



**WESTMINSTER  
COLORADO**

**OCTOBER 25, 1999  
7:30 P.M.**

**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 25-31, 1999
  - B. Proclamation re Business Appreciation Week of October 24<sup>th</sup>
  - C. Certificate of Appreciation to Don Weis
5. Citizen Communication (5 minutes or Less in Length)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. Bids for Purchase of Replacement Flow Injection Analyzer to Lachat Zellweger Analytics, Inc for \$45,347
  - B. Employee Health Insurance rates and employee/employer premiums
  - C. Councillor's Bill No. 65 on second reading Appropriation of \$230,000 for construction of Westminster T-Ball Complex project
  - D. Councillor's Bill No. 66 on second reading Appropriating \$100,000 Brownfields Grant from EPA
9. Appointments and Resignations
  - A. Resolution No. 83 re Youth Advisory Panel Appointments
  - B. Resolution No. 84 re Resignation and Appointment to Planning Commission
  - C. Boards and Commission Pool recruitment for 2000 vacancies
10. Public Hearings and Other New Business
  - A. TABLED Amendment to Purchase and Sale Agreement with Catellus Development Corporation for Westminster Promenade Project
  - B. Revised Employment Contract with Municipal Court Presiding Judge John Stipech
  - C. Councillor's Bill No. 67 re Municipal Court Presiding Judge Salary for 2000
  - D. Public Hearing re Walnut Grove 4<sup>th</sup> Amended Preliminary Development Plan for 96.31 acres located east of Johnson Street north of West 106<sup>th</sup> Avenue, west of Wadsworth Parkway and south of West 108<sup>th</sup> Avenue
  - E. Walnut Grove 4<sup>th</sup> Amended Preliminary Development Plan
  - F. Public Hearing re Comprehensive Land Use Plan Amendment re Urban Growth Boundary

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

- G. Councillor's Bill No. 68 re Designating Urban Growth Boundary
- H. Resolution No. 85 re Land Acquisition for Future Water Storage Tank to be located at 112<sup>th</sup> Avenue and Cherokee Street
- I. Standley Lake Interpretive Center
- J. Councillor's Bill No. 69 re Appropriation of Special Purpose Sales and Use Tax Revenue Bonds (POST Project)
- K. Councillor's Bill No. 70 re 1999 Budget Supplemental Appropriations
- L. Councillor's Bill No. 71 re 2000 Appropriations

## **11 Business and Passage of Ordinances on Second Reading**

**None**

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

- A. Quarterly Insurance Report
- B. Financial Report for September, 1999
- C. City Council
- D. Request for Executive Session

## **13 Adjournment**

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

- A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B. Any person 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 25, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Atchison to accept the minutes of the meeting of October 11, 1999 with no additions or corrections...The motion carried unanimously.

PRESENTATIONS:

Mayor Heil presented a proclamation to Eleanor Scott, Phil and Phyllis Aschenbrenner and Colleen, Cory and Daniel Mazzucca of School District 50 Westminster Area Community Awareness Action Team proclaiming the week of October 25 – 31 as Red Ribbon Week in the City.

Mayor Heil presented a proclamation to Dottie Murphy, Tammy Camelick and Colin Cameron proclaiming the week of October 24<sup>th</sup> as Business Appreciation Week in the City.

Mayor Heil presented a Certificate of Appreciation and gift certificate to Don Weis in recognition of his 25 years of dedicated volunteer service to the City.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher announced that Director of Parks, Recreation and Libraries Bill Walenczak received the National Gold Medal Award from the National Parks and Recreation Association, and that there would not be a Study Session on November 1.

CITY COUNCIL COMMENTS:

Councillor Dixon reported that the first building to come down at Rocky Flats will be Building 779 starting this week.

Councillor Allen announced that this was his 676<sup>th</sup> Council meeting and thanked City Council, Staff and the citizens of Westminster for all the support during his tenure on City Council.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bids for Purchase of Replacement Flow Injection Analyzer – Award the bid for one Flow Injection Nutrient Analyzer with the simultaneous determination option to Lachat Zellweger Analytics Inc. in the amount of \$45,347 and charge the expense to the appropriate 1999 Department of Public Works and Utilities budget account; Employee Health Insurance – Authorize City Manager to renew contracts with BlueCross BlueShield, Kaiser and Delta Dental; authorize both employer and employee premium rates; and charge expense to the appropriate Central Charges accounts in the General, Golf, Water and Wastewater funds; Councillor's Bill No. 65 – T-Ball Complex appropriation; and Councillor's Bill No. 66 – Brownfields Grant appropriation. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

RESOLUTION NO. 83 – WESTMINSTER YOUTH ADVISORY PANEL APPOINTMENTS:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 83 appointing Chelsea Camalick, Anissa Gallegos, Matthew Hatfield, Allen Hiserodt, Sarah Ingle, Katie Jandera, Lindsey Leuenberger, Michael Ross, Jessika Strickland and Jodi Tveitmoe to the Westminster Youth Advisory Panel. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 84 – PLANNING COMMISSION RESIGNATION/APPOINTMENT:

A motion was made by Allen and seconded by Atchison to adopt Resolution No. 84 accepting the resignation of Greg Mann and appointing Jim Smithwick to the Planning Commission as a regular member with the term of office to expire December 31, 1999. Upon roll call vote, the motion carried unanimously.

BOARDS AND COMMISSION POOL RECRUITMENT:

A motion was made by Dixon and seconded by Allen to establish a deadline of December 31, 1999 to receive applications from citizens interested in the next cycle of the Boards and Commissions “Pool” and advertise this opportunity to become involved in the Westminster City government. The motion carried unanimously.

REVISED EMPLOYMENT CONTRACT WITH MUNICIPAL COURT JUDGE JOHN STIPECH:

A motion was made by Smith and seconded by Atchison to authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge with an annual salary of \$88,700 effective January 1, 2000. The motion carried unanimously.

COUNCILLOR’S BILL NO. 67 – MUNICIPAL COURT PRESIDING JUDGE SALARY FOR 2000:

A motion was made by Smith and seconded by Atchison to pass Councillor’s Bill No. 67 on first reading authorizing a change to the salary for the Presiding Judge. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON WALNUT GROVE 4<sup>TH</sup> AMENDED PRELIMINARY DEVELOPMENT PLAN:

At 8:10 P.M. the meeting was opened to a public hearing on the 4<sup>th</sup> amendment to the Walnut Grove Preliminary Development Plan, generally located north of 104<sup>th</sup> Avenue, west of Wadsworth Parkway. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Planner Gary Gwen, representing Tronox Holding Partnership, was present to address Council. No one spoke in opposition. At 8:18 P.M. the public hearing was declared closed.

WALNUT GROVE 4<sup>TH</sup> AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Allen and seconded by Smith to approve the Walnut Grove 4<sup>th</sup> amended PDP based upon the finding that the plans are in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to PDP amendments. The motion carried unanimously.

PUBLIC HEARING ON COMPREHENSIVE LAND USE PLAN AMENDMENT:

At 8:20 P.M. the meeting was opened to a public hearing on the Urban Growth Boundary as an amendment to the City’s Comprehensive Land Use Plan. . Planning Manager Dave Shinneman gave a brief presentation to Council. At 8:28 P.M. the public hearing was declared closed.

COUNCILLOR’S BILL NO. 68 – ADOPTION OF URBAN GROWTH BOUNDARY MAP TO CLUP:

A motion was made by Allen and seconded by Dixon to pass Councillor’s Bill No. 68 on first reading adopting an Urban Growth Boundary as an amendment to the City’s Comprehensive Land Use Plan. Upon roll call vote,

the motion carried unanimously.

RESOLUTION NO. 85 – LAND ACQUISITION FOR FUTURE WATER TANK:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 85 authorizing the City Manager and the City Attorney to execute the necessary documents to acquire and purchase the property at 112<sup>th</sup> Avenue and Cherokee Street from the City of Northglenn in the amount not to exceed \$83,700 for the purpose of using the site as a future water storage tank site. Upon roll call vote, the motion carried unanimously.

STANDLEY LAKE NATURE CENTER/RANGER OFFICE:

A motion was made by Smith and seconded by Dixon to authorize the City Manager to sign a contract with Quality Pre-Built Homes, Inc. in the amount of \$117,614 for the construction of the Standley Lake Nature Center/Ranger office as part of the Phase IA Regional Park improvements; authorize a 10% construction contingency of \$11,761 and a Furniture Fixtures & Equipment budget of \$5,000; and further authorize the expenditure of an additional \$45,000 for the excavation, foundation, utility hookup, and landscaping associated with the construction of the Standley Lake Nature Center and charge all these expenses to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

COUNCILLOR'S BILL NO. 69 – SALES AND USE TAX REVENUE BONDS APPROPRIATION:

A motion was made by Atchison and seconded by Dixon to pass Councillor's Bill No. 69 on first reading appropriating \$2,650,000 in proceeds from the sale of Special Purpose Sales and Use Tax Revenue Bonds, (POST Project) Series 1999 for Phase III of City Park (\$1.517 million), purchase of open space (\$1.103 million), and cost of issuance (\$30,000). Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 70 – 1999 BUDGET SUPPLEMENTAL APPROPRIATION:

A motion was made by Atchison and seconded by Allen to pass Councillor's Bill No. 70 on first reading providing for supplementary appropriations to the 1999 Budget as described in the Agenda Memorandum. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 71 – 2000 APPROPRIATIONS:

A motion was made by Smith and seconded by Atchison to pass Councillor's Bill No. 71 on first reading appropriating funds for the 2000 budget. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION:

Ken Morfit congratulated Councillor Allen on his 26 years of dedication to the City of Westminster.

MISCELLANEOUS BUSINESS:

Council reviewed the Quarterly Insurance Report and the Financial Report for September, 1999.

Mayor Heil stated there would be an Executive Session to discuss a land acquisition.

ADJOURNMENT:

The meeting was adjourned at 8:38 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999  
**Subject:** Proclamation re Red Ribbon Week  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council is requested to proclaim the week of October 25 through 31 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; Colleen Mazzucca; Cory Mazzucca and Daniel Mazzucca of the School District 50 Westminster Area Community Awareness Action Team will be present to accept this proclamation.

**Staff Recommendation**

Council proclaim October 25 through 31 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 25 through 31, 1999; 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, The Westminster City Council does hereby proclaim October 25 through 31, 1999 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 25th day of October, 1999.

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Nancy M. Heil, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999

**Subject:** Proclamation re Business Appreciation Week – Week of October 24<sup>th</sup>

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

**Introduction**

The Mayor, on behalf of City Council, is requested to proclaim the week of October 24<sup>th</sup> as “Business Appreciation Week” in the City of Westminster

**Summary**

The City of Westminster has long recognized the importance of maintaining a healthy and diverse business community. The success of the City is closely linked to the success of our local businesses. Each year Westminster hosts an appreciation event for local businesses to recognize their role as essential ingredients to the continued strength, well being, and high quality of life of our City. This year the event will be held on Friday, October 29 at the Westminster Doubletree Hotel.

