The Business Assistance Agreement has since been modified (see Paragraph 2 of the Agreement) to provide the following condition:

Should the redevelopment plan for the Towne Center at Brookhill Shopping Center not be in place by March 31, 2002, the Sales Tax Rebate shall stop until such time at the Plan is completed and accepted by the City.

This condition would potentially come into play in Year 2 of the Sales Tax Rebate, and therefore will be a motivator for Gallagher and Associates to complete the plan.

The Sales Tax Rebate, as originally outlined, has not changed. The agreement provides for an 80% Sales Tax rebate for 3 years.

Mr. Gallagher is committed to the overall redevelopment of the Towne Center Shopping Center. His plans include several new tenants for the center, as well as major capital investment. This assistance package helps to facilitate this endeavor.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**BUSINESS ASSISTANCE AGREEMENT WITH GALLAGHER AND ASSOCIATES, L.L.C. FOR BED, BATH AND BEYOND AND THE REDEVELOPMENT OF THE TOWNE CENTER AT BROOKHILL SHOPPING CENTER IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2000, between the CITY OF WESTMINSTER (the "City"), and Gallagher and Associates, L.L.C.

WHEREAS, the City wishes to provide certain assistance to Gallagher and Associates, L.L.C. to aid in the development of Bed, Bath and Beyond and the redevelopment of Towne Center at Brookhill Shopping Center within the City located at the northeast corner of 88<sup>th</sup> Avenue and Wadsworth Boulevard.

WHEREAS, the Towne Center at Brookhill Shopping Center was originally built in 1985 and is in need of revitalization to stay vibrant and competitive.

WHEREAS, the Towne Center at Brookhill Shopping Center has many major tenants, such as Home Depot, Lamps Plus and Burlington Coat Factory and others which makes the center an important tax generator.

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 securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Gallagher and Associates, L.L.C. agree as follows:

1. Sales Tax Rebate

The City shall rebate to Gallagher and Associates, L.L.C. 80% of the sales tax collected from the Bed, Bath and Beyond store, located in the Towne Center at Brookhill for the first three years (36 MONTHS) of operation. Such rebate shall be payable exclusively from sales tax revenues collected by the City from the Bed, Bath and Beyond store and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments from sales tax revenue actually collected and received by the City from Bed, Bath and Beyond. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter.

2. Redevelopment Plan

a. Gallagher and Associates, L.L.C. will have a definitive redevelopment plan in place for the entire Towne Center at Brookhill Shopping Center no later than March 31, 2002. SUCH PLAN, AT A MINMUM, SHALL ADDRESS RETENANTING PLANS, OVERALL SHOPPING CENTER FAÇADE IMPROVEMENTS, AND LANDSCAPING ISSUES.

b. FAILURE TO HAVE SUCH A PLAN COMPLETED AND ACCEPTED BY THE CITY, BY MARCH 31, 2002, WILL RESULT IN THE DISCONTINUANCE OF THE SALES TAX REBATE, AS REFERENCED IN PARAGRAPH 1, UNTIL SUCH TIME AS THE PLAN HAS BEEN COMPLETED AND ACCEPTED BY THE CITY.

c. REINSTATEMENT OF THE SALES TAX REBATE WILL OCCUR UPON ACCEPTANCE OF THE REDEVELOPMENT PLAN BY THE CITY AND WILL CONTINUE ONLY AS LONG AS NECESSARY TO COMPLETE THE 36-MONTH SALES TAX REBATE PERIOD NOTED IN PARAGRAPH 1.

3. This instrument shall constitute the entire agreement between the City and Gallagher and Associates, L.L.C. and supersedes 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.

4. 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 bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes 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.

5. 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 Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

6. 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. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

Gallagher and Associates, L.L.C.  
By Gallagher Acquisitions Corporation  
Managing Member

CITY OF WESTMINSTER

By \_\_\_\_\_  
James J. Gallagher, President

\_\_\_\_\_  
William M. Christopher  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk

ORDINANCE NO.  
SERIES OF 2000

BY AUTHORITY  
COUNCILLOR'S BILL NO. 89  
INTRODUCED BY COUNCILLORS

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A BILL  
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH GALLAGHER  
AND ASSOCIATES, L.L.C.

