

October 27, 1997
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Proclamation re Red Ribbon Week October 23-30, 1997
 - B. Employee Service Awards
 - C. Presentation for Ed Powers
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. Employee Health Insurance Coverage
 - B. Countrydale Golf Course/Westmoor Business Park Engineering Design
 - C. MSC Gasoline Recovery System Feasibility Study
 - D. 72nd Avenue Utility Fund Transfer
 - E. Locker Replacement at City Park Recreation Center
 - F. CB No. 67 re Municipal Judge Salary (Merkel-Scott)
9. **Appointments and Resignations**
 - A. Special Permit and License Board Resignation
10. **Public Hearings and Other New Business**
 - A. TABLED Resolution No. 58 re 1998 Mill Levy and Adoption of Budget
 - B. TABLED Resolution No. 59 re Adoption of 1998 Pay Plan
 - C. TABLED Councillor's Bill No. 69 re General Leave Benefits
 - D. Councillor's Bill No. 70 re Cascade Village Apts Refunding
 - E. Public Hearing re Westmoor Preliminary Development Plan
 - F. Preliminary Development Plan for Westmoor Business Park
 - G. Public Hearing re Land Use Plan Amendment
 - H. Councillor's Bill No. 71 re Land Use Plan Amendment
 - I. Public Hearing re JeffCo Airport Annexation & Zoning
 - J. Annexation Agreement with Jefferson County Airport Authority
 - K. Resolution No. 60 re JeffCo Airport Annexation Findings
 - L. Councillor's Bill No. 72 re JeffCo Airport Annexation
 - M. Councillor's Bill No. 73 re JeffCo Airport Zoning
 - N. Councillor's Bill No. 74 re Comprehensive Land Plan Amendment
 - O. Public Hearing re McKay Lake Drainage Channel Zoning
 - P. Councillor's Bill No. 75 re McKay Lake Drainage Channel Zoning
 - Q. Church Ranch Boulevard Extension
 - R. Councillor's Bill No. 76 re Church Ranch Funds Transfer
 - S. Resolution No. 61 re Martin Annexation
 - T. Skyline Vista Park Construction
 - U. Resolution No. 62 re Skyline Vista Park
 - V. Exclusion of Properties from West Adams Fire District
 - W. Resolution No. 63 re West Adams Fire District Exclusion
 - X. Board and Commission Application Deadline

Y. IGA with Broomfield re Simms Street

11. Old Business and Passage of Ordinances on Second Reading

None

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

A. Financial Report for September, 1997

B. Quarterly Insurance Report

C. City Council

D. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 27, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Dixon to accept the minutes of the meeting of October 13, 1997 with no additions or corrections. Mayor Heil and Councillor Harris requested to abstain as they were not present at the meeting. The motion carried with 5 aye votes and Mayor Heil and Councillor Harris abstaining.

A motion was made by Allen and seconded by Merkel to accept the minutes of the Special meeting of October 20, 1997 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil presented a proclamation to George Hovorka, Chair of School District Westminster Area Community Awareness Action Team proclaiming October 23 through 30 as Red Ribbon Week in the City of Westminster. Mr. Hovorka introduced Colleen Mizuka, Chairperson of the Red Ribbon Program, and Eleanor Scott.

The Mayor and Councillors presented service pins and certificates of appreciation to employees celebrating 10, 15, 20 and 25 years of service with the City.

Tony Hernandez, Secretary's Representative, U.S. Department of Housing and Urban Development, presented a Certificate of Commendation to Ed Powers in recognition of his dedication and partnership in promoting community development. Board of Adjustment members Betty Roan, Gerald Nordmark, Rex Wiederspahn and William Wendt were present for the presentation and thanked Ed for his time serving as the Staff Liaison to the Board of Adjustment.

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

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon stated she has attended the Adams County Council of Government Meeting; COG retreat; Arvada BPW award recognition meeting.

Councillor Scott commended City staff and the City Street Department employees on their efforts to keep the City's streets open during the blizzard.

Mayor Heil commented on the favorable reports on the condition of the City's streets by the news media during the blizzard, and presented the Jefferson County Economic Council Award to Mayor Pro Tem Dixon.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Employee Health Insurance Coverage - Authorize the City Manager to renew the contracts with Blue Cross/Blue Shield, Kaiser, and Delta Dental and charge the expense to the appropriate Central Charges accounts in the General, Water and Wastewater Funds; Countrydale Golf Course/Westmoor Business Park Engineering Design Contract - Authorize the City Manager to execute a contract with Nolte and Associates, Inc. in the amount of \$123,683 for engineering design, construction documents, and specification package for the City's new golf course; authorize the City Manager to execute a contract with Westfield Development Company and Nolte and Associates, Inc. in the amount of \$273,199 for engineering design, construction documents and specification package for the Westmoor Business Park project; authorize \$15,000 per contract (totaling \$30,000) for use as a project contingency and charge these expenses to the Reserve Fund which is to be reimbursed before the end of the first quarter of 1998 with bond proceeds issued for this project; MSC Gasoline Recovery System Feasibility Study - Authorize the City Manager to execute a contract with Delta Environmental Consultants, Inc. to perform a Feasibility Study for the Gasoline Recovery System at the Municipal Service Center; and authorize a budget of \$28,000, with the expenses to be charged to the appropriate project account in the Utilities Operations budget; 72nd Avenue Improvements Project Utility Fund Transfer - Authorize the reimbursement and expenditure of \$417,950 from the Utility Fund to the appropriate sub-accounts in the 72nd Avenue Improvements Project; Locker Replacements at City Park Recreation Center - Authorize the purchase of 186 lockers from American Locker Security Systems, Inc. in the amount of \$42,028.80 and charge the expense to the appropriate account in the 1997 Parks, Recreation and Libraries Capital Improvement Fund; and Councillor's Bill No. 67 re Municipal Judge Salary.

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 Smith to adopt the consent agenda items as presented. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Allen and seconded by Merkel to accept the resignation of Ben Singer from the Special Permit and License Board. The motion carried unanimously.

TABLED 1998 BUDGET, 1998 PAY PLAN AND GENERAL LEAVE BENEFITS:

A motion was made by Dixon and seconded by Scott to remove Resolution No. 58 re Adoption of 1998 Budget, Resolution No. 59 re Adoption of 1998 Pay Plan and Councillor's Bill No. 69 re General Leave Benefits from the Table. The motion carried unanimously.

RESOLUTION NO. 58 - ADOPTION OF 1998 CITY BUDGET:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 58 which sets the mill levy at 3.65 mills and formally adopts the total 1998 City budget including the staffing levels and the Five Year Capital Improvement Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 59 - ADOPTION OF 1998 PAY PLAN:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 59 which establishes the 1998 pay ranges for City Employees. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 69 - GENERAL LEAVE BENEFITS:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 69 on first reading regarding a change in the use of employee General Leave for holidays. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2550 - CASCADE VILLAGE APARTMENTS REFUNDING BONDS:

A motion was made by Merkel and seconded by Scott to adopt Councillor's Bill No. 70 as an emergency ordinance authorizing the issuance of Tax Exempt Multi-Family Rental Housing Refunding Revenue Bonds in the amount of \$14,675,000 for the refinancing of the Cascade Village Apartment Project. The City's financial advisor, Nate Eckloff, was present to address Council. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE WESTMOOR PRELIMINARY DEVELOPMENT PLAN:

At 7:35 P.M. the meeting was opened to a public hearing on the Westmoor PUD, generally located north of 108th Avenue between Simms Street and the Ball Corporation property. City Planner Max Ruppeck entered a copy of the agenda memorandum, Planning Commission recommendation and other related items as Exhibits. Rich McClintock, property owner; Don Slack, representing Westmoor Business Park gave brief presentations. John Carpenter, Director of Community Development; Bill Walenczak, Director of Parks, Recreation and Libraries; and Dave Gordon, Jefferson County Airport Manager answered questions from Council and the audience. Terry Brewer, 10786 W. 107th Circle and May Smith, 10739 W. 107th Circle, asked questions about the development. Mike Bealdles, 10951 W. 106th Avenue and Dave Zaharias, 13200 Widaker Rd, Golden, spoke in favor of the PDP. Claire Haverfeld, 10751 W. 107th Circle, entered a letter from 48 homes in opposition; Carl Walzak, 3725 W. 78th Avenue; Terry and Maria Brewer, 10786 W. 107th Circle; Richard Davis, 11131 W. 107th Place and May Smith, 10739 W. 107th Circle, spoke in opposition. Don Slack presented closing remarks to Council. At 9:02 P.M. the public hearing was declared closed.

WESTMOOR PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Harris and seconded by Allen to approve the Westmoor Preliminary Development Plan subject to the following conditions: (a) The approval of future Official Development Plans within the Westmoor Planned Unit Development shall be in accordance with the adopted procedures in Section 11-5-8 (B) of the W.M.C.; (b) A 20 foot trail open space and sewer maintenance tract shall be provided along the northern edge of the golf course from Westmoor Drive westward approximately 600 feet (The developers have agreed to make such an accommodation); and (c) A pedestrian crossing signal for crossing 108th Avenue should be installed at the entrance into the recreation center.

A motion was made by Heil and seconded by Scott to add the following "Access to the proposed recreation center site plan will not be decided until meetings have been held with the neighborhood." The amendment carried unanimously.

A motion was made by Harris and seconded by Dixon to add "Building height on the Preliminary Development Plan shall be amended to read: maximum 103" but in no case shall any structure extend above elevation 5593' above mean sea level". The amendment carried unanimously.

The main motion as amended carried unanimously.

The Mayor requested to move to Items 10 T & U. There was no opposition from the Council.

SKYLINE VISTA PARK CONSTRUCTION CONTRACT:

A motion was made by Merkel and seconded by Harris to authorize the City Manager to sign contracts with Urban Farmer, Inc. in the amount of \$1,023,003.85 for the construction of Skyline Vista Park, with Fence Consulting Services in the amount of \$97,032.00 for the installation of fencing materials, with Wenk Associates in the amount of \$11,840.00 for construction administration, authorize a project contingency of \$61,500, and charge this expense to both the Skyline Vista Park account for \$1,287,050.85 and the Community Enhancement account for \$67,000 in the General Capital Improvement Fund. Kathy Kwaljak, representing Perl Mack Little League, was present to thank Council. The motion carried unanimously.