**Staff Recommendation**

Proclaim the week of October 24<sup>th</sup> as “Business Appreciation Week” in the City of Westminster.

**Background Information**

On October 29, 1999 the City of Westminster will host the 9<sup>th</sup> annual Business Appreciation Event. This event recognizes the vital role that local business play 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 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 establishments found in Westminster is virtually unparalleled in northwest metro Denver.

There are currently 1,557 commercial businesses and 1,331 home occupation businesses located in the City. It is appropriate they be publicly recognized for their contributions to the community by proclaiming “Business Appreciation Week”, and encouraging all citizens to support their local businesses.

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 its citizens; and

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

WHEREAS, The City of Westminster will be hosting the 9<sup>th</sup> annual Business Appreciation event on Friday, October 29, 1999 to honor the 2,888 commercial and home occupation businesses of the City; and

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

NOW THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim the week of October 24, 1999 as

**BUSINESS APPRECIATION WEEK**

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

Signed this 25th day of October, 1999

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Nancy M. Heil



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** October 25, 1999

**Subject:** Certificate of Appreciation to Don Weis

**Prepared by:** Diane Dynis, Open Space Volunteer Coordinator

### Introduction

City Council action is requested to present a Certificate of Appreciation to Don Weis for 25 years of dedicated service to the City of Westminster, providing youth with a positive role model while coaching soccer, and donating his time to City projects in the Open Space program.

### Summary

Mr. Don Weis, a longtime resident of Westminster, has served his community in several capacities. He participated in the Westminster Wolves and the Westminster Recreation soccer program as a volunteer coach for over 22 years. In addition, he has been an open space volunteer since the program's inception in 1996. Don's volunteer service to the City of Westminster spans 25 years.

Don has coached soccer at the premier level, and his teams have won league championships as well as some very prestigious tournaments including the Cherry Creek Lightning, Front Range Invitational, and the Pikes Peak Challenge. Many of the players Don has coached have gone on to play high school and college soccer. His open space volunteer efforts include donating over 130 hours to the City's open space program. His skills at building new trails, fencing, painting, and re-vegetation of our open space areas have enhanced the quality of life for our residents and contributed to the ecology of these areas. The legacy he has left will be an inspiration for other community minded individuals for many years to come.

### Staff Recommendation

Acknowledge Don Weis for his donation of time and talent by presenting him a certificate of appreciation and gift certificate on behalf of the City of Westminster and Parks, Recreation and Libraries Department.

### Background

Don Weis has set an example of good sportsmanship and teamwork for the many, many children he coached over a 22 year period. He has a very positive attitude and is willing to help in any way possible, be it for a child or an adult.

Don has participated in Westminster's Open Space Volunteer program since its inception in 1996. He has helped build trails, put up and taken down fencing, raked, planted and painted in an effort to improve the quality of the City's open space areas. Despite being semi-retired, Don is not afraid of hard work and proves it every time he signs up to help with a volunteer project. Don also participates in the Senior Games, a statewide track competition, held each year in Greeley.

Certificate of Appreciation to Don Weis  
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He has represented the City of Westminster and has won several medals (including gold) at the annual competition.

Don's commitment to his community spans 25 years and the Parks, Recreation and Libraries Department is pleased and proud to have him as a volunteer.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999  
**Subject:** Bids for Purchase of Replacement Flow Injection Analyzer  
**Prepared by:** Tom Settle, Water Quality Coordinator  
John Plaskett, Laboratory Analyst

**Introduction**

City Council action is requested to award the bid for one Flow Injection Analyzer to be utilized by the Water Quality Laboratory at the Semper Water Treatment Facility. Funds are available and were specifically allocated in the 1999 Department of Public Works and Utilities budget for this expense.

**Summary**

The Semper Water Quality Laboratory currently utilizes an automated nutrient analyzer for determining the concentrations of nutrient elements, such as Nitrogen, in the City's water supplies. Nitrogen can contribute to a degraded water supply by "feeding" algae blooms causing bad tastes and odors. The flow injection analyzer will replace the existing nutrient analyzer that was purchased as a used refurbished unit in 1986. Bids were solicited from three firms offering equipment with specifications as described in a Request for Bid. The bids were evaluated for compliance with the bid request. Only two of the three bids met all of the minimum specifications of the request. The bid totals received for the base units and standard options are as follow:

Lachat Zellweger Analytics, Inc.	\$41,267.00
Skalar, Inc.	\$41,835.00

The unit bid by Lachat was the only one to meet all of the required specifications. In addition, Lachat has two key features, the fastest processing speed (120 samples/hour) and an option that allows the simultaneous analysis for two different parameters. These two elements will provide the best improvement in the sample analysis time efficiency of the three units bid and expected improvement in the quality of data results. The option for simultaneous determinations would be an additional \$4,080, and is recommended for purchase based on the favorable bids received.

**Staff Recommendation**

Award the bid for one Flow Injection Nutrient Analyzer with the simultaneous determination option to Lachat Zellweger Analytics, Inc., in the amount of \$45,347.00, and charge the expense to the appropriate 1999 Department of Public Works and Utilities budget account.

**Alternatives**

One alternative is to not replace the existing unit. This option would result in poor quality data, above-normal repair and downtime expenses and lost data and sampling costs from equipment failures. The current unit has served well beyond its useful life and was recommended for replacement to maintain data quality within the water quality monitoring program and improve staff efficiency, as part of the optimization study of laboratory operations in 1998 by the Montgomery Watson consulting firm.

A second alternative would be to outsource this component of the analytical work. This alternative was evaluated in August by outsourcing duplicate sets of samples and then evaluating quality of data generated, man-hours utilized and overall costs. The study confirmed the higher outsourcing cost identified by the Montgomery Watson/Lab Task Force studies, resulted in poorer quality data from the outside lab and identified a greater than expected staff-hour commitment for outsource administrative purposes.

### **Background Information**

The City operates a water quality laboratory at the Semper Water Treatment Facility that provides laboratory analyses to support a comprehensive water quality monitoring program. The laboratory is certified by the State of Colorado to conduct analyses under the USEPA Safe Drinking Water Act (SDWA). The laboratory also provides sampling and analysis for the City's extensive watershed protection programs, and supports treatment plant operations and customer service activities.

Public Works and Utilities and the Water Resources Division formed a Laboratory Task Force in August 1997 to evaluate the future role of the laboratory. At issue, was whether it would be more cost-effective to outsource some of the analytical work and shifting staff resources to focus on other essential Division activities or to continue providing in-house analyses. To accomplish their objectives, the Task Force collected and analyzed data pertaining to staff time allocation, and costs to conduct the laboratory work in-house, purchase/upgrade equipment, and to remodel the facilities. Montgomery Watson was retained by the City in 1998 to provide engineering services to review the data and preliminary recommendations of the Laboratory Task Force and to assist Public Works and Utilities staff to determine the future role of the Semper Water Quality Laboratory. A portion of the final recommendation was that the nutrient analysis portion of the program could be operated in-house in a more cost-efficient manner overall and should acquire updated equipment for that purpose. As a result, one new flow injection analyzer (FIA) was included and approved in the 1999 budget.

A followup evaluation of the potential for outsourcing the nutrient analysis was completed in September, 1999, to confirm the lab task force recommendations before the FIA was recommended to be purchased. This process involved sending three complete sets of samples to a laboratory at the University of Colorado (CU) Center for Limnological Studies. The evaluation focused on the quality of data generated, staff-hours utilized and overall costs. Duplicate samples were also analyzed by the Semper Water Quality Lab. The key result of the evaluation was that the CU Lab returned poorer quality data. Fifty percent of the quality control samples were out of the acceptable range while the Semper Lab had only ten percent out of range. The study also confirmed the higher cost identified by the Montgomery Watson/Lab Task Force studies, and identified a greater than expected man-hour commitment for administering the outsourced work.

Three firms were identified that could supply nutrient analysis equipment, Bran+Luebbe, Inc., Skalar, Inc. and Lachat Zellweger Analytics, Inc. The Bran+Luebbe unit did not automatically prepare standards or resample failed analyses as called for in the bid request. The recommended bid, supplied by Lachat Zellweger Analytics, Inc., includes the following key elements;

- It was the only unit in the three bids with Non-Segmented Flow, a startup time of approximately five minutes, processing up to 120 samples/ hour and changeover to another method in ten minutes all of which contribute a significant amount of efficiency improvement.
- References were contacted and confirmed superior technical support for method development, customer service and troubleshooting.

- Lachat Zellweger Analytics, Inc. has a strong Denver-area presence with equipment in use up to four years and proven reliability at other agencies such as the Colorado Department of Health and Environment, Metropolitan Water Reclamation District, City of Broomfield and Accu-Labs, a private laboratory.
- Cost effective analysis and flexibility to simultaneously analyze by Ion Chromotography and flow injection eliminates the need to purchase additional equipment for analyzing specific ions and provides the ability to analyze for Disinfection By-Products (EPA method 300).
- The Lachat system includes an upgrade for analytical methods developed for the Safe Drinking Water Act Information Collections Rule. Total Organic Carbon (TOC) is one of these methods. TOC is crucial to pilot testing similar to current testing at the Semper Facility and for future monitoring of water quality and treatment processes.
- Instrument training is included for two analysts for up to three years.

The data control system for this instrument is PC-based and has been separated from the normal bid process. This will allow the PC purchase to be coordinated through the Information Technology Department (IT). This will allow laboratory personnel to utilize IT support for the PC hardware and the instrument company for software support. IT's hardware support will allow an option of the instrument data system being networked with the lab personnel computers for improved data management and analysis.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999

**Subject:** Employee Health Insurance

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

**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 year 2000 and to approve year 2000 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 a 5% increase in the blended health insurance rates in all four plan options for both the employee and employer contributions effective January 1, 2000. The only benefit change in the medical and dental plan will be the increase in the maximum annual benefit for dental. This was previously approved by Council. The City's cost for these benefits are within the amount included in the 2000 Budget for health insurance.

**Staff Recommendation**

Authorize the City Manager to renew contracts with BlueCross BlueShield, Kaiser, and Delta Dental; authorize both the employer and employee premium rates; 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. Bills for services incurred in the final months of the program may not be promptly sent in by providers to BlueCross BlueShield. Funding of the termination run-out ensures that the City has funds available to cover these charges. 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, 1998, reserves and funds set aside for the termination run-out totaled \$2,213,000.

Kaiser requested a 2.5% increase in its rates for year 2000. This rate compares favorably to the rate increases provided to other Kaiser cities and is much lower than the 16.29% increase for this plan in 1999. Kaiser is popular with many employees, particularly with those with young children, and because of the convenience of having two major Kaiser clinic facilities located in Westminster and another in Broomfield.