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

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

WHEREAS, Gallagher and Associates, L.L.C. in attracting new tenants to the Towne Center at Brookhill Shopping Center the City of Westminster at the corner of 88<sup>th</sup> Avenue and Wadsworth Boulevard; and

WHEREAS, a proposed Assistance Agreement between the City and Gallagher and Associates, L.L.C. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Gallagher and Associates, L.L.C. in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of October 2000.

PASSED, AMENDED and ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of October 2000.

ATTEST:

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Mayor

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City Clerk



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** October 23, 2000

**Subject:** Financial Report for September 2000

**Prepared by:** Mary Ann Parrot, Finance Director

#### **Introduction**

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

#### **Policy Issues**

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

#### **Summary**

There are three sections to the attached report:

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

General Fund revenues represent 80% of the total budget estimate while General Fund expenditures and encumbrances represent 69% of the 2000 appropriation.

Utility Fund revenues represent 64% of the total budget estimate due to appropriation of borrowed monies for the new water treatment plant. Utility fund expenditures and encumbrances represent 61% of the 2000 appropriation.

The Sales and Use Tax Fund revenues represent 79% of the total budget estimate, while expenditures and encumbrances in that fund represent 75% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 4% from the same period last year and increased 7% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 95% of the total budget estimate while expenditures and encumbrances in that fund represent 56% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 83% of the total budget estimate while operating expenditures and encumbrances represent 57% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 66% of the total budget estimate while operating expenditures and encumbrances represent 62% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a \$1.5 million grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.



Theoretically, 75% of revenues and expenditures should be realized after eight months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

**Staff Recommendation**

Accept the report as presented.

**Background**

Sections 4.8(i) and 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, October 23, 2000.

Present at roll call were Mayor Pro Tem Dixion and Councillors Atchison, Hicks, Merkel and Moss. Mayor Heil was absent.

The minutes of the October 9 and 16, 2000 Council meetings were approved with corrections.

The Mayor Pro Tem proclaimed the week of October 23 as Red Ribbon Week and Business Appreciation Week.

Tim Kauffman, the newly selected Councillor, was sworn into office; and Council accepted his resignation from the Special Permit and License Board.

Public hearings were held on the NorthRidge at Park Centre PDP, Asbury III Subdivision Annexation and PDP, and the Rezoning, PDP and ODP for Ranch Creek Villas.

Council postponed Councillor's Bill No. 88, the Galerie Promenade lease at the Ice Centre, indefinitely.

Council approved the following: Employee Health Insurance Contract renewals; 2001 Community Development Block Grant Projects; Preliminary Development Plans for NorthRidge at Park Centre and Asbury III Subdivision; Preliminary and Official Development Plan for Ranch Creek Villas Subdivision; Acquisition of backwash valve for Semper Water Treatment Facility; Biological Monitoring Services Contract; Legacy Ridge Driving Range Barrier Fencing Contract; State Trails Planning Grant Sponsorship and Management; and Revised Employment Contract with City Attorney.

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

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Appropriate 2000 CDBG Funds.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Annex Asbury III property.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zone Asbury III property to PUD.

A BILL FOR AN ORDINANCE AMENDING THE ZONING OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 68, WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Rezone Ranch Creek Villas property from C-1 to PUD.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Settlement funds appropriation.

A BILL FOR AN ORDINANCE INCREASING THE RATES FOR WATER SALES AND SEWER USER CHARGES. Purpose: Water and Sewer rate adjustments for 2001.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: DOE Grant appropriation.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Appropriation for Legacy Ridge driving range barrier fencing.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH AMERICAN SKANDIA.

A BILL FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE.

A BILL FOR AN ORDINANCE AMENDING THE CONDITIONS FOR DOOR TO DOOR SOLICITATION.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH GALLAGHER AND ASSOCIATES, L.L.C.

The following Resolutions were adopted by City Council:

Resolution No. 81 – Asbury III Annexation Findings of Fact

Resolution No. 82 – Prime Center at NorthRidge as Economic Development Project

Resolution No. 83 – Sale of Antero Reservoir Water Rights Shares

Resolution No. 84 – State Trails Planning Grant Application

Resolution No. 85 – Computer Equipment for Financial Management System

At 9:35 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on November 2, 2000