RESOLUTION NO. 62 - SKYLINE VISTA PARK SERVICE COMMITMENTS:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 62 allocating 36.0 Category F Water Service Commitments to Skyline Vista Park. The City Attorney advised that the Resolution be corrected to show that the award shall be valid for a period ending October 27, 1998. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE COMPREHENSIVE LAND USE PLAN AMENDMENT PROCEDURES:

At 9:30 P.M. the meeting was opened to a public hearing regarding a revision to the Comprehensive Land Use Plan allowing certain amendments to the plan to be processed simultaneously with development proposals. Planning Manager Dave Shinneman gave a brief presentation to Council. No one spoke in favor or in opposition to the proposed amendments. At 9:32 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 71 - COMPREHENSIVE LAND USE PLAN AMENDMENT:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 71 on first reading revising the Comprehensive Land Use Plan allowing certain amendments to the plan to be processed simultaneously with development proposals. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE JEFFCO AIRPORT PROPERTY ANNEXATION AND ZONING:

At 9:32 P.M. the meeting was opened to a public hearing on the annexation and zoning of land located north of the Westmoor Business Park and east of Simms Street. City Planner David Falconieri entered a copy of the agenda memorandum, Planning Commission Recommendation and other related items as exhibits. Dave Gordon, Jefferson County Airport Manager and representing the Jefferson County Airport Authority spoke in favor of this annexation and zoning. Richard Davis, 11131 W. 107th Pl., asked questions about the annexation. No one spoke in opposition. At 9:40 P.M. the public hearing was declared closed.

ANNEXATION AGREEMENT WITH JEFFERSON COUNTY AIRPORT AUTHORITY:

A motion was made by Harris and seconded by Scott to authorize the City Manager to sign the Annexation Agreement with the Jefferson County Airport Authority. The motion carried unanimously.

COMBINED ITEMS:

A motion was made by Harris and seconded by Scott to combine Resolution No. 60 re Jefferson County Airport Land Annexation Findings - making certain Findings of Fact required by Section 31-12-110, C.R.S.; Pass on first reading Councillor's Bill No. 72 re Jefferson County Airport Land Annexation - annexing 166 acres south of the Jefferson County Airport and east of Simms Street; Pass on first reading Councillor's Bill No. 73 re Jefferson County Airport Land Zoning - zoning the Jefferson County Airport Land to Planned Unit Development; and Pass on first reading Councillor's Bill No. 74 Comprehensive Land Use Plan Amendment - amending the Westminster Comprehensive Land Use Plan to include the new Jefferson County Airport property, designating the area of the golf course as "Public Park/Golf Course," and the 33-acre developable parcel as "Business Park". Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE MCKAY LAKE DRAINAGE CHANNEL ZONING:

At 9:43 P.M. the meeting was opened to a public hearing on the rezoning of the McKay Lake Drainage Channel property, generally located on the south side of 144th Avenue and into the Big Dry Creek channel. City Planner Dave Falconieri entered a copy of the agenda memorandum, Planning Commission Recommendation and other related items as exhibits. No one spoke in favor or in opposition to the proposed zoning. At 9:45 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 75 - MCKAY LAKE DRAINAGE ZONING:

A motion was made by Dixon and seconded by Smith to pass Councillor's Bill No. 75 on first reading rezoning the McKay Lake Drainage Channel to O-1. Upon roll call vote, the motion carried unanimously.

COMBINED ITEMS:

A motion was made by Scott and seconded by Dixon to combine Church Ranch Boulevard Extension Land Acquisition - authorize the purchase of 3.60 acres in two parcels from S/S Land Holdings at a cost of \$359,733; Pass on first reading Councillor's Bill No. 76 re Contingency Transfer for Church Ranch - authorizing the transfer of \$125,000 from the General Fund Contingency account to combine with funds appropriated in the West 101st/100th Avenue Project account in the General Capital Improvement Fund to pay for the purchase of 3.60 acres for the Church Ranch Boulevard Extension; Adopt Resolution No. 61 re Becky Martin Annexation Petition - accepting the annexation petition submitted by Becky Martin and make the findings required by State Statute on the sufficiency of the petition; and set date of November 24, 1997, for the annexation hearing; Exclusion of Properties from West Adams County Fire District - approve the Stipulation and Plan for exclusion of properties from the West Adams County Fire Protection District and authorize its execution by the Mayor and City Manager on behalf of the City; Adopt Resolution No. 63 re West Adams County Fire District Exclusion - approving the exclusion of properties from the West Adams County Fire Protection District; Boards and Commissions Application Deadline - establish a deadline of December 31, 1997 to receive applications from citizens interested in the next cycle of the Board and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government; and,

IGA with Broomfield re Simms Street Determinations - approve the Intergovernmental Agreement between the cities of Westminster and Broomfield pertaining to determinations involving Simms Street north of 107th Avenue as they relate to the Westmoor Business Park and authorize the appropriate City officials to execute the agreement. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for September 1997 and the Quarterly Insurance Report.

Mayor Heil stated there would be an Executive Session a Westcliff annexation aquisition.

ADJOURNMENT:

The meeting was adjourned at 9:50 P.M.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997
Subject: Proclamation re Red Ribbon Week
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to proclaim the week of October 23 through 30 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 Colorado Federation of Parents; 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.

George Hovorka, Chair of the School District 50 Westminster Area Community Awareness Action Team will be present to accept this proclamation.

Staff Recommendation

Council proclaim October 23 through 30 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, Colorado Federation of Parents for Drug Free Youth and the Westminster Area Community Awareness Action Team (C.A.A.T.) are sponsoring the national, statewide and local Red Ribbon Campaign, offering citizens the opportunity to demonstrate their commitment toward helping children stay drug free as they grow up; and

WHEREAS, The Red Ribbon Campaign will be celebrated in communities across the nation during Red Ribbon Week, October 23 through 30, 1997; 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 23 through 30, 1997 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 27th day of October, 1997.

Nancy M. Heil, Mayor

Date: October 27, 1997
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th and 25th anniversary of employment with the City.

Summary

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.

Staff Recommendation

City Council present service pins and certificates of appreciation to employees celebrating 10, 15, 20 and 25 years of service with the City.

Background Information

The following employees will receive their ten year service pin and certificate:

Steve Alley	Fire Department	Paramedic
Pam Darwin	Parks, Rec & Lib	Secretary
Harrison Davis	Fire Department	Paramedic
Kevin Dooley	Fire Department	Fire Engineer
Mike Efferson	Fire Department	Fire Fighter II
JC Engdahl	Fire Department	Fire Engineer
Tim Foster	Fire Department	Fire Engineer
Donna Kimble	Fire Department	Paramedic
Mike Lynch	Fire Department	Fire Engineer
Sharon McDowd	General Services	Custodian Crewleader
Jim Mueller	Parks, Rec & Lib	Parks Crewleader
Larry Murphy	Public Works & Util	Plant Operator II
John O'Brien	Fire Department	Fire Engineer
Chris Redig	Fire Department	Fire Fighter II
Clint Smith	General Services	HVAC Specialist
Joyce Voth	Parks, Rec & Lib	Library Assoc II

The following employees will receive a fifteen year service pin and certificate:

Nelie Bowman	Public Works & Util	Utilities Technician
Tod Crandall	Police Department	Senior Police Officer
Ron Lamb	Fire Department	Fire Fighter II
Michelle Shjandemar	Finance Department	Data Processing Techn

The following 20 year employees will be presented with a certificate and service pin:

Lonnie Coxsey	Public Works & Util	Plant Operator IV
Rory Gonzales	Public Works & Util	Meter Technician

The following 25 year employee will be presented with a certificate and service pin:

George Barnett	Public Works & Util	Meter Program Spec
Carol Milow	Finance Department	Payroll Technician
Jack Rudy	Public Works & Util	Utilities Supervisor

On November 5th, the City Manager will be hosting an employee awards luncheon at which time 11 City employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 10th, 15th, 20th and 25th anniversary. This will be the last of three luncheons for 1997 to recognize and honor City employees for their service to the public.

The aggregate City service represented among the group of employees is 290 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher
City Manager

The following employees will be present Monday night:

10 years :

Steve Alley	Fire Department	Paramedic
Harrison Davis	Fire Department	Paramedic
Kevin Dooley	Fire Department	Fire Engineer
Mike Lynch	Fire Department	Fire Engineer
Sharon McDowd	General Services	Custodian Crewleader
Jim Mueller	Parks, Rec & Lib	Parks Crewleader
John O'Brien	Fire Department	
Chris Redig	Fire Department	Fire Fighter II
Clint Smith	General Services	HVAC Specialist

15 year service pin:

Nelie Bowman	Public Works & Util	Utilities Technician
Tod Crandall	Police Department	Senior Police Officer
Ron Lamb	Fire Department	Fire Fighter II

20 year employees:

Lonnie Coxsey	Public Works & Util	Plant Operator IV
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25 year employee:

George Barnett	Public Works & Util	Meter Program Spec
Carol Milow	Finance Department	Payroll Technician
Jack Rudy	Public Works & Util	Utilities Supervisor

Date: October 27, 1997
Subject: Presentation for Ed Powers
Prepared by: Patrick Goff, Management Intern

Introduction

Tony Hernandez, Secretary's Representative, U.S. Department of Housing and Urban Development (HUD), has requested an opportunity to present Ed Powers with a Certificate of Commendation in recognition of his dedication and partnership in promoting community development at Monday night's City Council meeting.

Summary

Ed Powers has worked for the City of Westminster for over 17 years, starting back on June 17, 1980. Ed recently retired on October 3, 1997. Mr. Hernandez represents the Secretary of HUD in the Rocky Mountain Region. Working through the Office of Community Planning and Development, Mr. Hernandez is charged with coordinating grant programs to entitlement cities with a priority in affordable housing. Mr. Hernandez and Ed Powers served together on the Metropolitan Denver Homeless Initiative (MDHI) Board.

Staff Recommendation

Listen to the presentation by Tony Hernandez.

Background Information

As Community Development Block Grant (CDBG) Program Administrator, Ed proved himself to be a strong advocate for low- and moderate-income persons, who are the primary beneficiaries of HUD programs. Ed possesses a broad base of knowledge about HUD programs in general. In particular, he worked with the CDBG program for many years.

Ed has managed numerous CDBG projects over the years. A few of those successful projects included the Homeowner Rehabilitation Loan program for low- and moderate-income homeowners and the Community Senior Center which involved acquisition and rehabilitation of a former Safeway grocery store into a user-friendly Senior Center.

Ed has also been involved in effective partnerships that have resulted (or will result) in the creation or retention of affordable housing. The Panorama Point Senior Housing project is a large partnership effort involving many players and sources of funds to develop 355 units of affordable housing for seniors. The Greenbriar Condominiums was a partnership effort with the Adams County Housing Authority to acquire 166 units to be preserved as affordable housing for low- and moderate-income households.

In addition, Ed has been involved with the MDHI. As a Board member, he has served on the Executive Committee as Treasurer, chaired the Funding and Finance Committee, participated on the Research Committee and the Outreach/Public Relations Committees, contributed to the SuperNOFA Task Force, was part of the original Process Management Committee, and volunteered countless hours for a variety of special activities.