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 2000, Staff is recommending a 5% increase in the medical/dental rates for both the City and employee contributions. By way of comparison, the City's benefits broker Gallagher Byerly, Inc., reports that they are seeing increases averaging between 10% to 20% 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 and the high emphasis that the City places on wellness. Charts which show the proposed revised medical and dental health insurance rates are attached.

Based on current employee enrollment, the total cost for the City's share of the medical and dental premiums will be \$3,300,075 in 2000. This amount has been included in the General, Golf, Water and Wastewater Funds in the adopted 2000 Budget.

For year 2000, 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 single employees, \$20 for employees plus one dependent, and \$30 for employees plus two or more dependents. To be a member of the Wellness Program, an employee agrees to an annual fitness test, blood lipid profile, meeting with the Wellness Coordinator and 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 October 1, 1999, there were 612 employees enrolled in the Wellness Program.

Staff will continue to look at alternative methods for providing health insurance benefits to employees in 2000. 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 25, 1999

**Subject:** Resolution No. 83 re Appointments to the Westminster Youth Advisory Panel

**Prepared by:** Dee Martin, Youth Advisory Panel Liaison  
Cindy McDonald, Youth Advisory Panel Liaison  
Barbara Gadecki, Assistant to the City Manager

#### Introduction

City Council action is requested to make the appointments of members of the newly created Westminster Youth Advisory Panel.

#### Summary

On September 13, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. City Council conducted interviews of 14 candidates on October 18<sup>th</sup> and 19<sup>th</sup>. The attached resolution formalizes the appointments to the new Panel based on these interviews. Council will be conducting a final set of interviews of Arvada High School candidates on Monday night prior to the Council meeting and any appointments as a result of these interviews shall be added to the attached resolution.

#### Staff Recommendation

Adopt Resolution No. 83 appointing members to the newly created Youth Advisory Panel.

#### Background Information

On September 13, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. Applications became available on Friday, September 17, and the application deadline was Friday, October 8. The City solicited support from the six area high schools (Westminster, Ranum, Pomona, Northglenn, Standley Lake, and the Alternative Center for Education) for recruiting and promoting the new Panel. Additionally, the City placed information in the *Westminster Window*, Channel 8, and the City's website.

In the resolution establishing the new Youth Advisory Panel, membership is to be comprised of two representatives from each school identified as having Westminster teens in attendance. As such, the six area high schools (Westminster, Ranum, Pomona, Northglenn, Standley Lake, and the Alternative Center for Education) are to be represented on this Panel. Additionally, the resolution included three at-large members to represent those individuals not attending one of the six high schools previously noted (i.e., they may attend home, private, charter or other schools not identified as having representation on the Panel). The panel membership was planned to total 15 youth assuming sufficient participation from each school.

The City received 24 applications for the new Panel. An internal Staff committee reviewed the applications and recommend interviewing 14 candidates. No applications were received for the three at-large positions, only one application was received for Pomona High School, and no eligible candidates submitted applications for the Alternative Center for Education School (the original one applicant did not reside within the City of Westminster). The original composition consists of two representatives from

each of the six area high schools and three at-large positions for a total of 15 members for the Youth Advisory Panel. However, at the conclusion of the interview process, Council chose to appoint an “at-large” representative from the excellent candidate pool (noted as such on the attached resolution). Additionally, Council directed Staff to conduct an expedited recruitment to include an Arvada High School representative for tonight’s formal appointments. The Arvada High School recruitment process is outlined in a separate Staff Report distributed to City Council with tonight’s agenda. Staff was apprised by the Arvada High School Principal’s Office that only 48 students attending this high school are Westminster residents according to their records. City Council will interview finalists tonight for the two possible Arvada High School representatives, assuming sufficient interest is generated for the slots. Upon conclusion of the interviews, Council will include up to two additional representatives on the Youth Advisory Panel, for a possible total of 12 members.

A reception is planned for Monday night prior to the Council meeting for the new Panel members, their families, School Administration representatives and City Council.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **83**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CITY OF WESTMINSTER YOUTH ADVISORY PANEL APPOINTMENTS

WHEREAS, the City Council of the City of Westminster believes that our youth should share with their community leaders the responsibility in addressing their needs, desires, challenges and issues, and molding their own futures; and

WHEREAS, the City values its youth and desires to advance and promote their special needs and interests and therefore created the Westminster Youth Advisory Panel on September 13, 1999; and

WHEREAS, Currently the Panel has no members appointed; and

WHEREAS, It is important to have this City Panel working with its fullest possible complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individuals to serve on the Youth Advisory Panel, representing the following schools:

Chelsea Camalick	Northglenn High School
Anissa Gallegos	Westminster High School
Matthew Hatfield	Standley Lake High School
Allen Hiserodt	Westminster High School
Sarah Ingle	At-large Representative
Katie Jandera	Ranum High School
Lindsey Leuenberger	Standley Lake High School
Michael Ross	Ranum High School
Jessika Strickland	Northglenn High School
Jodi Tveitmoe	Pomona High School
Sophia Rutledge	Arvada High School

Passed and adopted this 25th day of October, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999  
**Subject:** Resolution No. 84 re Appointment to Planning Commission  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to accept the resignation of Greg Mann from the Planning Commission and make an appointment to the Planning Commission.

**Summary**

At the September 27<sup>th</sup> Council meeting, City Council accepted the resignation of Bob Klock from the Planning Commission.

Currently there are 2 vacancies on the Planning Commission with another of the members quite ill at this time. There was some concern by the Planning Commission members on whether they would be able to have a quorum during the next few months, since several members are planning on being out of town.

City Council requested that Staff contact Jim Smithwick, currently serving on the Board of Adjustment. Mr. Smithwick has indicated his willingness to serve on the Planning Commission, and would be available to start attending meetings on Tuesday, October 26<sup>th</sup>.

**Staff Recommendation**

Adopt Resolution No. 84 accepting the resignation of Greg Mann and appointing Jim Smithwick as a regular member of the Planning Commission with the term of office to expire on December 31, 1999.

**Background Information**

Jim Smithwick was appointed to the Board of Adjustment on April 27, 1987, and has served on the Board continuously.

Gregg Mann was appointed as an alternate member of the Planning Commission on March 6, 1995 and has served continuously since that time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **84**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, The City has received the resignation of Gregg Mann from the Planning Commission; and

WHEREAS, Currently there are several vacancies on the Planning Commission; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Gregg Mann from the Planning Commission and appoint the following individual to the City of Westminster Boards as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Jim Smithwick (moved from Board of Adjustment to Regular Member)	Planning Commission	12-31-99

Passed and adopted this 25<sup>th</sup> day of October, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999  
**Subject:** Boards and Commissions Pool  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to establish a deadline to solicit applications from Westminster residents for the next cycle of the Boards and Commissions "Pool".

**Summary**

City Council annually solicits Westminster citizens who are interested in serving on the various City Boards and Commissions when vacancies would occur during the year. This "Pool" of applicants is recruited on an annual basis. After the deadline to receive applications has passed, City Council would then need to interview each individual.

Staff would suggest that the deadline of December 31 be established, with interviews being scheduled in January.

**Staff Recommendation**

Establish a deadline of December 31, 1999 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government.

**Background Information**

Once a deadline has been established, a press release for the various newspapers will be prepared with a brief description of each of the Board's responsibilities. A copy of the press release will be sent to all the homeowner associations within the City and to Neighborly News, which distributes information within 32 subdivisions within the City. This information and the application form will also be available on the Internet and this information will also appear in the November issue of "City Edition".

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** October 25, 1999

**Subject:** Revised Employment Agreement with John Stipech

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

### Introduction

City Council is requested to approve a revised employment agreement with John A. Stipech for services as Presiding Judge and to pass the attached Councillor's Bill on first reading to authorize the change in his salary.

### Summary

Since January 1, 1996, City Council has had an employment agreement with John A. Stipech for his services as full-time Presiding Judge.

As a follow up to Council's recent performance review meeting with the Judge, the Council has indicated they wish to increase his annual compensation by \$5,420 to \$88,700. The attached proposed agreement with John Stipech is identical to the current employment agreement with the exception of the revised salary and the change in the effective dates for the contract.

In accordance with City Charter provisions, Council is also asked to pass a Councillor's Bill changing the Judge's compensation.

### Staff Recommendation

1. Authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge with an annual salary of \$88,700 effective January 1, 2000.
2. Pass Councillor's Bill No. 67 on first reading regarding a change to the salary for the Presiding Judge.

### Background Information

Since July 1991, City Council has used an employment contract for Presiding Judge services. This approach is consistent with the practice of having employment contracts with the City Manager and the City Attorney who also serve at the pleasure of City Council. The contract with the Presiding Judge addresses the overall duties of the position, the term of the agreement, compensation and benefits, professional development, and termination and separation provisions. The Council's consideration of this amended agreement follows the Council's recent annual performance review meeting with Judge Stipech and their review of a survey of salaries of Municipal Judge positions in the Denver metropolitan area.

Judge Stipech was appointed July 1979 as an Associate Judge and as Presiding Judge January 1, 1996. He graduated from the University of Utah in 1967 with a Bachelor of Arts Degree and received his Juris Doctor from the University of Denver Law School in 1971. He is a member of the Colorado and Adams County Bar Associations. He currently serves as an advisor to recipients of Habitat for Humanity homes, and is a member of the Croatia Fraternal Association and the Westminster Rotary Club.

The proposed employment agreement with John A. Stipech mirrors the agreement with Judge Stipech which Council approved in October 1997, with the exception of the change in salary. The revised agreement calls for the Judge's salary to increase by \$5,420 from the current level of \$83,274 to \$88,700 effective January 1, 2000.

Similar to the Council's employment agreements with the City Manager and the City Attorney, this agreement would again cover a two year period, 2000 and 2001, with the provision that the salary be reviewed annually.

Section 16.2 of the Westminster City Charter requires that the Council set the Presiding Judge's salary by ordinance. The attached Councillor's Bill addresses this requirement by updating the salary to reflect the amount listed in the proposed employment agreement.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **67**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 7 of the Westminster Municipal Code is hereby amended as follows:

1-7-2: MUNICIPAL JUDGE: The salary of the Municipal Judge shall be as follows:

~~\$83,274~~ \$88,700 per annum payable bi-weekly

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

Section 3. This ordinance shall take effect on January 1, 2000.

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 25th day of October, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this            day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

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

## EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2000, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY," and JOHN A. STIPECH, hereinafter called "EMPLOYEE," both of whom understand as follows:

WHEREAS, the CITY desires to employ the services of John A. Stipech, as Presiding Municipal Judge of the City of Westminster as provided by City Charter, Chapter XVI, Section 16.2; 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

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

### SECTION 1. DUTIES:

A. CITY hereby agrees to commence the employment of EMPLOYEE as Presiding Municipal Judge of CITY to perform the duties and functions specified in Section 16.2 of the City Charter, Chapter 22 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 administer the judicial component of the Municipal Court and shall be responsible for providing judicial coverage to insure efficient and expeditious hearing of all matters scheduled for hearing in the Court.