Respectfully submitted,

William M. Christopher
City Manager

Date: October 27, 1997
Subject: Employee Health Insurance Coverage
Prepared by: Pierrette Ray, Risk Manager

Introduction

City Council action is requested to authorize the City Manager to renew the contracts with Blue Cross/Blue Shield of Colorado, Kaiser, and Delta Dental for employee medical and dental insurance coverages.

Summary

Contracts for the City's medical and dental insurance providers are currently up for renewal. Staff is recommending a 5.5% increase in the basic health rates for both the employee and the employer contributions effective January 1, 1998. Changes for 1998 include increasing the lifetime maximum for the Prime and Custom Plus plans from \$1.0 million to \$2.0 million; increasing the outpatient mental/nervous benefit to 70%; adding coverage for neurobiologically-based mental illness; moving to the Blue Advantage HMO plan; adding chiropractic coverage to the Prime, Custom Plus, Blue Advantage, and Kaiser programs; adding an organ transplant rider with no pre-existing condition requirement to the Custom Plus and Prime Programs; adding the Prevention 405 Program to the Kaiser Plan which makes all preventative services fully covered; and purchasing aggregate stop loss coverage to the Prime and Custom Plus plans. The City's expenses for these changes are within the amount included in the 1998 proposed budget for health insurance.

Staff Recommendation

Authorize the City Manager to renew the contracts with Blue Cross/Blue Shield, Kaiser, and Delta Dental and charge the expense to the appropriate Central Charges accounts in the General, Water and Wastewater Funds.

Background Information

The City has had contracts with Blue Cross/Blue Shield triple choice plan since 1990, and has contracted with Kaiser Permanente HMO services since the early 1970s.

The present funding structure for the Blue Cross/Blue Shield Triple Choice Plan consists of a self-insured retention and is known as a Minimum Premium Plan. Expenses for 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 the Company'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 Blue Cross/Blue Shield. 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 year end 1996, reserves, including claim run-out are \$1,450,000.

It has been several years since the City put its medical insurance program out to bid. At Staff's direction, the City's benefit broker, the Arthur J. Gallagher Company, contacted five other insurance companies besides Blue Cross/Blue Shield. These companies were Prudential, Great West, Aetna, Cigna, and United Health Care. Great West and United Health Care declined to bid because they did not believe they could be competitive. Of the remaining three companies, Prudential offered only a fully insured program at \$1,197,000 per year. This would exceed the estimated 1998 Blue Cross/Blue Shield program costs by more than \$250,000 per year. The Aetna proposal for a minimum premium plan has much higher administrative costs than the City's current plan and would have raised the projected plan expense by over \$130,000. Cigna offered both a minimum premium plan and a self-funded plan. Both Cigna plans had administrative costs that were much more than the Blue Cross/Blue Shield Plan and would have raised the total projected plan costs by more than \$320,000 for the minimum plan and \$145,000 for the self-funded option. Kaiser was not put out to bid this year due to the high level of satisfaction with the plan among Kaiser participants and the good claims experience the City has had with the program. After discussions with the City's broker about the renewal, Staff is not recommending changing health insurance carriers at this time.

For 1998, Staff is recommending a 5.5% increase in the overall medical/dental rates in both the City and employee contributions.

By way of comparison, the Arthur J. Gallagher Company reports that they are seeing increases of between 10% and 12% for most of their clients, and Kaiser is reporting an average of 11% increases for most of their clients. The City is not seeing these large increases due to several factors, including good claims experience, and an informed work force that is focused in preventative care and actively working with their providers to remain healthy.

Based on current employee enrollment, the total cost for the City's share of the medical and dental premiums is \$2,417,800. This amount has been included in the General, Water and Wastewater Funds in the proposed 1998 Budget.

There are several changes to the current plan that are being recommended at this time. First, the State of Colorado, Division of Insurance has told Blue Cross/Blue Shield that they could no longer offer any of its HMO products on a self-funded basis. Because of this ruling, the HMO component of the Blue Cross/Blue Shield Triple Choice Plan will now be a fully insured program and will cost more to offer because of this change. Staff also reviewed with the City's broker the features of the current HMO Colorado program with Blue Cross' new HMO product called Blue Advantage. After looking at the benefit structure, the Blue Advantage Program does offer a somewhat enhanced benefit package compared to the HMO Colorado Plan for the same rate. Staff is therefore recommending moving to the Blue Advantage program in 1998.

For the Blue Cross/Blue Shield Prime and Custom Plus plans, the changes that are being recommended and the plan's cost for each of these are: changes to the outpatient mental/nervous plan benefit to increase coverage from 50% to 70% (no cost increase to the plan because \$1,250 cap is not changing), increasing the maximum lifetime coverage from \$1.0 million to \$2.0 million per person (\$7,790 per year), bringing the neurobiologically-based mental illness treatment in line with the State-mandated requirements for fully insured plans (\$7,797 per year), adding chiropractic coverage to the Blue Cross/Blue Shield plans (\$21,231 per year) and to the Kaiser Program (\$13,368 per year), adding an organ transplant rider with no pre-existing condition requirement to the Prime and Custom Plus plans (\$10,577 per year) as new covered services. Both Kaiser and the Blue Advantage Program already offer organ transplant coverage as part of their programs. Finally, Staff is recommending the purchase of aggregate stop loss coverage to the Prime and Custom Plus plans to protect the City's self-funded portion of the program in the event of a catastrophic year of claims (\$15,311 per year). These changes are being made at this time based on responses received from the City's survey of employee benefits offered by other cities, and changes by both State and Federal law requiring coverage for mental/nervous conditions.

Staff is also recommending some enhancements to the Kaiser program. These changes include adding the Practicing Prevention Plan 405 to the current program which will make preventative services such as well baby visits, immunizations, and prenatal visits fully covered (\$4,570 per year). Staff is also recommending the addition of chiropractic benefits as a newly covered service. The above described changes to the medical plans will cost an estimated \$83,890. Since the plan costs are shared between the City and its employees, it is estimated that the actual cost to the City will be \$67,112.

For 1998, 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.

Staff believes that the Wellness Program is having a positive impact in terms of reducing the City's long term medical insurance costs. One indicator that demonstrates the impact of the Wellness Program is the use of sick leave. In 1995, wellness participants used 14.8 hours per year of sick leave, while non-wellness participants used an annual average of 21.4 hours. In 1996, wellness participants used an average of 14 hours per year, and non-wellness participants averaged 21 hours per year. So far for 1997, wellness participants are averaging 10 hours lost to sick leave, where non-wellness participants are averaging 14 hours of sick leave. As of October 1, there were 515 employees enrolled in the Wellness Program.

As has been previously reported to Council, Staff continues to look at alternative methods for providing health insurance benefits to employees such as Medical Savings Accounts, Section 125 Medical Flexible Spending Plans, and any self-funding variations that may become available to the City due to changes in legislation. Following the every other year cycle, Staff will be reviewing plan options again in 1999 to identify possible changes for the 2000 plan year.

Charts which show the proposed revised medical and dental health insurance rates are attached. Sufficient funds are available in the City's 1998 budget to cover the employer portion of the program. General Services Staff and the City's consultant from the Arthur J. Gallagher Company will be available to answer any questions Councillor's may have during Monday evening's City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: October 27, 1997
Subject: Countrydale Golf Course/Westmoor Business Park Engineering Design Contract
Prepared by: Kevin L. Berryhill, Senior Civil Engineer

Introduction

City Council action is requested to authorize the City Manager to execute a contract between the City of Westminster and Nolte and Associates, Inc. (Nolte), golf course engineer, in the amount of \$123,683, for the engineering design, construction documents and specification package for the City's new golf course project, raw water delivery and water storage system located at the Westmoor Business Park; to authorize the City Manager to execute a contract between the City of Westminster, Westfield Development Company, Inc.(Westfield), and Nolte and Associates, Inc. in the amount of \$273,199, for engineering design, construction documents and specification package for the Westmoor Business Park project; and to authorize a design contingency of \$15,000 for each contract. Funds for both contracts are available in the General Reserve Fund until the first quarter of 1998 when the Reserve Fund will be reimbursed by bonds issued for this project.

Summary

A golf course task force committee composed of City Staff and the City's private developer partner, Westfield Development Company, Inc., interviewed six candidates for the Countrydale/ Jefferson County Airport golf course/ business park project. The field of candidates was selected by City Staff based on qualifications to do the job, and requests for proposals were sent out by Westfield. It was unanimously decided to recommend Nolte for this project. Nolte has worked on similar projects in the area such as Ute Creek Golf Course at Spring Valley in Longmont, Interlocken Golf Course north of the Jefferson County Airport, and the Links Golf Course in Highlands Ranch, Colorado. Staff is recommending that Nolte be awarded this project based on their past experience and excellent qualifications. In addition, Nolte's fee was among the most competitive of the firms that were interviewed for the raw water delivery and water storage system design.

The four firms and their fee proposals for the raw water and water storage system design were as follows:

Nolte and Associates, Inc.	\$29,007
Muller Engineering Co. Inc.	57,507
Rocky Mountain Consultants Inc.	69,722
Hydro-Triad, Ltd.	74,210

The fee for engineering services covered under the contract between the City and Nolte is \$123,683. The fee for the shared engineering services covered under the contract between the City, Westfield, and Nolte is \$273,199. Authorization of an additional \$15,000 is being requested for use as a contingency for each contract totaling \$30,000.

Staff Recommendation

Authorize the City Manager to execute a contract with Nolte and Associates, Inc. in the amount of \$123,683 for engineering design, construction documents, and specification package for the City's new golf course; authorize the City Manager to execute a contract with Westfield Development Company and Nolte and Associates, Inc. in the amount of \$273,199 for engineering design, construction documents and specification package for the Westmoor Business Park project; authorize \$15,000 per contract (totaling \$30,000) for use as a project contingency and charge these expenses to the Reserve Fund which is to be reimbursed before the end of the first quarter of 1998 with bond proceeds issued for this project.

Background Information

On July 28, 1997, City Council approved the Countrydale Business Park/Golf Course Business Agreement, which represents the financial obligations and commitments on the part of both Westfield Development Company and the City of Westminster. Under this Agreement, the City is responsible for funding 100% of the golf course on the Airport property and 100% of the raw water delivery and water storage system for the entire golf course. The City and Westfield Development Company will split the engineering design fees (50%/50%) for the golf course and business park costs on the entire Countrydale Business Park parcel south of the airport property.

Based on the premise for splitting engineering design fees, the City and Westfield worked together to select one consultant for both the golf course and business park engineering services. After interviewing three firms, Westfield Development Company and City Staff decided to select Nolte and Associates, Inc. to provide engineering design and construction services for the Countrydale Golf Course Project. The scope of services and fees for the golf course/business park related engineering services were negotiated between City Staff, Westfield, and Nolte and Associates.

At the same time, City Staff received proposals from four separate consultants, including Nolte and Associates, Inc., for the design of the City's raw water delivery and water storage system for the golf course project. The design services for the raw water delivery and storage system were originally to be incorporated as a separate project. However, since Nolte and Associates had the lowest proposed fee, it was decided to include these services with the Golf Course design services contract.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Date: October 27, 1997

Subject: Municipal Service Center Gasoline Recovery System Feasibility Study

Prepared by: Robert L. Booze, Utilities Services Supervisor
Susan Nachtrieb, Environmental Compliance Coordinator

Introduction

City Council action is requested to award a Contract to Delta Environmental Consultants, Inc., for the purpose of conducting a Feasibility Study for the Gasoline Recovery System at the Municipal Service Center; authorize the City Manager to execute a Contract between the City of Westminster and Delta Environmental, Inc.; and, authorize a budget of \$28,000 for the project. Funds are available for these services in the 1997 Water and Wastewater Fund, Utilities Operations Budget.

Summary

The Department of Public Works and Utilities is recommending an accelerated schedule for the recovery of gasoline at the Municipal Service Center and preparation of a feasibility study to recommend an accelerated plan. Performing a feasibility study on the Gasoline Recovery System will evaluate the potential options to accelerate remediation of the Municipal Service Center gasoline product. The remediation options to be evaluated include soil vapor extraction, ground water extraction and treatment, dual phase extraction, air sparging, biodegradation, and/or a combination of several of these methods. It is not uncommon for sites to utilize two or more remediation techniques to perform the collection of the gasoline-free product. Soil vapor extraction is frequently effective in removing gasoline-free product and remediating contaminated soil. The method removes the source of ground water contamination and can significantly reduce the time and cost needed to remediate ground water, but it does not remediate the contaminated ground water directly. Soil vapor extraction is commonly combined with ground water extraction and/or air sparging to further reduce the time needed to remediate a site. These and other options will be evaluated by Delta under this proposal.

Staff Recommendation

Authorize the City Manager to execute a contract with Delta Environmental Consultants, Inc. to perform a Feasibility Study for the Gasoline Recovery System at the Municipal Service Center; and authorize a budget of \$28,000, with the expenses to be charged to the appropriate project account in the Utilities Operations budget.

Background Information

On May 23, 1986, gasoline contamination was detected in ground water during a geotechnical evaluation at the Municipal Service Center.

In June 1986, temporary collection wells were installed. In November, a Gasoline Recovery System was constructed and, in December, gasoline recovery became a 24-hour operation.

The operation of the Municipal Service Center Gasoline Recovery System has evolved through several Consulting Engineering firms; i.e., Chen Northern, Inc., Terracon, and, presently, Delta Environmental Consultants, Inc. In April, Delta was selected to assist the City when the Interceptor Trench Sump Well collapsed, which halted the collection and pumping of the contaminated ground water. Public Works and Utilities Staff contacted Terracon and reported the malfunction. Terracon failed to respond to the emergency in a timely manner. Thereafter, two consulting firms, Applied EcoSystems and Delta were asked to submit proposals to bring the Gasoline Recovery System back into compliance. Delta's proposal was accepted.

Delta re-drilled the well and has spent considerable man-hours cleaning the treatment equipment to restore the discharge quality within State limits. Delta submitted a proposal in response to the City's request to increase the recovery of gasoline and speed up the remediation of the Municipal Service Center. Delta will perform tests that will evaluate different options which may be used to clean up the gasoline. Delta's ultimate recommended option will be included in the 1999 Capital Improvement Project. Pertinent historical information, along with the results of the feasibility study and other field tests, will be documented in a corrective action plan to be submitted to the State to alter the cleanup plan. Delta will present an outline of a cost/benefit analysis for various options and the estimated time it will take for each to achieve the project closure.

An alternative to performing the feasibility study would be to keep collecting and treating the ground water as it is currently being done. The current gasoline recovery system is working, but the total Facility cleanup could take as long as 25 to 30 years to remediate. Staff believes it is in the City's best interest to clean up the Municipal Service Center site at a faster pace and minimize the potential liability and ongoing long-term costs.

Respectfully submitted,

William M. Christopher
City Manager

Date: October 27, 1997

Subject: 72nd Avenue Improvements Project Utility Fund Transfer

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize the expenditure of \$417,950 in funds reimbursed to the 72nd Avenue Improvements Project Account from the Utility Fund for utility replacement in the 72nd Avenue Project.

Summary

In November, 1995, Council authorized an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) for construction of the third phase of the 72nd Avenue Improvements Project (improvements at West 72nd Avenue and Lowell Boulevard). The Agreement spells out the City's responsibility for sharing project costs in order to secure Federal funding from the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1993.

ISTEA excludes from Federal participation utility replacement costs which are not required to be made as a part of the street improvement projects themselves. The City desired to replace outdated water and sewer facilities in 72nd Avenue and Lowell Boulevard, and a total of \$823,000 had been appropriated in budget years 1995 and 1996 for that purpose. The appropriation was in the City's Utility Fund for reimbursement to the 72nd Avenue Account when the utility work was complete.

Under the agreement, construction of the project is handled by CDOT, which contracts for the work and later bills the City for its share of participating and non-participating costs. Authorization of these funds to the project account is necessary for the City to pay its obligations to the CDOT and to reimburse the contingency account which covered those costs as they were incurred.

Staff Recommendation

Authorize the reimbursement and expenditure of \$417,950 from the Utility Fund to the appropriate sub-accounts in the 72nd Avenue Improvements Project.

Background Information

The City was the beneficiary of over \$7 million in funding for the 72nd Avenue Improvements Project from the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1993. The project re-constructed 72nd Avenue and intersections between Eliot Circle and Meade Street. The third and last phase of this project, at 72nd Avenue and Lowell Boulevard, was recently completed.

The ISTEA funding is administered by the CDOT in several different ways. The City is responsible for the costs of design engineering and right-of-way acquisition and later secures reimbursement of a portion of those expenditures from the State. In contrast, the construction contracts are managed by the State, and the City is billed after the fact for the eligible participating and non-participating expenditures.

Not all costs are eligible for participation. The City wanted to replace outdated water and sewer facilities in the project area ahead of or as part of the street improvement projects. Since the utility replacement was not necessitated by the street widening, these costs were assigned to the City entirely. Internally, \$823,000 in funding was budgeted in the Utility Fund in 1995 and 1996 to reimburse the 72nd Avenue project for utility replacement costs. Two transfers totaling \$342,184 have previously been done to cover costs of utility work in phases one and two of the project. A summary of utility costs and reimbursements is given here:

Total Utility Costs	\$760,134
First Reimbursement	(248,184)
Second Reimbursement	<u>(94,000)</u>
Reimbursement Due	\$417,950

City Council authorized the Intergovernmental Agreement with the Department of Transportation for the third phase of 72nd Avenue in November of 1995. The Project was bid in 1996 and was recently completed. The summary above shows that \$417,950 was spent for utility replacement in the third phase of the project.

This amount has been transferred to the 72nd Avenue account as planned. A portion of the authorization being sought will be used to repay the State as their billing is brought up-to-date. A portion of the reimbursement will also be placed in the project contingency since that has been depleted by utility construction activities over the course of the project.

Respectfully submitted,

William M. Christopher
City Manager

Date: October 27, 1997

Subject: Locker Replacements at City Park Recreation Center

Prepared by: Greg McSwain, Recreation Supervisor III

Introduction

City Council action is requested to waive formal bid procedures and authorize the negotiated purchase of lockers from American Locker Security System, Inc. for installation at the City Park Recreation Center. Funds are available in the 1997 Parks, Recreation and Libraries Capital Improvement account for this purchase.

Summary

In March 1996, City Council approved the purchase of 68 new lockers for City Park Recreation Center. This was the first phase of a multi-phased plan for the replacement of all lockers at the facility. At that time, American Locker Security Systems, Inc. was selected as the vendor. Funds were requested and approved in the 1997 Capital Improvement Project (CIP) Budget for the next phase of this replacement project.

In order to have all lockers consistent in operation, appearance, color, and maintenance, it is essential to use the same manufacturer; thus, the request to waive the formal bid procedure for this purchase. American Locker Security System was also the vendor selected for the new lockers during the renovations at the Swim and Fitness Center. Their product has proven to be attractive, durable, and relatively maintenance-free at both of the recreation facilities.

The purchase of the lockers at City Park, if approved, will replace/upgrade 186 of the existing locker "openings" at the facility and would cost \$42,028.80 (includes 10% contingency figure). Of these 186 openings, one-half would be installed in the ladies locker room and one-half would be installed in the men's locker room.

Staff Recommendation

Authorize the purchase of 186 lockers from American Locker Security Systems, Inc. in the amount of \$42,028.80 and charge the expense to the appropriate account in the 1997 Parks, Recreation and Libraries Capital Improvement Fund.

Background Information

Lockers requested to be replaced are the original lockers installed in the facility when it opened in November 1986. Lockers have received heavy usage during the past 11 years. Last year alone, over 370,000 guests visited the lower level of the facility and the vast majority of these visitors used locker services. Staff estimates that 80% of the original lockers required repairs last year. These repairs ranged from fixing jammed locker mechanisms to replacing entire doors. Lockers from American Locker Security Systems have been used at the Swim and Fitness Center since their reopening in February 1994.

Since that time, no doors or hinges have had to be replaced and jammed mechanisms have not been a maintenance problem. Staff estimates that maintenance time spent on old existing lockers is eight times greater than the time being spent on the American Security Locker System lockers. In order to keep the City Park Recreation Center facility attractive, well-maintained, and functional, it is important this type of infrastructure reinvestment occur.

Respectfully submitted,

William M. Christopher
City Manager

Date: October 27, 1997
Subject: Special Permit & License Board Resignation
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Ben Singer from the Special Permit & License Board.

Summary

On October 20th, the City Clerk received written notification from Ben Singer that he is resigning from the Special Permit and License Board because of illness.

City Council is to consider opening the application period for citizens to apply for the Board and Commission "pool" at Monday night's meeting. It is suggested the Council not appoint a person to fill this vacancy until after the "pool" deadline and the new applicants have been interviewed.

Staff Recommendation

Accept the resignation of Ben Singer from the Special Permit and License Board.