C. EMPLOYEE and the Court Administrator shall prepare and submit jointly a proposed budget for the Municipal Court 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.

D. EMPLOYEE shall supervise the judicial staff of the Municipal Court as may be authorized by the City Council. EMPLOYEE shall provide advice and direction to the Court Administrator in connection with the governance of the Court staff.

### SECTION 2. TERMS:

A. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of CITY. Subject to the provisions of Section 2.D. and Section 3 of this Agreement, EMPLOYEE will serve as Presiding Municipal Judge for calendar years 2000 and 2001. EMPLOYEE is employed as a full-time employee and shall be compensated based upon his devoting normal business hours to his duties as Presiding Municipal Judge.

The term "employed" shall not be construed to include other judicial service, private law practice, 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, unless written notice is given to the EMPLOYEE that such Agreement will not be renewed, and such written notice is forwarded to EMPLOYEE at least ninety (90) days prior to the scheduled expiration of this Agreement. Each renewal of the Agreement shall be for a specified time. If for any reason this Agreement expires prior to its renewal, EMPLOYEE shall continue to work under the terms of the last executed Agreement until a new agreement is executed or the Agreement is terminated in accordance with section 3 below.

### 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 Presiding Municipal Judge, 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 thirty (30) days. In the event the City elects to terminate this Agreement without giving EMPLOYEE four (4) months' advance written notice thereof, the EMPLOYEE shall have as his sole and Exclusive remedy the severance payment equal to thirty (30) days of EMPLOYEE'S base salary as provided in this paragraph and EMPLOYEE shall have no other rights or claims against the CITY and hereby expressly waives and releases the same, 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 thirty (30) days' 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. The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of Eighty-eight thousand seven hundred dollars (\$88,700) effective January 1, 2000, payable in installments at the same time as other employees of the CITY are paid.

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. Such evaluation shall consider the salary of judges of similar municipalities.

SECTION 5. HOURS OF WORK:

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.

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 American Bar Association, the Colorado Bar Association, the Colorado Municipal Judges Association, and continuing legal education courses and seminars related to topics of the judiciary. 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 Department Head level employees, including the monthly car allowance, except that when such benefits are in conflict with this contract, said contract shall control. The EMPLOYEE'S years of service with the City in an unbenefited capacity will be treated as years of continuous municipal service when the level of employee benefits is computed.

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.

C. EMPLOYEE is ultimately responsible for providing judicial coverage of all docketed matters in the Westminster Municipal Court.

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, 2000, and shall be in effect through calendar years 2000 and 2001.

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 contract is entered into and shall be governed by the laws of the State of Colorado.

F. Effective January 1, 2000, this Agreement replaces and supercedes prior employment agreements between CITY and EMPLOYEE.

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.

Approved by the Westminster City Council on October 25, 1999, contingent upon approval of the Councillor's Bill amending Municipal Judge salary.

ATTEST:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
John A. Stipech



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999

**Subject:** Walnut Grove 4th Amended Preliminary Development Plan (PDP)

**Prepared by:** Patrick Caldwell, Planner II

**Introduction**

City Council is requested to hold a public hearing and take action on the approval of the Walnut Grove 4th Amended Preliminary Development Plan (PDP).

**Summary**

The applicant, Tronox Holding Partnership, has proposed the following.

The Walnut Grove 4th Amended PDP. This amendment to the PDP will bring the 96.31 acres into conformance with the Comprehensive Land Use Plan (CLUP) and the Settlement Agreement. A copy of the Settlement Agreement, signed September 15, 1998, is attached. The amendment to the PDP reduces the overall residential density although residential acreage is increased by 4.7 acres. Within the 96.31 acres there are 15 acres designated for commercial use, 54 acres designated for residential uses, existing City owned open space is designated for 20.9 acres and existing City owned public park land is designated for 6.1 acres.

The Walnut Grove Subdivision Filing No. 10 ODP. Filing No. 10 is within the Walnut Grove 4th Amended PDP and is Planning Area 1 as shown on the Settlement Agreement. The ODP is 13.331 acres in size and features 63 lots available for single family detached homes, two detention ponds and connections to an adjacent public trail. This ODP was approved by the Planning Commission on October 12, 1999 subject to approval of the above PDP. No Council action is needed regarding the ODP.

Applicant/Property Owner: Tronox Holding Partnership, General Partner GBJ Trust, 3515 South Tamarac, Suite 300, Denver, Colorado 80237

Location The project is located east of Johnson Street, generally north of West 106th Avenue, generally northeast of Garrison Street, north of a short stretch of West 104<sup>th</sup> Avenue, west of Wadsworth Parkway, and south of West 108th Avenue.

Size of Site: The site area of the Walnut Grove 4th Amended PDP is approximately 96.31 acres. The Walnut Grove Subdivision Filing No. 10 ODP is located within the PDP and is 13.33 acres in size.

Description of Proposed Use: The proposed uses in the PDP are residential and commercial and are consistent with the Settlement Agreement. A copy of the Settlement Agreement is attached. Residential uses are described as single family detached, attached, conventional single family detached or neo-traditional detached residential. Commercial uses include all uses listed in the City's Commercial District (C-1) with some restrictions. For the 20.9 acres of City owned open space and the 6.1 acres of public park land the uses are open space and recreational uses.

Major Issues: There are no major issues to be resolved at this time.

### **Planning Commission Recommendation**

The Planning Commission reviewed the proposed actions on October 12, 1999 and voted unanimously to recommend the approval of the Walnut Grove 4<sup>th</sup> Amended Preliminary Development Plan as submitted.

### **Staff Recommendation**

1. Hold a public hearing on the proposed Walnut Grove 4th Amended Preliminary Development Plan.
2. Approve the Walnut Grove 4th Amended PDP based upon the following finding: (A) The plans are in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to PDP amendments.

### Alternatives

Deny the above request. Approval of this alternative would have the affect of rescinding the ODP approval by the Planning Commission.

### **Background Information**

Settlement Agreement: The Settlement Agreement is the product of negotiations that settled the Tronox lawsuit. The lawsuit was brought against the City by the Tronox Associates in reference to the adoption of the City's Comprehensive Land Use Plan. The Settlement Agreement was signed September 15, 1998 by the City of Westminster and the City Council of the City of Westminster and Tronox Associates. In summary, the Settlement Agreement established land uses and densities for five separate Planning Areas. The Settlement Agreement also committed the City to making available 435 service commitments for the site on a schedule through the year 2006.

Architectural/Building Materials: The proposed homes in the ODP are to have brick or stone veneers, horizontal lap siding, hardboard trim and dimensional composition shingles on the roof. Most homes will have a three-car garage.

Public Land Dedication, Parks/Trails: Most of the required public land dedications for the Walnut Grove PDP were completed in earlier phases of the Walnut Grove development. With this 4th amendment to the PDP an additional 4.7 acres of land will become residential use. After analyzing previous public land dedications it was determined that an additional .75 acres of land will need to be dedicated to the City. Staff has agreed that this dedication may be deferred to a future date when the ODP for Planning Areas 2, 3A or 3B are approved.

To the east of the ODP is a vacant 6.1 acre parcel previously dedicated to the City for park use. The timeline for improving the parcel for a park has not been determined.

Within the PDP is an existing 20.9 acre open space parcel that is part of the City's network of open spaces. Part of the floodplain of Walnut Creek and its associated wetlands are within the open space. The City's master trails plan shows a regional trail in this open space. The applicant will grade a 10 ft. bench for the portion of the trail adjacent to the north side of the ODP and will place crusher fines on the trail.

Access and Circulation: Primary vehicular accesses are from Johnson Street and Garrison Street at the west edges of the site. West 106th Avenue and West 104<sup>th</sup> Avenue provides access at the south edges of the site. Wadsworth Parkway provides access along the east edge. West 108<sup>th</sup> provides access along the north edge of the site.

Pedestrian and bicycle access and circulation will be available on the regional trail proposed along the south edge of the City owned open space within the Walnut Creek drainageway. As Planning Areas are developed, access to the City owned open space and park will be incorporated into their designs.

Service Commitment Category: Service Commitments will be awarded from Category B per the Settlement Agreement.

Referral Agency Responses: City Staff received responses from numerous agencies. All issues have been addressed.

Public Comments: A neighborhood meeting was held on August 4, 1999 to present the proposed development and to answer questions. The meeting was attended by 15 residents. Questions and concerns focused on the ODP and timing of development for the park site on West 106th Avenue. These items were addressed by the developer.

Surrounding Land Use and Comprehensive Land Use Plan Designations: To the north of the PDP across West 108th Avenue is the Ball Campus. This is designated as business park in the CLUP and it is used as such. To the east of the PDP across Wadsworth Parkway is vacant land designated as Business Park, Public Open Space and Retail Commercial. To the south and west of the PDP the land is designated as Single Family Detached – Medium Density. This is the existing Walnut Grove subdivision with single family detached homes.

Respectfully submitted,

William Christopher  
City Manager

Attachments



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** October 25, 1999

**Subject:** Councillor's Bill No. 68 Amending the Comprehensive Land Use Plan Concerning an Urban Growth Boundary

**Prepared by:** Max Ruppeck, Planner III

#### Introduction

City Council is requested to adopt an Urban Growth Boundary Map to be incorporated in the City's Comprehensive Land Use Plan (CLUP). This Urban Growth Boundary map will be consistent with the Denver Regional Council of Governments "MetroVision 2020" Urban Growth Boundary Map. This action is important for the City to qualify for Transportation Improvement Program (TIP) funding.

#### Summary

Over the past several years, the Denver Regional Council of Government (DRCOG) has been working to create and implement its MetroVision 2020 Plan to guide the development of the Denver Metro Area. As part of this plan, DRCOG has adopted an Interim Urban Growth Boundary Map. As part of the Transportation Improvements Program (TIP) administered by DRCOG for the period 2001-2006, points are given to communities which have adopted an Urban Growth Boundary as part of their Comprehensive Plans which are consistent with DRCOG's MetroVision 2020 Plan.

The City has applied for funding provided through the Transportation Equity Act for the 21st Century (TEA-21) for a number of improvements within the City including:

1. Construction of new ramps at US-36 and 92nd Avenue.
2. Widen Sheridan Boulevard from 87th Avenue to 91st Avenue.
3. Widen Huron Street from 128th Avenue to 136th Avenue.
4. Widen Huron Street from 136th Avenue to 144th Avenue.
5. Widen Federal Boulevard from Cottonwood Drive to 84th Avenue.
6. Widen the 120th Avenue bridge over I-25.
7. Construct a new interchange at 136th Avenue and I-25.
8. Acquire right-of-way for the Walnut Creek Trail from Big Dry Creek to Simms Street.
9. Construct the Farmer's Highline Trail from Westcliff Parkway to 104th Avenue.
10. Construct various sidewalk connections throughout the City.

Should the City choose not to adopt an Urban Growth Boundary Map these projects will lose five (5) points and this could possibly jeopardize funding.

#### Planning Commission Recommendation

The Planning Commission conducted a public hearing on October 12, 1999 and unanimously recommended to Council to adopt the City's Urban Growth Boundary Map (attached) and the following text as an amendment to the City's Comprehensive Land Use Plan:

### **G. Urban Growth Boundary**

The Denver Regional Council of Governments (DRCOG) as part of its MetroVision 2020 Plan, has adopted an Urban Growth Boundary Map for the Denver Metropolitan Area. Figure 5-1 shows the City of Westminster's Urban Growth Boundary as a portion of DRCOG's MetroVision 2020 Plan.

This amendment shall be added to Chapter IV in the section entitled "Implementation Strategy" (p.75)

#### Alternative

An alternative action by the City Council would be to not adopt the Urban Growth Boundary Map as part of the Comprehensive Land Use Plan. This would result in the City not gaining five (5) points in their application for TEA-21 funding.

#### **Staff Recommendation**

1. Hold a public hearing on the Urban Growth Boundary as an amendment to the City's Comprehensive Land Use Plan.
2. Pass Councillor's Bill No. 68 on first reading adopting an Urban Growth Boundary as an amendment to the City's Comprehensive Land Use Plan.

#### **Background Information**

As part of the TIP application process for this year, DRCOG has established point criteria for road improvement projects. Communities can be awarded additional points if they have adopted an Urban Growth Boundary Map as part of their Comprehensive Land Use Plans. In the past, the City has adopted resolutions endorsing DRCOG's Urban Growth Boundaries. However, according to DRCOG, this is no longer sufficient. The City must now adopt an Urban Growth Boundary as a part of the Comprehensive Land Use Plan to qualify for the points.

If the City Council does not adopt the Urban Growth Boundary Map as part of the Comprehensive Land Use Plan, the City would be at a critical disadvantage in the competition with other cities for funds. Staff would therefore not recommend this action.

Among the other northwest suburbs of Denver (eg. Arvada, Broomfield, Superior, Louisville and Thornton) Westminster, as well as, Northglenn and Federal Heights, are less affected by an urban growth boundary because we are largely not on the edge of the Metropolitan Urban Area. Furthermore, the MetroVision 2020 Plan has flexibility provisions built into it which would allow for periodic changes to the plan. Should circumstances warrant, the City would again amend its Comprehensive Land Use Plan to adjust the Urban Growth Boundary.

Respectfully Submitted,

William Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **68**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

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A BILL

ADOPTING AN URBAN GROWTH BOUNDARY AS AN AMENDMENT TO THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF WESTMINSTER TO CONFORM WITH THE DRCOG INTERIM 2020 URBAN GROWTH BOUNDARY.

WHEREAS, the City of Westminster Planning Commission adopted the Westminster Comprehensive Land Use Plan on March 25, 1997; and

WHEREAS, the City of Westminster City Council approved the Westminster Comprehensive Land Use Plan on June 23, 1997; and

WHEREAS, the Westminster Comprehensive Land Use Plan addresses intergovernmental cooperation as an important concept of the Plan, stated in Land Use, and Development, Goal A1, Policy A1b, "The City will cooperate with other public and quasi-public agencies for sound regional planning and development"; and

WHEREAS, the City of Westminster is an active member of the Denver Regional Council of Governments (DRCOG); and

WHEREAS, the Denver Regional Council of Governments adopted the Metro Vision 2020 Plan as a comprehensive guide for future development in the Denver Metro Region on March 19, 1997; and

WHEREAS, the City of Westminster City Council adopted a resolution recognizing the DRCOG Interim Urban Growth Boundary Map on January 12, 1998; and

WHEREAS, the Denver Regional Council of Governments (DRCOG) has undertaken the Metro Vision 2020 planning process to develop a comprehensive guide for future development in the Denver Metro Region; and

WHEREAS, the Extent of Urban Development is one of the six core elements of the Metro Vision 2020 Plan, which recognizes the fundamental link between land use, growth, development patterns, transportation and environmental quality which can only be addressed by individual communities working together; and

WHEREAS, the Metro Vision 2020 Plan anticipates that the region can accommodate the expected growth of the region within a 700-square mile urban area; and

WHEREAS, the DRCOG Board of Directors has adopted the "Interim 2020 Urban Growth Boundary Map" until such time as an Extent of Urban Development Map, which achieves the Metro Vision 2020 goal of 700-square miles of urban development, is prepared and acted upon by the Board; and

WHEREAS, the Interim 2020 Urban Growth Boundary Map will be used by DRCOG to plan for regional infrastructure and implementing other elements of the Metro Vision 2020 Plan; and

WHEREAS, the DRCOG Board of Directors has adopted the "Urban Growth Boundary Flexibility Provisions" as the policy for ensuring flexibility and amendment of the urban growth area; and

WHEREAS, implementation of the Metro Vision 2020 Plan can only be achieved based on voluntary, flexible, collaborative and effective implementation at the local level; and

WHEREAS, an urban growth area map has been prepared by the City of Westminster which is compatible with the regional Interim 2020 Urban Growth Boundary Map.

WHEREAS, the City of Westminster City Council hereby recognizes the DRCOG Interim 2020 Urban Growth Boundary Map as a reasonable expectation of the pattern of urban development expected by the year 2020, and that the City of Westminster will use the DRCOG Interim 2020 Urban Growth Boundary Map in staging its Comprehensive Land Use Plan and in other local planning and development activities.

WHEREAS, the City of Westminster will use the flexibility provisions adopted by DRCOG when informing DRCOG of changes in its expected urban growth area.

NOW THEREFORE, the City of Westminster ordains:

Section 1. The City of Westminster adopts an Urban Growth Boundary Map shown on “Map A” as an Amendment to the Westminster Comprehensive Land Use Plan, as well as the following text:

**G. Urban Growth Boundary**

The Denver Regional Council of Governments (DRCOG) as part of its MetroVision 2020 Plan, has adopted an Urban Growth Boundary Map for the Denver Metropolitan Area. Figure 5-1 shows the City of Westminster’s Urban Growth Boundary as a portion of DRCOG’s MetroVision 2020 Plan.

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

Section 3. 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 25th day of October, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** October 25, 1999

**Subject:** Resolution No. 85 re Land Acquisition for Future Water Tank

**Prepared by:** Andy Mead, Acting Utilities Operations Manager

### Introduction

City Council action is requested to adopt the attached Resolution authorizing the purchase of a parcel of land located in the City of Northglenn for the purpose of siting a water storage tank for future years. Funds in the amount of \$83,700 are available in the 1999 Utility Fund Land Purchase/Water Storage Tank project account for this purchase.

### Summary

In late 1996, City Council authorized the City Manager to sign an Intergovernmental Agreement (IGA) with the City of Northglenn for the purchase of land to be used for construction of an elevated water storage tank. The two million-gallon per day (2MG) storage tank will provide needed pressures and fire flows to the northern portion of Westminster. The specific location of this property is at 112<sup>th</sup> Avenue and Cherokee Street, which is also the site of both Northglenn and Thornton's elevated water tanks. This site provides a central location for water storage facilities and reduced community concerns.

Since the need for an additional water storage tank will not occur for a few more years, City Staff had yet to move ahead on the appraisal and purchase agreement for this property. The appraisal has been completed on purchasing the parcel of land and indicates a value of \$83,700. Staff has worked in conjunction with Northglenn Staff to achieve the needed permit and approvals prior to closing on the property. Northglenn City Council is expected to pass a resolution to approve the purchase agreement in the near future. Once City Council approves the land acquisition; Staff will proceed with the formal closing on the property. The actual construction of the water tank on this site is not anticipated for another four-five years.

### Staff Recommendation

Adopt Resolution No. 85 authorizing the City Manager and the City Attorney to execute the necessary documents to acquire and purchase the property at 112<sup>th</sup> Avenue and Cherokee Street from the City of Northglenn in the amount not to exceed \$83,700 for the purpose of using the site as a future water storage tank site.

### Background

In December 1996, an Intergovernmental Agreement (IGA) was signed by the City of Westminster and the City of Northglenn officials that included Westminster having the option to purchase land from Northglenn for the purpose of constructing a water storage tank in the future. This land is within the area of an existing water storage tank facility that includes tanks owned by both Northglenn and Thornton. Staff has moved forward on acquiring this property in anticipation of construction of a 2MG water storage tank in the next four to five years.

A complete appraisal has been done to determine the purchase price, which resulted in a signed purchase agreement between the Cities of Westminster and Northglenn.

Upon Council approval, the purchase agreement will be signed and a closing date determined to finalize the acquisition of this property for future use.

**Alternatives**

If this purchase agreement is not signed and the land is not purchased, the City of Westminster Staff will have to begin again the process of locating alternate land to site the future water storage tank. At this point, all preliminary work has been completed and the purchase agreement is ready for signature.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **85**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the parcel of land described on the attached survey to construct an elevated tank for municipal water storage and distribution purposes; and

WHEREAS, the Cities of Westminster and Northglenn entered into an Intergovernmental Agreement on December 12, 1996, wherein Westminster was given the option of purchasing or leasing up to 1.2 acres from Northglenn for the construction of a two million gallon water tank to be located to the northwest of the existing tanks owned by Northglenn and the City of Thornton at 112<sup>th</sup> Avenue and Cherokee Street;

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

WHEREAS, the City Manager recommends that it is in the best interest of the City to exercise its option under the Intergovernmental Agreement and acquire the property.

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

1. The City Manager is hereby authorized to acquire such parcel consistent with applicable law, including the execution of all documents necessary to complete the purchase.
2. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property in question.
3. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the property in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition of property. The costs shall be charged to the 1999 Utility Fund Capital Improvement Project account.

PASSED AND ADOPTED this 25<sup>th</sup> day of October, 1999.

\_\_\_\_\_  
Mayor

ATTEST;

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



## WESTMINSTER COLORADO

### Agenda Memorandum

**Date:** October 25, 1999

**Subject:** Standley Lake Nature Center/Ranger Office

**Prepared By:** Richard Dahl, Park Services Manager  
Rod Larsen, Open Space Supervisor

### Introduction

City Council action is requested to authorize the City Manager to sign a contract with Quality Pre-Built Homes, Inc. for the amount of \$117,614 for the construction of the Standley Lake Nature Center/Ranger office as part of the Phase IA improvements. A 10% construction contingency of \$11,761 is requested, plus a Furniture, Fixtures & Equipment (FFE) budget of \$5,000, which would provide interior furnishings. City Council action is also requested to authorize the expenditure of an additional \$45,000 for the excavation, foundation, utility hookup, and landscaping associated with the construction of the Standley Lake Nature Center.