Background Information

Ben Singer was originally appointed to the Special Permit and License Board on April 8, 1996 and his current term of office will expire on December 31, 1998.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: October 27, 1997

Subject: TABLED Resolution No. 58 re Adoption of 1998 City Budget

Prepared By: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council was scheduled to consider adopting the 1998 City Budget at the October 13 meeting in accordance with City Charter requirements but was tabled until October 27 when all members of the City Council are scheduled to be present. The attached Resolution to adopt the budget is based on Staff's understanding of the City Council discussions at the Budget Retreat and the various Public Hearings and public meeting on the Budget. Two adjustments have been made since the budget resolution was distributed for the October 13 meeting and are outlined below under Background Information and designated with asterisks.

Summary

Under City Charter provisions, City Council is to hold a public hearing on the proposed City Budget for the ensuing year and adopt it no later than the fourth Monday in October. A public meeting was held on June 9 and two public hearings were held on the proposed 1998 Budget on July 21 and September 8. A copy of the proposed 1998 Budget has been on file in the City Clerk's Office for citizen review since September 5 and the appropriate legal notices have been published in the official City newspaper.

The 1998 Budget reflects all City operations and services to be provided to Westminster citizens in 1998. This budget includes no tax increases or new taxes. This is the sixth year maintaining the mill levy at 3.65 mills and the second year keeping the sewer and water rates constant. In addition, no increases are proposed at this time for tap fees. A pending study of tap fees and utility projects may call for adjustment in a future budget. Despite no increases in property tax, sewer and water rates, and tap fees, the City of Westminster will be able to provide quality services while proceeding with an aggressive Capital Improvement Program.

The total 1998 Proposed Budget is \$104,762,673, excluding \$6,500,000 in reserves and \$2,623,509 in contingency accounts. This budget is based upon an estimated 600 single-family housing starts which is 200 less than estimated for 1997.

A brief summary of the proposed 1998 City Budget follows:

- > General Fund operating expenditures are budgeted at \$47,999,535 (excluding contingencies) which is an increase of 5.9% over the 1997 budget for operating expenditures (\$45,308,645).
- > The General Fund will receive a transfer payment from the Sales and Use Tax Fund totalling \$33,944,922, an increase of 7.2% over the 1997 transfer payment of \$31,658,000.

- > Contingency is recommended at \$1,228,725 in the General Fund, \$1,281,702 in the Utility Fund, and \$113,082 in the Golf Course Fund. The General Reserve Fund is recommended at \$2,850,000 and the Utility Reserve Fund at \$3,650,000.
- > The total number of full-time equivalent (FTE) staffing in 1998 is 745.124 FTE, an increase of 21.2. This includes an additional 1.6 FTE in the City Attorney's Office not included at the City Council's Budget Retreat. The additional FTE will result in no funding increase in the City's overall budget; these services were previously contracted out and the funds will be reallocated from the contractual line.
- > Continuation of an aggressive Capital Improvement Program (CIP) is recommended for 1998. The total capital improvements proposed for 1998 is \$43,960,000. Of the recommended CIP for 1998, 62% will be funded on a "pay-as-you-go" basis (composing \$27,735,000 of the total); the remaining 38% will be funded through bond or loan proceeds. City streets and traffic improvements are recommended for 1998 at \$10,165,000; facilities and infrastructure improvements at \$11,900,000; park improvements at \$11,565,000; and wastewater and water improvements at \$10,330,000.

Staff Recommendation

Adopt Resolution No. 58 which sets the mill levy at 3.65 mills and formally adopts the total 1998 City budget including the staffing levels and the Five Year Capital Improvement Plan.

Background Information

**Revisions to Budget Resolution: Since the Budget Resolution was first prepared for the October 13 City Council meeting, two items impacting the proposed 1998 City Budget were finalized.

1. Light for Life - The City Council requested at the Budget Retreat that Staff meet with the Director of this organization and the Chairperson of the Human Services Board (HSB) which reviewed their request for funding. The HSB Chairperson informed Staff that she was moving from the City of Westminster and suggested that we include an alternate member of the Board in this meeting.

After discussing Light for Life's proposed 1998 budget and programs, the HSB member recommended that the City allocate funds to this organization in the amount of \$500-1,000. In 1997, they were allocated \$500. He requested that we inform the other members of the Board about the meeting and survey them for agreement with his recommendation. The remaining three members of the HSB concurred with the recommendation to fund the Light for Life organization \$500-1,000. As a result, \$1,000 has been included for Light for Life in this revised budget and funded from contingency funds.

2. Countrydale Golf Course - Now that Staff has received confirmation that the City will receive \$1,500,000 in a Jefferson County Open Space Loan for 1998, these funds are now included as revenue and then expenses as part of the 1998 Budget.

As a result of these two changes, the total proposed budget for 1998 increased by \$1,501,000 from \$103,261,673 to \$104,999,535.

The revised capital budget increased by \$1,500,000 to \$43,960,000 and the revised General Fund operating budget increased by \$1,000 to \$47,999,535.

City Council Focus Areas: Earlier this year, the City Council identified six focus areas to be pursued in 1998. The focus areas follow:

- > Transportation Improvements
- > Diversity Enhancements
- > Review Priorities, Narrow the Focus, and Reallocate Resources
- > Further Implementation of Original Westminster Enhancements
- > Maintain a Quality Service Level
- > Comprehensive Study on Youth and Young Adult Needs

The 1998 budget includes funding as needed for these key areas. Transportation Improvements are addressed in the General Capital Improvement Fund. Approximately 20 different projects addressing transportation issues are recommended at \$10,165,000. Additionally, the street overlay maintenance program's budget is recommended to be increased by \$200,000 bringing its total funding to \$2,200,000.

Original Westminster enhancements continue to be a priority for 1998. The redevelopment of the Westminster Plaza is a major endeavor which will serve as an enhancement and catalyst for the South Westminster area. Additional redevelopment and re-investments in the area are evolving as a result of the 72nd Avenue improvements and the Plaza project.

A comprehensive study on youth and young adult needs is addressed in the proposed 1998 budget. Staff has budgeted funds in the Parks, Recreation, and Libraries Administration Division for contracting a consultant to conduct this study.

Several internal improvements are addressed in the proposed 1998 budget. An upgrade of a portion of the Police communication system is recommended to improve performance of the one currently in place at the Westminster Mall.

An increase in funding for fire station maintenance is included to improve stations both internally and externally. In addition, funds are included in 1998 to hire a consultant as the first phase of creating and implementing a Cost Allocation system which will allow managers to make more substantive, supportive, and accurate decisions on programs and projects. Finally, computers, vehicles, and other capital equipment are included to ensure that employees have state of the art resources necessary to perform high quality work and achieve high productivity.

Staffing: The 1998 City Budget includes a net increase of 21.2 full-time equivalent (FTE) positions to support the services currently provided to the citizens of Westminster. The largest increases in staff are for the Police Department (4 FTE Police Officers), the Fire Department (3 FTE Firefighters), and the Library Division (2.8 FTE Librarian I, 0.5 FTE Library Clerk I/II, and 0.2 FTE Library Associate I/II).

Citizen Requests: At the various hearings on the 1998 proposed budget, several residents either requested information about City projects or asked that City Council consider providing funds for specific City programs and projects.

City Council had the opportunity to review these requests in more detail at the Budget Retreat and, where appropriate, funds have been included in the 1998 budget to address these projects. A summary of the requests addressed follows:

1. Sidewalk Connection in Torrey Peaks (118th Place to Sheridan Boulevard) - A citizen requested that a sidewalk connection be constructed at this location to access the new Sheridan Crossing Center. The cost for this connection is estimated at \$20,000 by Staff. The 1998 CIP Budget includes \$70,000 for sidewalk connections; Staff prioritizes sidewalk connections on an as-needed basis and will likely address this area next year.
2. Median and Greenbelt Improvement (112th Avenue between Sheridan Boulevard and Pierce Street) - A citizen requested right-of-way improvements be made at this location. The City Council recommended that Staff forward information to the citizen to apply for a Neighborhood Enhancement Program Grant which has \$50,000 budgeted in 1998.
3. Bowles House Improvements - A citizen requested that the City repair the gazebo at the Bowles House. The 1998 budget includes \$7,400 to rebuild rather than repair the gazebo due to severe wood rot.
4. Rollerblade/Hockey Area (Sheridan Green/Ryan Elementary) - A citizen presented survey results at the June 9 public hearing supporting the placement of a rollerblade/hockey area in her neighborhood; a second citizen presented a petition and survey opposing such an area. The City Council concluded at the budget retreat that other park projects were of higher priority than the rollerblade/hockey rink proposed (estimated cost \$35,000-\$50,000) and did not recommend proceeding with this project.
5. Traffic Mitigation (Northpark) - A member of the Northpark Homeowner's Association requested an increase in Police Department enforcement activities within and adjacent to the Northpark area as a stop gap measure until the Traffic Calming Study was completed and implemented.

The City Council reviewed the results of the Traffic Calming Study conducted by TransPlan Associates and Pat Noyes & Associates at the budget retreat and plan to adopt the traffic calming criteria in the near future. When the criteria is adopted, the City Council has directed Staff to proceed on a street-by-street evaluation basis and to identify those streets of highest priority to implement traffic calming measures. It is estimated that it will take from eight to twelve months to conduct a full evaluation of streets within the City of Westminster.

The Council agreed to proceed with the funding level proposed in the 1998 capital budget (\$100,000). In addition, the Council agreed to proceed in addressing the Northpark street needs pursuant to the traffic calming criteria and has directed staff to proceed in identifying appropriate traffic calming methods to implement in this pilot project area.

6. Guard Rail Installation (72nd Avenue) - A citizen requested via facsimile that a guard rail be installed along 72nd Avenue directly north of Lamar Street due to safety concerns.

Within the first two weeks of August, his back fence had been hit twice by automobiles chased by police. Since he moved into his house in 1979, his fence has been hit four times, all the result of police chases. Due to the safety issues surrounding this location, staff plans to address this project in 1997 using either General Fund contingency funds or other funds that might be identified. The City Council concurred with this plan of action.