### Summary

In October 1998, Staff applied for a \$125,000 Local Government Park and Outdoor Recreation Grant sponsored by Great Outdoors of Colorado (GOCO) for the Standley Lake Regional Park Nature Center. The City was awarded the grant in the amount of \$125,000 on December 2, 1998, with the City's portion of matching funds coming from the \$2,463,733 (via Jefferson County Open Space) that is budgeted in the General Capital Improvement Fund for construction of this regional park project.

Bid packets were sent out to three qualified contractors who expressed interest in this project. Quality Pre-Built Homes, Inc. was the only contractor who returned a bid. This is a local company with 19 years of building experience and has built similar public buildings for other municipalities in the region. A sample showhouse, located at 96<sup>th</sup> Avenue and Federal Boulevard, is quite similar to the design of the proposed nature center and is pictured on the attachment. The Standley Lake building would be 1800 square feet, with a meeting room, lobby, display area, and men's/women's handicapped accessible restrooms.

### Staff Recommendation

Authorize the City Manager to sign a contract with Quality Pre-Built Homes, Inc. in the amount of \$117,614 for the construction of the Standley Lake Nature Center/Ranger office as part of the Phase IA Regional Park improvements; authorize a 10% construction contingency of \$11,761 and a Furniture Fixtures & Equipment budget of \$5,000; and further authorize the expenditure of an additional \$45,000 for the excavation, foundation, utility hookup, and landscaping associated with the construction of the Standley Lake Nature Center and charge all these expenses to the appropriate project account in the General Capital Improvement Fund.

### **Background Information**

In April 1998, Jefferson County Open Space (JCOS) and the Farmers Reservoir and Irrigation Company (FRICO) finalized several years of negotiations and reached an agreement on the purchase of the land and recreational surface rights surrounding Standley Lake. JCOS then deeded the property owned, to the City of Westminster for the purpose of upgrading and maintaining Standley Lake as a regional park. JCOS also contributed \$2,463,733 to be used in the Phase I improvements to include; a boat ramp, campground, restroom facilities, fish cleaning station, access roads and trail system.

As part of the Standley Lake Regional Park Master Plan, 300 acres of the park have been set aside as a wildlife and Bald Eagle habitat area, which is the site of a nesting pair of eagles who have successfully produced offspring for the past five years.

The nature center was a component of the park anticipated in a future development phase, but the award of the GOCO grant specifically for this center will allow the construction to occur with the Phase I improvements. This facility will serve as a regional meeting place for boat safety training classes, interpretive programs, volunteer events, special interest meetings, and permanent office space for Lake Operations Staff. It is anticipated that this building could easily be rented out for special activities on weekends, which would bring in additional revenue for lake operations.

An alternative action would be to reject the bid and not go forward with the recommended improvements. This would be problematic given the “outside” funding from the GOCO grant and Jefferson County Open Space.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments – Photo, Area Map



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999

**Subject:** Councillor's Bill No. 69 re Appropriation of Special Purpose Sales and Use Tax Revenue Bonds (POST Project), Series 1999 Proceeds

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

**Introduction**

City Council action is requested to adopt the attached Councillor's Bill appropriating proceeds of \$2,650,000 from the sale of the Special Purpose Sales and Use Tax Revenue Bonds (POST Project), Series 1999 as follows:

- \$1.517 million for Phase III of City Park (ball fields);
- \$1.103 million for purchase of open space properties; and
- \$0.030 million for costs of issuance to be provided from proceeds.

**Summary**

On October 25, 1999, proceeds of the sale of \$2,650,000 from the sale of the Special Purpose Sales and Use Tax Revenue Bonds, Series 1999 will be received by the City of Westminster. The sale was approved by Council on October 11, 1999. To make these funds available for use, the proceeds need to be appropriated by Council at this time.

**Staff Recommendation**

Adopt Councillor's Bill No. 69 appropriating \$2,650,000 in proceeds from the sale of Special Purpose Sales and Use Tax Revenue Bonds, (POST Project) Series 1999 for Phase III of City Park (\$1.517 million), purchase of open space (\$1.103 million), and cost of issuance (\$30,000).

**Background Information**

At the October 11, 1999 City Council meeting, Council adopted Ordinance No. 2721 approving the sale of \$2.65 million of Special Purpose Sales and Use Tax Revenue Bonds, (POST Project) Series 1999 for Phase III of City Park, purchase of open space, and cost of issuance. The ordinance directed the Mayor and City Clerk to sign necessary documents on behalf of the City. The proceeds of the sale have been received and must be appropriated so that the projects may move forward. Passage of the attached ordinance will authorize the expenditure of the proceeds.

Respectfully submitted,

William Christopher, City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **69**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2654 in the amount of \$5,716,557 is hereby increased by \$ 2,650,000 which, when added to the fund balance as of the City Council action on November 9, 1999 will equal \$9,425,447. The actual amount in the Open Space 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 Open Space Sales and Use Tax Revenue Bond (POST Issue) proceeds to be used for the purchase of open space properties.

Section 2. The \$2,650,000 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Bond Proceeds			
54-1477-000	\$0	<u>\$2,650,000</u>	\$2,650,000
Total Change to Revenues		<u>\$2,650,000</u>	
EXPENSES			
Transfers to General Capital Improvement Fund			
54-10-95-990-975	\$2,231,609	\$1,534,100	\$3,765,709
1999 POST Bonds Bond Sale Expense			
54-10-88-581-052	\$0	\$12,900	\$12,900
1999 POST Bonds Unauthorized			
54-10-88-555-052	\$0	<u>\$1,103,000</u>	\$1,103,000
Total Change to Expenditures		<u>\$2,650,000</u>	

Section 3. The 1999 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$1,534,100 which, when added to the fund balance as of the City Council action on November 8, 1999 will equal \$23,353,211. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a transfer from the Open Space Fund of Open Space Sales and Use Tax Revenue Bond (POST Issue) proceeds for funding construction of City Park Phase III ball fields.

Section 4. The \$1,534,100 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Transfers from Open Space Fund			
75-9999-054	\$2,231,609	<u>\$1,534,100</u>	\$3,765,709
Total Change to Revenues		<u>\$1,534,100</u>	
<b>EXPENSES</b>			
City Park Phase III – Bond Sale Expense			
75-50-88-581-159	\$0	\$17,100	\$17,100
City Park Phase III – Unauthorized			
75-50-88-555-159	\$1,251,336	<u>\$1,517,000</u>	\$2,768,336
Total Change to Expenditures		<u>\$1,534,100</u>	

Section 5. – 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 6. This emergency ordinance shall take effect upon its passage after the first reading.

Section 7. 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 25<sup>th</sup> day of October 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

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



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** October 25, 1999

**Subject:** Councillor's Bill No.70 re: 1999 Budget Supplemental Appropriation

**Prepared by:** Christy Cutler, Accountant

#### **Introduction**

Council action is requested to pass the attached Councillor's Bill on first reading amending the 1999 budget appropriations in the General Fund, the Heritage Golf Course Fund, the Legacy Ridge Golf Course Fund and the General Capital Improvement Fund. These changes are housekeeping in nature due to accounting requirements and/or reflect minimal additions to budgets.

#### **Summary**

The General Fund budget needs to be amended to reflect \$10,765 in grants awarded in 1999 and for contributions received to help the Fire Department finance their hosting of the 1999 Combat Challenge. It also needs to be amended to reflect monies received as a result of a sponsorship agreement between Pepsi Co. and the City previously approved by City Council.

The budget in the General Fund needs to be amended as a result of the IGA with the Hyland Hills Park and Recreation District and the City. Per this agreement, Hyland Hills has agreed to pay the City rent for the use of the Ice Centre. These monies will be used by the City to meet 1999 lease payment requirements due on the Ice Centre.

The General Fund also needs to be amended to reflect a seven year lease purchase agreement previously approved by City Council to purchase the replacement of the Fire Department's self contained breathing apparatus (SCBA).

The General Fund should also be adjusted to reflect a previously approved seven year lease to purchase maintenance equipment to be used at the Westminster Promenade.

The budgets of the Legacy Ridge and Heritage Golf Course Funds are proposed to be amended to reflect two separate lease purchase agreements. The first lease purchase agreement was made to purchase golf carts for both Legacy Ridge and Heritage. The second lease purchase agreement involves the purchase of maintenance equipment to be used at the Legacy Ridge Golf Course.

The Legacy Ridge and Heritage Golf Course Funds should also be amended to show anticipated revenues for golf lessons at both facilities. Golf lessons had not been previously budgeted in the regular budgeting process.

The General Capital Improvement Program Fund should be adjusted to reflect additional contributions received from Children's Hospital used to finance the construction of the Children's Sensory Park. This Fund should also be amended for a cash-in-lieu contribution received from US Homes Corp. in order to purchase right-of-way for the Amherst School Project.

### **Staff Recommendation**

Pass Councillor's Bill No. 70 on first reading providing for supplementary appropriations to the 1999 Budget as described in the agenda memorandum.

### **Background Information**

- The budget in the General Fund needs to be amended to reflect \$10,765 for two grants awarded to the City in 1999. The Bureau of Justice Assistance (BJA) is sponsoring the Bulletproof Vest Partnership Grant that will reimburse the City one-half of the cost of bulletproof vests purchased by the Police Department. The City has been awarded a total of \$8,000 for 1999/2000 of which \$5,500 is anticipated for 1999. The second grant of \$5,265 is a reimbursement for the City participation in the Waste Tire Recycling Program, which was sponsored by the State of Colorado. The City was reimbursed for using Crown III (crumbled rubber) in golf course areas and athletic fields within City properties.
- The General Fund budget needs to be amended to reflect monies received by the Fire Department to sponsor the Combat Challenge in 1999. In 1999, the City received a total of \$3,025 for this program.
- The General Fund budget needs to be amended to reflect a sponsorship payment of \$9,000 from the Pepsi Cola Co. This additional unanticipated revenue from Pepsi Co. was received as part of an agreement between Pepsi and the City to have the City use Pepsi products exclusively at all public accessed facilities.
- The General Fund needs to be amended for a seven year lease purchase agreement of \$150,628 with Norwest Investment Services, Inc. for the purchase of replacement self contained breathing apparatus (SCBA). Funds for the down payment and the first three lease payments were already appropriated in the 1999 Fire Department budget.
- The General Fund budget needs to be amended to reflect \$457,525 of Hyland Hills' rental income, which Hyland Hills Parks and Recreation District has paid the City under terms of the IGA. These funds need to be formally appropriated in the City's accounting records. These funds will be used to meet the 1999 debt service payments for the Ice Centre. The City previously appropriated the City's operating revenue portion of this agreement in March of 1999.
- The budgets of the Heritage Golf Course Fund and the Legacy Ridge Golf Course Fund need to be amended to reflect a four-year lease purchase agreement of \$366,749 with Norwest Investment Services, Inc for the purchase of golf carts. The Legacy Ridge and Heritage Golf Courses will each be responsible for one-half of these lease payments.
- The General Fund and the Legacy Ridge Golf Course Fund budget need to be amended to reflect a seven-year lease purchase agreement of \$510,488 for the purchase of maintenance equipment. The General Fund's portion of this lease will be \$33,539, for the share of equipment to be utilized at the Westminster Promenade. The Legacy Ridge Golf Course Fund will be responsible for the remainder, which is \$476,949.
- Both the Legacy Ridge and the Heritage Golf Course Funds need to be amended to reflect golf course lesson revenues of \$5,500 and \$1,000, respectively.
- The budget of the General Capital Improvement Projects Fund needs to be increased by \$44,725 to reflect a cash-in-lieu payment from US Homes Corporation to be used for the purchase of right-of-way in the Amherst School Project.