7. Sidewalk and Wheel Chair Accessible Crosswalk and Crossing Tones (70th Avenue and Federal) - A letter from the President of Goodwill Industries was received requesting that a sidewalk and wheel chair accessible crosswalk be constructed at the corner of 70th and Federal. In addition, installation of crossing tones for the visually impaired was requested. The City Council concurred with Staff's recommendation to contact the Colorado Department of Transportation (CDOT) and pursue their cooperation in addressing this intersection due to the fact that Federal Boulevard is a state highway.
8. Sound Barrier Fence Installation (104th Avenue between Lowell Boulevard and King Street) - A citizen submitted a petition with six signatures at the September public hearing requesting a sound barrier fence be constructed at this location. The City Council concluded that the City is not in the practice of installing sound barrier fences because many neighborhoods are similarly affected as a result of being located on arterial streets, because the arterial street was in place when the residence was purchased, and due to the high cost of installing sound barrier fences.
9. Walnut Grove Park Development - A citizen representing the neighborhood of Walnut Grove requested at the September public hearing that the City Council expedite park development plans in the Walnut Grove neighborhood on the land north of 106th Avenue between Garrison Street and 105th Place. The City Council agreed to move up the development of this park and it has been included in the five year Capital Improvement Program. Design is planned for 1999 (\$50,000) with construction to occur in 2001 (\$300,000) and 2002 (\$400,000).
10. The New Club - Members of The New Club organization appealed for funding to the City Council at the September public hearing. This organization serves as a center for recovering alcohol and drug users. They applied for Human Services funding (requested \$10,000) but were not recommended for funding. The City Council chose to fund The New Club at the same level it was funded in 1997 (\$2,000).
11. Additional Code Enforcement Officer - A citizen requested at the September public hearing that the Council add a Code Enforcement Officer to handle the increasing number of code violations, especially in the older sections of Westminster. Staff conducted a brief survey of other Denver metro area cities which concluded that, on average, cities in the surrounding area employ 3.1 Code Enforcement Officers (results ranged from one to seven such positions). The City of Westminster is above average by employing four Code Enforcement Officers plus one Code Enforcement Supervisor (supervisors were excluded from the average). Staff has recommended based upon the increase in code enforcement activities (an increase of 18.5% in 1997 from 1996) that an additional Code Enforcement Officer should be added in 1999. The City Council concurred with this preliminary recommendation.

12. 76th Avenue Water Line Replacement - At the September public hearing, a citizen requested that the City allocate sufficient funds to expedite the completion of the 76th Avenue Water Line Project. This project is now complete up to Raleigh Street and progressing towards Sheridan Boulevard.

The water line replacement project is expected to be completed by the first of November.

Miscellaneous Council Topics: At the Budget Retreat September 29, the City Council reviewed the recommendations of the Human Services Board (HSB) and addressed a few capital projects. A summary of the items addressed follow:

1. Jefferson Juvenile Assessment Center requested \$5,000 for 1998 but was not recommended for funding. The City Council chose to allocate \$1,500, the same level funded in 1997. Funding allocated by the HSB to the Jefferson Center for Mental Health was reduced by \$500 (from \$10,500 to \$10,000) due to the fact that the Juvenile Assessment Center receives some funding from the Center for Mental Health. The Center for Mental Health received \$10,000, the same amount allocated in 1997.
2. The Neighborhood Action Group requested \$8,000 but was not recommended for funding. The City Council chose to support this group at a \$1,000 level.
3. Westminster's District 50 School Board approved a pilot program for a clothing bank and food resource and referral system. The "Have a Heart Project" requested \$3,000 to pay for food and clothes for students in Westminster's District 50 schools. The City Council is providing \$1,000 to support this project.
4. A Councillor asked that the funding proposed in the out years in the capital budget for the Park Centre Recreation Center be moved up one year. Funding for this project was originally proposed to begin with design in 2000 and construction in 2002. Per Council request, Staff has moved funding for this project up one year.

However, Staff recommends that \$50,000 be included in the 1999 CIP for preliminary design and \$250,000 in 2000 for final design. This preliminary design will allow Staff to research the possibility of a public/private partnership to complete this project. Staff does not recommend moving up the \$4.5 million construction until the nature, scope, and size of the public/private partnership is determined.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. INTRODUCED BY COUNCILLORS

SERIES OF 1997 _____

A RESOLUTION OF THE CITY OF WESTMINSTER, COLORADO SETTING THE 1997 MILL LEVY COLLECTIBLE IN 1998, ADOPTING THE BUDGET AND FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR 1998.

WHEREAS, In accordance with Section 9.2 of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget for the fiscal year 1998; and

WHEREAS, On July 21 and September 8, 1997, public hearings on the proposed 1998 budget were held by the City Council pursuant to Section 9.4 of the City Charter.

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster, Colorado that there is hereby levied for the 1997 year upon all taxable property within the City of Westminster, taxes in the amount of three and sixty-five hundredths (3.65) mills per dollar of assessed valuation in Adams and Jefferson Counties, which shall be paid into the General Fund of the City; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, Colorado that the annual budget of the City of Westminster for the fiscal year beginning January 1, 1998, which has been submitted by the City Manager is hereby adopted according to the attached exhibits:

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

Be it further resolved, that the annual budget of the City of Westminster for fiscal year 1998 beginning January 1, 1998, be established with the following totals:

<u>BALANCE OF FUNDS (1-1-98):</u>	<u>1998 PROPOSED</u>
General Fund	\$1,157,338
Utility Fund	3,120,000
Fleet Maintenance Fund	0
Sales & Use Tax Fund	880,000
General Capital Improvement Fund	6,216,000
General Reserve Fund	1,900,000
Utility Reserve Fund	2,900,000
Conservation Trust Fund	0
Open Space Fund	541,000
General Debt Service Fund	182,396
Golf Course Fund	<u>0</u>

TOTAL Fund Balance

\$16,896,734

REVENUES:**1998 PROPOSED**

General Fund	\$48,070,922
Utility Fund	29,925,000
Fleet Maintenance Fund	1,343,999
Sales & Use Tax Fund	40,475,000
General Capital Improvement Fund	11,189,000
General Reserve Fund	950,000
Utility Reserve Fund	750,000
Conservation Trust Fund	575,000
Open Space Fund	3,511,000
General Debt Service Fund	7,323,372
Golf Course Fund	<u>1,783,723</u>
TOTAL Revenues	\$145,897,016
Total Fund Balance	<u>16,896,734</u>
Total Funds Available	\$162,793,750
Less Transfers	<u>(48,907,568)</u>
Grand Total 1998	\$113,886,182

EXPENDITURES:**1998 PROPOSED**

General Fund	\$47,999,535
Utility Fund	31,763,298
Fleet Maintenance Fund	1,343,999
Sales & Use Tax Fund	41,355,000
General Capital Improvement Fund	17,405,000
General Reserve Fund	0
Utility Reserve Fund	0
Conservation Trust Fund	575,000
Open Space Fund	4,052,000
General Debt Service Fund	7,505,768
Golf Course Fund	<u>1,670,641</u>
TOTAL	\$153,670,241
Less Transfers	<u>(48,907,568)</u>
TOTAL EXPENDITURES	\$104,762,673
Total Contingencies & Reserves	<u>9,123,509</u>
Grand Total 1998	\$113,886,182

Passed and adopted this 27th day of October, 1997.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997

Subject: TABLED Resolution No. 59 re 1998 Pay Plan and Councillor's Bill No. 69 re General Leave Benefits

Prepared By: Debbie Mitchell, Employee Services Manager
Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to remove from the Table and take action on Resolution No. 59 which establishes the 1998 salary ranges, and Councillor's Bill No. 69 which will allow employees to use eight (8) hours of their accrued General Leave (11.2 hours for Firefighting personnel) as one more floating holiday which would allow employees a total of 3 floating holidays. The funds needed to implement the recommended adjustments have been included in the proposed 1998 City Budget.

Summary

The City Administration is recommending a 3.0% across-the-board increase for all full-time and part-time Classified and temporary positions, adjustments of approximately 3.0% at the top of the ranges for most Unclassified positions and a series of other pay range adjustments based on the annual pay plan review and salary survey conducted by the Employee Services Division.

Recommended changes to the benefit package include adding one additional floating holiday for City employees from the existing General Leave allocation. This change will not increase the number of leave hours that employees presently accrue, but rather will allow them to use General Leave hours not currently allocated for vacation or holiday leave.

Staff Recommendation

1. Remove Resolution No. 59 from the table.
2. Adopt Resolution No. 59 which establishes the 1998 pay ranges for City employees.
3. Remove Councillor's Bill No. 69 from the table.
4. Pass Councillor's Bill No. 69 on first reading regarding a change in the use of employee General Leave for holidays.

Background Information

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

This year, benchmark salary surveys were conducted for police, fire, management, and business and professional occupations.

The recommended pay and classification adjustments were based on an extensive salary survey process which included eight area cities for most positions as well as special districts and private sector data where appropriate.

The cities used for comparison purposes for the majority of positions are Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton, and Thornton. In addition, a number of special districts are surveyed for Fire and Parks and Recreation position comparisons.

The main information resources used during this process are the Colorado Municipal League surveys, private sector data from Mountain States Employers Council as well as direct contacts with other municipalities and special districts.

Staff is recommending an across the board adjustment of 3.0% to keep pace with overall salary increases in the public and private sectors. Across-the-board increases being projected in other area cities range from 3% to 4% not including longevity or step increases. Data from Mountain States Employers Council indicates private sector companies are projecting pay increases for 1998 to be an average of 4.23% and 4.2% for government. Mountain States Employers Council estimates include merit, longevity and cost of living adjustments.

In addition to the across the board increase, the proposed 1998 Pay Plan includes fifty-nine recommended grade/classification changes. Proposed salary changes are based on the Employee Services Division's analysis of prevailing salaries for various classifications, as well as adjustments for internal relationships. A summary of all of the recommended pay plan changes and the pay plan itself are attached for Council's review.

One change is proposed in the leave benefit for all benefitted City Employees. Staff is recommending that an additional floating holiday be added in order to remain competitive with the leave benefit provided in other cities and special districts. This recommendation would not result in an increase in the accrual of General Leave hours but rather modifies the guidelines on how existing General Leave hours can be used. Because the use of General Leave for holidays is addressed in the Personnel Management Program section of the Municipal Code, a change in this benefit can only be accomplished by ordinance. The additional floating holiday may result in additional staffing costs for employees that are on a combined holiday/vacation schedule. Those employees may cash out a floating holiday at any time during the year. Staff is unable to give the exact cost to the cash-outs, but anticipates approximately \$25,000 in additional expense. There are also soft dollar costs associated with employees utilizing an additional day off during the year, although the leave use reduces the employees leave bank and the City's liability for cashing out leave at separation. Other proposed changes in the City's benefit package relate specifically to the City's health benefit program and will be reviewed with Council at the time renewal of the health benefit contracts are considered.

Since Council's review of the proposed budget packet in September, several additional changes have been made. They are included in the attached summaries and Pay Plan document. The changes to the proposed Pay Plan are as follows:

- * Upgrade of the Accounting Manager and Sales Tax Manager ranges to \$58,000 - \$65,000.
- * Upgrade of the Executive Secretary to City Manager range to \$36,600 - \$43,600
- * Downgrade the Administrative Coordinator (CMO) to Administrative Secretary (decrease of \$4,150)

- * Addition of the Associate Judge position to the Pay Plan at a range which reflects the \$35.00/hr. previously designated in the Westminster Municipal Code, plus a 3 percent increase.