- The budget of the General Capital Improvement Projects Fund needs to be increased by \$5,000 to reflect additional money received from Children's Hospital as a contribution for the construction of Westminster/Children's Sensory Park Project. A \$30,000 contribution was previously appropriated in January 1999. The City actually received a check for \$35,000 from Children's Hospital.

These 'housekeeping' adjustments will bring the City's accounting records up to date to reflect the various detailed transactions.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **70**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL FUND, THE GENERAL CAPITAL IMPROVEMENT FUND, AND THE HERITAGE AND LEGACY RIGDGE GOLF COURSE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Fund initially appropriated by Ordinance No. 2654 in the amount of \$53,471,414 is hereby increased by \$664,482 which, when added to the fund balance as of the City Council action on November 8, 1999 will equal \$58,951,325. The actual amount in the General 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 proceeds from two grants awarded for the purpose of funding the purchase of bulletproof vests and for participating in a tire-recycling program with the State of Colorado. This increase is also the result of a reimbursement to the City to sponsor the Fire Department's participation in the 1999 Combat Challenge, an installment payment per a sponsorship agreement with Pepsi Cola Co., a seven year lease purchase agreement for the purchase of SCBA Equipment for the Fire Department and a seven year lease purchase agreement to buy maintenance equipment for the Promenade. Finally, the increase in the budget for the General Fund is due to the receipt of rental income from Hyland Hills which will be used to meet 1999 lease obligations on the Ice Centre.

Section 2. The \$664,482 increase in the General 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>			
Intergovernmental – Federal 10-0426-000	0	5,500	5,500
Intergovernmental – State of Colorado 10-0478-000	0	5,265	5,265
Miscellaneous Sponsorships 10-1072-045	0	9,000	17,000
Miscellaneous Sponsorships 10-1072-000	160,000	3,025	163,025
Other Financing Source 10-1484-000	0	33,539	33,539
10-1484-000	33,539	150,628	184,167
Ice Centre Joint Venture 10-0530-044	506,764	457,525	964,289
Total Change to Revenues		<u>\$664,482</u>	
<b>EXPENSES</b>			
Uniform and Equipment Allowance 10-20-05-112-000	500	5,500	6,000
Landscape Supplies 10-50-55-323-000	38,000	2,430	40,430
10-50-55-323-920	25,000	2,835	27,835
Other Contractual Services 10-12-06-299-000	4,250	4,500	8,750
Other Contractual Services 10-10-90-209-000	361,303	4,500	365,803
Special Promotions 10-25-26-245-000	7,900	3,025	10,925
Other Financing Use 10-10-90-604-000	0	33,539	33,539
10-10-90-604-000	33,539	150,628	184,167
Lease Payments to Others/Ice Centre 10-50-77-293-277	458,639	457,525	916,164
Total Change to Expenditures		<u>\$664,482</u>	

Section 3. The 1999 appropriation for the Legacy Ridge Golf Course Fund initially appropriated by Ordinance No. 2654 in the amount of \$1,806,655 is hereby increased by \$665,824 which, when added to the fund balance as of the City Council action on November 8, 1999 will equal \$2,496,479. The 1999 appropriation for the Heritage Golf Course Fund initially appropriated by Ordinance No. 2654 in the amount of \$499,130 is hereby increased by \$184,375 which, when added to the fund balance as of the City Council action on October 25, 1999 will equal \$2,183,505. The actual amounts in the Legacy Ridge and Heritage Golf Course Funds 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 seven year lease purchase agreement to buy maintenance equipment for Legacy Ridge, a four year lease purchase agreement to purchase golf carts, and additions golf lesson revenues for both Legacy Ridge and Heritage.

Section 4. The \$850,199 increase in the Legacy Ridge and Heritage Golf Course Funds 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>			
Other Financing Sources 22-1484-000	\$0	\$476,949	\$476,949
22-1484-000	476,949	183,375	660,324
Golf Course Lessons 22-0548-065	0	<u>5,500</u>	5,500
Total Change to Revenues		<u>\$665,824</u>	
<b>EXPENSES</b>			
Other Financing Use 22-50-55-604-000	\$0	\$476,949	\$476,949
22-50-55-604-000	476,949	183,375	660,324
Regular Salaries 22-50-55-100-000	229,911	<u>5,500</u>	235,411
Total Change to Expenditures		<u>\$665,824</u>	
<b>REVENUES</b>			
Other Financing Sources 23-1484-000	\$0	\$183,375	\$183,375
Golf Course Lessons 23-0548-065	\$0	<u>\$1,000</u>	\$1,000
Total Change to Revenues		<u>\$ 184,375</u>	
<b>EXPENSES</b>			
Other Financing Use 23-50-55-604-000	\$0	\$183,375	\$183,375
Regular Salaries 23-50-55-100-000	0	<u>1,000</u>	1,000
Total Change to Expenditures		<u>\$184,375</u>	

Section 5. The 1999 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$49,725 which, when added to the fund balance as of the City Council action on November 8, 1999 will equal \$21,868,836. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to additional contribution dollars received from Children's Hospital for the Children's Sensory Park and for cash-in-lieu funds received to finance the purchase of right of way.

Section 6. The \$49,725 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
<b>REVENUES</b>			
Business Contributions 75-1108-000	\$ 673,000	\$5,000	\$678,000
Reimbursements-Cash in Lieu 75-0955-000	\$0	<u>\$44,725</u>	\$44,725
Total Change to Revenues		<u>\$49,725</u>	
<b>EXPENSES</b>			
Children's Hospital Playground-Unauthorized 75-50-88-555-065	\$90,000	\$5,000	\$95,000
Amherst School Waterline 75-30-88-510-138	0	<u>44,725</u>	\$44,725
Total Change to Expenditures		<u>\$49,725</u>	

Section 7. – 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 8. This ordinance shall take effect upon its passage after second reading and shall be published. in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> day of October, 1999.

PASSED AND ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ----- day of November 1999.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** October 25, 1999  
**Subject:** Councillor's Bill No. 71 re 2000 Appropriations  
**Prepared by:** Barbara Gadecki, Assistant to the City Manager

**Introduction**

City Council action is requested to pass on first reading the Appropriations Ordinance for 2000, which sets forth the amounts of estimated revenue and expenditures by each separate fund of the City for calendar year and fiscal year 2000. This action is in compliance with the City Charter Budget Provisions.

**Staff Recommendation**

Pass Councillor's Bill No. 71 on first reading appropriating funds for the 2000 budget.

**Background Information**

The 2000 Appropriations Ordinance reflects the budget adopted by City Council on October 11, 1999. The Appropriations Ordinance does not reflect funds for those capital projects that will be financed through bonds or other debt such as the proposed new Water Treatment Plant project. Funds for this project will be appropriated when the bonds are issued and funds become available.

The 2000 appropriated City Budget totals \$129,211,965, comprised of \$117,093,965 budget, \$2,480,000 contingencies, and \$9,638,000 reserves. All capital improvements, services and programs previously discussed with City Council are reflected in the budget including any adjustments made by City Council at the Budget Retreat and at the various budget public hearings.

Copies of the final printed budget will be distributed to City Council and available to others on or before December 31.

The ordinance will become effective January 1, 2000.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Councillors Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **71**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2000 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW.

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Non-emergency reserve as of December 31, 1999, along with revenue for the calendar and fiscal year 2000 are combined and reflected as the total in each of the following funds:

NON-EMERGENCY RESERVE AND NEW REVENUE

a.	General Fund	\$61,747,852
b.	Utility Fund	33,955,000
c.	General Capital Improvement Fund	12,496,000
d.	Fleet Maintenance Fund	1,112,516
e.	General Debt Service Fund	8,027,114
f.	Conservation Trust Fund	700,000
g.	Sales and Use Tax Fund	52,382,000
h.	Open Space Fund	4,630,382
i.	General Reserve Fund	5,438,000
j.	Utility Reserve Fund	4,200,000
k.	Golf Course	<u>3,585,700</u>
	Total Funds Available	\$188,274,564
	Less Transfers	<u>-59,062,599</u>
	GRAND TOTAL	\$129,211,965

Section 2: The following amounts are hereby appropriated for expenditure by fund to be expended by the City Manager in accordance with the City Charter.

a.	General Fund	\$61,747,852
b.	Utility Fund	33,955,000
c.	General Capital Improvement Fund	12,496,000
d.	Fleet Maintenance Fund	1,112,516
e.	General Debt Service Fund	8,027,114
f.	Conservation Trust Fund	700,000
g.	Sales and Use Tax Fund	52,382,000
h.	Open Space Fund	4,630,382
i.	General Reserve Fund	5,438,000
j.	Utility Reserve Fund	4,200,000
k.	Golf Course	<u>3,585,700</u>
	Total Funds Available	\$188,274,564
	Less Transfers	<u>-59,062,599</u>
	GRAND TOTAL	\$129,211,965

This ordinance shall become effective January 1, 2000.

INTRODUCED AND PASSED on first reading this 25th day of October, 1999.  
PASSED AND ADOPTED on second reading this \_\_\_ day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** October 25, 1999

**Subject:** Quarterly Insurance Report

**Prepared by:** Nancy Weaver, Risk Management Specialist

### Introduction

The following is a list of third party claims filed with the City from July 1, 1999 through September 30, 1999. No Council action is required at this time.

### Summary

The information provided on each claim includes the claim number, date of loss, claimant's name and address, and a brief summary of the claim and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

### Staff Recommendation

Staff is not recommending any action at this time.