- * Addition of a total of 1.6 full time equivalents (f.t.e.) for prosecuting services in the Municipal Court as discussed with Council at their August 18 Study Session. This change includes addition of a Lead Prosecuting Attorney at .75 f.t.e., an Assistant Prosecuting Attorney I at .5 f.t.e., an Assistant Prosecuting Attorney II at .75 f.t.e., a Clerk Typist II at 1.0 f.t.e. and elimination of 1.4 f.t.e. Assistant Prosecuting Attorney. Contractual Services for prosecution have been eliminated in the 1998 budget.

Funding for all of the recommended pay and benefit changes has been included in the proposed 1998 City Budget.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

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

WHEREAS, the City Manager is recommending a 3% across the board salary increase for regular classified employees and adjustments of approximately 3% to the top of the ranges for most unclassified positions, and

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

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTMINSTER CITY COUNCIL RESOLVES that the attached new salary schedule and the authorized personnel schedule are hereby adopted and approved and shall be put into effect on January 1, 1998.

Passed and adopted this 27th day of October, 1997.

ATTEST:

Mayor Pro Tem

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

1-24-4(D) General Leave for Holidays: Employees who do not normally work on scheduled holidays shall have each holiday charged automatically against General Leave unless the employee actually works the holiday. Holidays that shall automatically be charged against General Leave of all employees, except those normally subject to work holidays, shall be as follows:

1. The first of January (New Year's Day)
2. The third Monday of February (Presidents' Day)
3. The last Monday of May (Memorial Day)
4. The Fourth of July (Independence Day)
5. The first Monday of September (Labor Day)
6. The fourth Thursday and immediate following Friday of November (Thanksgiving)
7. The 25th of December (Christmas)

In addition to the eight (8) scheduled holidays, all full-time employees shall receive ~~sixteen (16)~~ TWENTY FOUR (24) hours as floating holidays. Firefighting and emergency medical personnel will receive ~~22.5~~ 33.6 hours for their floating holidays. Part-time employees who receive benefits shall receive a prorated number of floating holiday leave hours based on the number of hours they are authorized to work per work period. Any special holidays that may be proclaimed during the year by the City Manager and City Council shall not be charged to general leave, but shall be in addition to general leave.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of November, 1997.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997

Subject: Councillor's Bill No. re Cascade Village Apartments Refunding

Prepared by: Martin R. McCullough, City Attorney

Introduction

City Council action is requested to pass as an emergency ordinance the attached bond ordinance authorizing the issuance of Tax-Exempt Multi-Family Rental Housing Refunding Revenue Bonds in the amount of \$14,675,000 for the refinancing of the Cascade Village Apartments Project.

Summary

In December of 1985, City Council authorized the issuance of \$14,675,000 in Tax-Exempt Multi-Family Revenue Bonds for the Cascade Village Apartment Project. This Project is located at the southwest corner of 92nd Avenue and Pierce Street in the City of Westminster.

The owners of the Project, LBK 3, Limited Partnership, are requesting authorization to refund this bond issue in order to substitute the credit enhancement for these bonds. The refunding bonds will meet the City's "AA" or better rating requirement.

Staff Recommendation

Adopt Councillor's Bill No. as an emergency ordinance authorizing the issuance of Tax-Exempt Multi-Family Rental Housing Refunding Revenue Bonds in the amount of \$14,675,000 for the refinancing of the Cascade Village Apartment Project.

Background Information

In 1988, the original 1985 bonds were refunded in order to replace the expiring Fannie Mae security by an FGIC insurance policy. The 1988 bonds were further secured by a direct-pay letter of credit issued by Homestead Savings, and received the City's required "AA" rating from Moody's and Standard and Poor's.

As a result of Homestead Savings' placement under RTC receivership, its previously issued letter of credit cannot be extended. The letter of credit expires at the end of 1998. The credit enhancement for these bonds must be replaced by the end of this year or this tax-exempt financing will collapse.

The new refunding bonds will be secured by a letter of credit issued by the Bank of New York. The Bank of New York is a large worldwide bank which is rated "AA-" by Standard & Poor's. This security will allow the bonds to meet the City's "AA" rating requirement. The refunding bonds will be variable rate bonds. The maturity of the new refunding bonds will remain the same as under the previous bond documents, which is December 1, 2007.

The City's financial advisor, Nate Eckloff of the investment banking firm of Hanifen, Imhoff, Inc., will be recommending favorable action on this request, subject to the receipt of the required rating approvals. A condition of this refunding is that the refunding bonds be rated "AA" or better by Standard & Poor's and Moody's.

Mr. Stan Raine, of the law firm of Sherman & Howard, has been acting as the City's special counsel for this transaction. Mr. Raine and Mr. Eckloff will be in attendance at the City Council Meeting on Monday. There are no costs to the City in facilitating this financing, and, in fact, pursuant to the City's industrial development bond ordinance, the City will be receiving an issuer fee of 0.25 percent, which translates to \$36,687.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

Date: October 27, 1997
Subject: Westmoor Planned Unit Development
Prepared by: Max Ruppeck, Planner III

Introduction

City Council is requested to hold a public hearing and take action on the Westmoor Preliminary Development Plan (formerly known as Countrydale Business Park and Walnut Creek Meadows)

Summary

Applicant/Property Owner: The applicant and owners representative is the Westfield Development Company, Inc., Denver, Colorado

Location: The property is located along the northern boundary of West 108th Avenue between Simms Street on the west and the Ball Corporation property on the east, and immediately south of the Jefferson County Airport.

Size of site: 325 acres

Description of Proposed Uses: The proposed land uses on this site will consist of corporate and professional offices; research and development facilities; light assembly, fabrication and manufacturing; distribution and warehousing. In addition to these uses, accessory services supporting these facilities would be allowed such as hotel and conference centers, training and education centers, athletic and fitness facilities, and restaurants specifically oriented to the business park functions.

Self storage (mini warehousing) and rental facilities requiring outdoor storage are specifically prohibited. The City will construct, own and operate an 18-hole public golf course, and a City recreation center within the subject property which will serve the public and businesses in the northwest part of the City. A part of the site is also being acquired by the City for open space purposes.

Major Issues -

1. Land Use: The Countrydale Business Park Planned Unit Development (adopted in 1973), which is being superseded, covers the eastern 3/4 of the subject property and currently allows most of the "Business Park" uses proposed by the Westmoor P.D.P. The proposed golf course and the recreation center are added uses.
2. Traffic Impacts: 108th Avenue will be improved by the developer to a four-lane roadway with a center turn lane from Wadsworth Boulevard to Westmoor Drive (the major entrance to the development) in 1998.
3. Buffering: The existing residential neighborhood south of 108th Avenue should be buffered from the proposed Business Park Uses.
4. Future ODP Approvals: The applicant is proposing that there be no size restrictions for sites eligible for administrative approval of all ODPs.

This contradicts the City Code and would circumvent required public hearings before the Planning Commission for Official Development Plans over 10 acres or involves a site of 20 acres or less in size that is determined by the City Council to further the City's economic development goals. (No other PDP in the City is exempted from this requirement).

5. Future Recreation Center: The location of the proposed recreation center, as well as its vehicular and pedestrian access and security, is an issue with neighboring residents.

Planning Commission Recommendation:

Planning Commission at their October 21st meeting voted unanimously to recommend to City Council approval of the Westmoor Preliminary Development Plan with the following conditions:

- A. The approval of future Official Development Plans within the Westmoor Planned Unit Development shall be in accordance with the adopted procedures in Section 11-5-8 (B) of the W.M.C. Consequently, Item No. 1 under the General Notes section of the Preliminary Development Plan (sheet 2), which is in conflict with the W.M.C., should be deleted.
- B. A 20 foot trail open space and sewer maintenance tract shall be provided along the northern edge of the golf course from Westmoor Drive westward approximately 600 feet.
- C. An Aviation Easement Agreement, the language of which is currently being negotiated by the Airport and the Developer, should be agreed upon by both parties before final approval and recordation.
- D. The access to the proposed recreation center should be located at the Oak Street and 108th Avenue intersection, and a pedestrian traffic crossing signal should be installed.

There were approximately 40 persons present at the public hearing. Two individuals spoke in favor of the request. Seven people spoke in opposition or had concerns about traffic along 108th Avenue; the location of the proposed recreation center on the north side of 108th Avenue; concerns about traffic exiting the recreation center and its affect on the properties directly south; relocation of the existing prairie dog population; the type of golf start notification system that will be used at the golf course; and safety of children when crossing 108th Avenue to the proposed recreation center.

Staff Recommendation

1. Hold a public hearing
2. Approve the Westmoor Preliminary Development Plan subject to the following conditions:
 - A. The approval of future Official Development Plans within the Westmoor Planned Unit Development shall be in accordance with the adopted procedures in Section 11-5-8 (B) of the W.M.C.
 - B. A 20 foot trail open space and sewer maintenance tract shall be provided along the northern edge of the golf course from Westmoor Drive westward approximately 600 feet. (The developers have agreed to make such an accommodation).
 - C. A pedestrian crossing signal for crossing 108th Avenue should be installed at the entrance into the recreation center.

Background Information

The proposed business park (approximately 170 acres of developable land) is one of the few remaining opportunities in Westminster for business related development of this size. The proposed development will gain advantage of the U.S. 36 corridor and a positive influence from the Interlocken Business development; especially from the Sun Micro Systems development. The Westminster development will assist in realizing City Council's goal of establishing more primary jobs.

Discussion of Major Issues

The Westmoor Technology Park ("Westmoor") is intended to be a full-service Business Park serving users in the fields of advanced technology, research and development, professional and business offices, light assembly and manufacturing, warehousing and distribution, and ancillary support services such as hotels and conference centers, education and commercial facilities designed to service the business park. In addition, the project will include nine holes of an 18-hole public golf course, public open space land, and a City-owned and operated recreation center.

The golf course and recreation center are proposed to be located in the portion of the site between 108th Avenue and Walnut Creek, traversing the site from west to east. The golf course and recreation center will serve to buffer the Business Park uses from the existing residential neighborhood south of 108th Avenue.

Public Land Dedication, Parks/Trails The developer is dedicating 84 acres (26% of the total site) to the City at no cost for the development of a portion of the proposed golf course. Open space is being acquired by the City to provide for a trails and preserving wildlife habitat. The developer is to provide a 7 acre site for the recreation center at no cost to the City. In addition to sidewalks along Westmoor Drive and 108th Avenue, trails will be constructed along Walnut Creek and through the open space in the vicinity of the proposed recreation center. There will be continuous open space corridor along Walnut Creek from the intersection of Westmoor Drive and 108th Avenue west to Simms Street.