### Background

The Risk Management Division received the following claims during the third quarter of 1999:

1. WS16689029 Date of Loss: May 12, 1999. Hunt Properties, Inc., 8235 Douglas Avenue, Suite 1300, Dallas, TX 75225. Claimant alleges the City is responsible for repairing pavement damage at the Westminster Plaza caused by a water main break. CIRSA will settle the claim once the claimant turns in a cost estimate.
2. WS16689030 Date of Loss: July 13, 1999. Randy Parker, 7395 Eliot Street, Westminster, CO 80030. Claimant alleges the City is responsible for destroying a cinderblock wall on claimant's property during a Utilities operation in which crews attempted to remove a large piece of concrete near the wall. CIRSA settled the claim for \$800.
3. WS12499031 Date of Loss: July 8, 1999. Jim Post, 4979 East 199<sup>th</sup> Court, Thornton, CO 80233. Claimant alleges that City Parks Division mowing crews damaged his vehicle when a rock was thrown up from underneath the mower and hit claimant's pick up truck. CIRSA settled the claim for \$550.79.
4. WS16689032 Date of Loss: Unknown. Paul Alles, 14753 Mariposa Court, Broomfield, CO 80020. Claimant alleges the City is responsible for damage to his landscaping, a sinking driveway, and the possible loss of brick column entrance posts caused by a poorly installed sewer line in his front yard. The sewer line, placed in the front yard by the developer who built the homes, was placed with poorly tamped dirt and therefore, has caused a sinking effect in the front yard of claimant's home. The City admits liability in this claim, and the claimant is attempting to get estimates of repair. CIRSA will settle the claim once the estimate of repairs has been received.

5. WS12509033 Date of Loss: July 19, 1999. Juan Giron, 7351 Utica, Westminster, CO 80030. Claimant alleges the City is responsible for his wallet being stolen from his locker at the Swim and Fitness Center and for the emotional stress claimant suffered as a result. Claimant's wallet was stolen after a clerk at the recreation center handed out the wrong locker key. The key was returned by the second patron, who stated that the locker already had clothing in it. Claimant reported his wallet stolen shortly after that, and Police responded to investigate. Police questioned the second recipient of the locker key, and searched his locker. Claimant's wallet was not found. The recreation center Staff reimbursed claimant for his punch card. CIRSA settled the claim for \$131.
6. WS16689034 Date of Loss: August 4, 1999. Claimants: Phase 1 (Flooding): Kevin Anderson, et al., Phase 2 (Sewer Back-Ups): Karen Hiteshew, et al.; Phase 3 (Automobile Damage): Thomas Mefford, et al.; Phase 4 (First Party Claim): City of Westminster. Claimants allege damage due to heavy rains experienced in the south part of the City on August 4, 1999. Claimants include victims of flooding at the Los Arcos shopping center/restaurant, homeowners who experienced sewer back-ups, vehicle owners with vehicle damage, and the City of Westminster for a first party claim for damaged City property. CIRSA is investigating the claims.
7. WS16689035 Date of Loss: July 19, 1999. Mr. and Mrs. Aleman, 3702 West 80<sup>th</sup> Drive, Westminster, CO 80030. Claimants allege the City is responsible for damage to their tree caused when a sewer cleaning truck, operated from the street by Utilities personnel, rolled into claimants' yard and struck the 20-plus year-old Austrian Pine tree. CIRSA settled the claim for \$1,833.
8. WS14629036 Date of Loss: April 1, 1999. JoAnne Piccolo, 8110 W. 41<sup>st</sup> Avenue, Wheat Ridge, CO 80233. Claimant alleges the City is responsible for damage caused when a dumpster, hit by a portable toilet that blew over during heavy winds, rolled into her vehicle. CIRSA denied the claim based on the City's lack of liability and directed the claimant to seek relief from the owner of the dumpster.
9. WS16689037 Date of Loss: June 23, 1999. Kings Mill Townhomes Subdivision, c/o Management Specialists, 5855 Wadsworth By-Pass, B-100, Arvada, CO 80003. Claimants allege the City is responsible for damage done to Association property during a water break, including parking lot and pavement sinking. Investigation into the matter found that asphalt got into the sprinklers and sprinkler lines as a result of work done by Utilities crews to repair the water break, causing extensive damage to the sprinkler system, including mainline breaks and the need for zone valve replacement. CIRSA settled the claim for \$4,341.16.
10. WS16689038 Date of Loss: January 1, 1999. Clint Nordstrom, 10916 West 102<sup>nd</sup> Court, Westminster, CO 80021. Claimant alleges that the City is responsible for damage done to his yard and patio due to a water main break. In an effort to assist the claimant, the City fixed claimant's fence and gave him a tree to replace a tree damaged by the water break. CIRSA denied further damages based on the lack of notice to the City of a defect in the water line.
11. WS12509039 Date of Loss: March 11, 1999. Jeffrey Cottle, 3580 South Fairplay Way, Aurora, CO 80014. Claimant alleges the City is responsible for medical bills and other damages claimant suffered as a result of an injury to his knee caused when he was using the trampoline at the Hyland Hills Gymnastics Center. CIRSA denied the claim as the City does not operate or insure the Hyland Hills Gymnastics Center.
12. WS10359040 Date of Loss: February 26, 1999. Nevyne Zalfou, c/o Doyle & Zakhem, 1535 Grant Street, #302, Denver, CO 80203. Claimant alleges her Civil Rights were violated when a Westminster police officer arrested her for domestic violence and allegedly subjected her to harassing treatment. Claimant seeks damages in the amount of \$150,000 for emotion distress. CIRSA is investigating the claim.

13. WS10349041 Date of Loss: August 26, 1999. Amos David McElroy, 6433 West 98<sup>th</sup> Court, Westminster, CO 80021. Claimant alleges the City is responsible for vehicle damage he experienced as a result of an automobile accident wherein a Westminster police officer rear-ended claimant's vehicle at a red light. Claimant is seeking relief through his own insurance carrier, as he could not reach an agreement with CIRSA on a settlement.
14. WS16689042 Date of Loss: July 25, 1999. Sandra and Donald Capron, 10331 Tennyson Court, Westminster, CO 80030. Claimants allege the City is responsible for a loss of water due to leakage and low water pressure they experienced at their home due to a water main break. CIRSA and the City settled the claim by crediting the Caprons \$75 to their utility billing account.
15. WS13599044 Date of Loss: August 21, 1999. Christopher and Regina Deaser, 9570 Osceola Street, Westminster, CO 80030. Claimants allege the City is responsible for ruining their son's wedding reception by allowing a contractor hired by the City to apply a strong-smelling solvent to the City Park Recreation Center's gym floor during the reception. The smell of the solvent caused approximately two-thirds of the guests to leave the reception shortly after dinner. Claimants seek reimbursement of various wedding costs, including return of the fee for the disc jockey, various catering costs, and an unspecified amount of compensation for the bride and groom. The Recreation Division refunded the claimants \$1,055 for the room rental. CIRSA is investigating the claim.
16. WS10359045 Date of Loss: August 8, 1999. Jon Held, 16422 Hollyridge Drive, Parker, CO 80134. Claimant alleges the City is responsible for damage done to claimant's vehicle when Westminster police officers, while issuing claimant a ticket, scratched his car with their metal clipboards. CIRSA denied the claim based on provisions in the Governmental Immunity Act protecting police officers that are acting within the course and scope of their duties.
17. WS16689046 Date of Loss: July, 1999. Sharon McGinnis, 7158 Fenton Circle, Arvada, CO 80003. Claimant alleges the City is responsible for repairing damage caused to her driveway as a result of a water main break in early July 1999. Claimant seeks an unspecified amount for driveway repair. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** October 25, 1999

**Subject:** Financial Report for September 1999

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

#### **Introduction**

City Council is requested to review the attached financial statements which reflect 1999 transactions through September 1999.

#### **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 83% of the total budget estimate while General Fund expenditures and encumbrances represent 73% of the 1999 appropriation. General revenues in the General Fund reflect proceeds of \$2,483,965 from the sale of the Northwest Business Park to Catellus Development Corporation in September.

Utility Fund revenues represent 101% of the total budget estimate. Utility fund expenditures and encumbrances represent 59% of the 1999 appropriation. The City is receiving reimbursements from the Colorado Water Power Authority, which is reflected in the Inter-governmental line item. These funds were appropriated in prior years.

The Sales and Use Tax Fund revenues represent 80% of the total budget estimate, while expenditures and encumbrances in that fund represent 76% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 4% from the same period last year and increased 8% year-to-date.

The Open Space Fund revenues represent 80% of the total budget estimate while expenditures and encumbrances in that fund represent 52% of the 1999 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 85% of the total budget estimate while operating expenditures and encumbrances represent 57% of the 1999 appropriation. The Heritage at Westmoor Golf Course opened for business in September. Operating revenues for Heritage represent 85% of the total budget estimate while operating expenditures and encumbrances represent 53% of the 1999 appropriation. The Heritage at Westmoor Golf Course operating revenues reflect a \$1,500,000 loan from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 75% of revenues and expenditures should be realized after nine 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**

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

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, October 25, 1999.

Present at roll call were Mayor Heil and Councillors Allen, Atchison, Dixon, Hicks and Smith. Mayor Pro Tem Merkel was absent.

The minutes of the meeting of October 11, 1999 were approved with no additions or corrections.

Mayor Heil proclaimed the week of October 25 as Red Ribbon Week and the week of October 24 as Business Appreciation Week; and presented a Certificate of Appreciation to Don Weis.

Council made appointments to the Youth Advisory Panel and Planning Commission.

At 8:10 P.M. a public hearing was held on The Walnut Grove 4<sup>th</sup> amended PDP.

At 8:20 P.M. a public hearing was held on a proposed amendment to the Comprehensive Land Use Plan.

Council approved the following: Purchase of replacement Flow Injection Analyzer; Employee health insurance for 2000; Revised Employment Contract with Presiding Judge John Stipech; set date of December 31, 1999 as the deadline for Boards and Commissions applications; Walnut Grove 4<sup>th</sup> Amended PDP and Standley Lake Nature Center/Ranger Office.

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

A BILL FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE. Purpose: Increase salary for Presiding Judge.

A BILL FOR AN ORDINANCE ADOPTING AN URBAN GROWTH BOUNDARY AS AN AMENDMENT TO THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF WESTMINSTER TO CONFORM WITH THE DRCOG INTERIM 2020 URBAN GROWTH BOUNDARY. Purpose: Qualify City for Transportation Improvement Program funding.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS. Purpose: Appropriation of Sales & Use Tax Revenue Bonds.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL FUND, THE GENERAL CAPITAL IMPROVEMENT FUND AND THE HERITAGE AND LEGACY RIDGE GOLF COURSE FUNDS. Purpose: Adjust the budgets to reflect minimal additions.

A BILL FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2000 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW. Purpose: Appropriate funds for 2000 budget.

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

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND.

The following Resolutions were adopted:

Resolution No. 83 – Westminster Youth Advisory Panel Appointments.

Resolution No. 84 – Planning Commission Resignation/Appointment.

Resolution No. 85 – Land Acquisition for Future Water Tank.

At 8:38 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window November 4, 1999.