Access and Circulation The Business Park and the Golf Course clubhouse will be accessed off Westmoor Drive, a five lane collector street which extends from 108th Avenue near the southeast corner of the property to Simms Street near its northwest corner. Some limited access may also be allowed off of Simms Street subject to traffic analysis and City approval. The proposed recreation center will be accessed off 108th Avenue. 108th Avenue will be improved to a five lane section from Wadsworth Parkway to the intersection with Westmoor Drive. Further widening of 108th Avenue to the west will occur as traffic volumes warrant.

A stone bridge will be constructed at the Walnut Creek crossing of Westmoor Drive. The design of the bridge will be subject to City approval at the time of submission of the first Official Development Plan (ODP).

Aviation Easement The Developer and the Jefferson County Airport Authority are addressing the aviation easement that would be applicable to the business park.

Site and Architectural Development Criteria The total development on the site is limited to 3,700,000 square feet of which a minimum of 925,000 square feet must be multi-story office.

All City building and landscaping coverage requirements will be met. Trash, service and delivery areas will be buffered from public roads, open space and recreational facilities.

Appropriate architectural materials will be used for business park uses including masonry, finished concrete, architectural metal, stone and tile. Unfinished concrete or concrete block shall not be visible from public areas and corrugated metal or plastic, and wood are not allowed.

Architectural design guidelines will be developed for Westmoor as a basis for project design review by the Westmoor Architectural Review Committee.

Comprehensive Land Use Plan The City's Comprehensive Land Use Plan indicates the subject property as "Business Park." The Westmoor development, as well as the proposed golf course and open space are described in the Plan.

Signage Signage will be in accordance with the City's sign code and will be approved at the time of submission of Official Development Plans.

Service Commitment Category Service commitments for the business park will be allocated from Category C at the time of the individual ODP approvals. Service commitments for the golf course will be allocated from Category F.

Public Comments Approximately 45 persons attended a neighborhood meeting held at Standley Lake High School on September 4, 1997. At that meeting, several concerns were raised regarding the proposed development:

1. **How much additional traffic would result from the proposed recreation center, and would this cause congestion on the portion of 108th Avenue which will not be widened?** The City does not anticipate heavy volumes of traffic for the proposed recreation center as it will only be about half (30,000 square feet) the size of City Park Recreation Center and will not have all the features or facilities offered at City Park. A traffic study conducted for the recreation center indicates that only 60 peak hour trips are generated by the center. This low level does not warrant a traffic signal or a widening of the roadway cross section. A deceleration lane is recommended at the entry as well as flashing pedestrian crossing warning lights. A pedestrian activated stop light would be considered if it is found that crossing opportunities are not sufficient.

2. **How will the City handle security problems, especially with teens and programs like "Friday Night Live"?** According to Bill Walenczak, Director of Parks, Recreation and Libraries, Friday Night Live will only be held at City Park Recreation Center. The proposed center will be similar to Countryside Recreation Center. The existing Countryside Recreation Center will remain open after the proposed center is built.

3. **Why couldn't the recreation center move north of Walnut Creek?** This would place the center further from the residential areas and internal to the Business Park and would make the center less convenient for residents in the area to be served. The City will conduct citizen surveys and hold public meetings before the recreation center is designed to obtain citizen input regarding the specific location, size, programs, and architectural design of the facility.

4. **What about stray golf balls along 108th Avenue?** The course will be designed with adequate buffers to minimize this problem.

5. **How will the Lewis Street/Westmoor Drive intersection with 108th Drive be buffered from existing nearby residents?** The City already owns two triangular tracts on either side of Lewis Street south of 108th Avenue. This provides a sufficient buffer from the intersection. The intersection will be signalized in 1998.

6. **How diverse will the development be?** It is estimated by the developer that the majority of buildings will be one-two stories and cover about 25% of the land. Parking/loading will cover 50% and the balance will be landscaped areas.

Surrounding Zoning The land to the east is zoned for business park uses and is currently owned by the Ball Corporation. The land to the south (across 108th Avenue) is the Countryside subdivision, comprised of single family detached homes. The land to the west is undeveloped and is located in the City of Broomfield. The land to the north is unincorporated Jefferson County and is owned by the Jefferson County Airport, and a portion of that property will be used for the new City golf course.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: October 27, 1997
Subject: Comprehensive Land Use Plan Amendment Procedures
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested regarding a revision to the Comprehensive Land Use Plan allowing certain amendments to the plan to be processed simultaneously with development proposals.

Summary

As currently written, the Plan requires that any land use proposal that requires an amendment to the Plan be brought to the Planning Commission and City Council prior to action taking place on the development proposal. The Plan specifically prohibits such requests to be made simultaneously with the request for development approval (Page 76, Comprehensive Land Use Plan).

The purpose of the attached proposed amendment is to permit such applications to be made simultaneously, at the discretion of the Planning Manager, in order to expedite requests for cases where the issues are simple in nature and straight forward. This would eliminate the need for two additional public hearings for non-controversial cases.

Planning Commission Recommendation

This issue was heard by the Planning Commission on October 14th. No one appeared in favor or against the proposal. The Commission voted unanimously to recommend that the amendment be adopted. Chairman English expressed reservation on allowing staff to make the final decision on whether the "expedited" procedure will be used.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councilor's Bill No. on first reading revising the Comprehensive Land Use Plan as shown.

Background Information

The intent of the amendment provision as currently written in the Comprehensive Land Use Plan is to assure that any changes to the land use provisions of the Plan are given due consideration prior to the review of specific development proposals. As written in the existing Plan, both the Planning Commission and City Council must review the amendment before the development proposal can be scheduled for hearing. This adds two public hearings and about four to six weeks to the time it takes to review a case. It is thought that this time line is not responsive to the interested parties and adds processing time that is not warranted.

Staff is proposing that the Plan be altered to permit the simultaneous review of changes to the Plan with development proposals for many of the cases which are minor and/or not controversial, hence expediting the approval process for those cases. In any case where Staff considers the issues to be complex or contentious, separate hearings can still be required under the new amended version of the Plan.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE
PLAN BY REVISING THE COMPREHENSIVE LAND USE PLAN AMENDMENT
PROCEDURES

WHEREAS, The City of Westminster Comprehensive Land Use Plan (Plan) currently requires that all Plan amendments shall be undertaken prior to consideration by the City of any rezoning, annexation, or approval of any development application approval for a parcel of land; and

WHEREAS, the Plan Amendment Procedures currently do not allow for a rezoning, annexation or development application approval to be processed or heard concurrently with a Plan Amendment request until action has been taken on the Plan Amendment in accordance with W.M.C.; and

WHEREAS, in the interest of streamlining many rezonings, annexations and development application approvals, the City is desirous of revising the Plan Amendment procedures to allow for a Plan Amendment and a rezoning, annexation, or application for development approval to be processed concurrently; and

WHEREAS, The Planning Commission has considered this amendment and has recommended its approval to the City Council; and

WHEREAS, This proposed Comprehensive Land Use Plan amendment has been presented to the City Council and recommended by the Planning Commission and City Staff.

NOW THEREFORE, The City Council approves the revision to the Plan Amendment Procedures as contained in this ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The third paragraph of the Comprehensive Land Use Plan Amendment Procedures, found on Page 76, of the Westminster Comprehensive Land Use Plan are hereby amended to read as follows:

An application to amend the Plan may also be made by a property owner, or a property owner's authorized representative, for the parcel owned by them, in accordance with Section ~~11-2.5-1~~ 11-4-16 (B) OF the City Code. Applications for Plan amendments ~~may~~ SHALL be ~~made~~ FILED with the Community Development Department, and the public hearing process shall follow the process described in Section ~~11-2.5-1~~, 11-4-16 (B). The Plan Amendment process shall be undertaken prior to consideration by the City of any rezoning, annexation, or approval of any development application for a parcel of land, PROVIDED HOWEVER, AN application for rezoning, annexation, or development ~~application~~ approval shall ~~not~~ MAY be processed concurrently with a Plan Amendment request, IF THE PLANNING MANAGER DETERMINES IN HIS DISCRETION THAT THE PUBLIC INTEREST WOULD BE BETTER SERVED BY A COMBINED REVIEW PROCESS ~~and may not be processed or heard until action has been taken on the Plan Amendment request in accordance with Section 11-2.5-1.~~

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 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 27th day of October, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of November, 1997.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997
Subject: Annexation, Zoning, and Comprehensive Land Use Plan Designation re proposed golf course
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested 1.) on the proposed Councillor's Bills regarding the annexation and zoning to Planned Unit Development of land located north of the Westmoor Business Park (formerly Countrydale) and east of Simms Street, and 2.) a proposed amendment to the Westminster Comprehensive Land Use Plan incorporating the new property.

Summary

Applicant/Property Owner: Jefferson County Airport Authority

Location: East of Simms Street and South of the Jefferson County Airport (see vicinity map).

Size of site: 166 acres

Description of Proposed Use: Municipal Golf Course and 33 acres of Business Park development.

Major Issues -

Of the total acreage, 120 acres will be allocated for golf course, 33 acres will be available for business park development and the remainder for right-of-way, mostly for Simms Street. The entire property will be zoned Planned Unit Development (PUD). No preliminary or official development plan will be created at this time.

The property is not currently included in the Westminster Comprehensive Land Use Plan and must therefore be added if the annexation is approved. The 33-acre parcel is proposed to be designated "Business Park", and the remainder as "Public Parks/Golf Course".

An annexation agreement is proposed which specifies that the City will prepare the annexation materials, that the recommended zoning will be PUD, and that the recommended Comprehensive Land Use Plan designations for the property will be "Business Park" and "Golf Course."

Planning Commission Recommendation

The Planning Commission held a public hearing on this issue on October 14. No one appeared either in support or opposition to the request. The Commission recommended unanimously that the property be annexed and zoned PUD. The Commission also recommended that the Westminster Comprehensive Land Use Plan be amended to include the new property and that the proposed golf course be designated as "Public Parks/Golf Course" and the developable area as "Business Park."

Staff Recommendation

1. Hold a public hearing.
2. Authorize the City Manager to sign the attached annexation agreement with the Jefferson County Airport Authority.
3. Adopt Resolution No. making certain findings of fact required by Section 31-12-110, C.R.S.
4. Pass Councillor's Bill No. on first reading, annexing 166 acres south of the Jefferson County Airport and east of Simms Street.
5. Pass Councillor's Bill No. on first reading, zoning the property to Planned Unit Development.
6. Pass Councillor's Bill No. on first reading, amending the Westminster Comprehensive Land Use Plan to include the new property, designating the area of the golf course as "Public Park/Golf Course," and the 33-acre developable parcel as "Business Park" (see attached map).

Background Information

Discussion of Major Issues

The property proposed for development of a golf course has been leased to the City by the Airport Authority. Staff is recommending that the 120 acre parcel be zoned PUD but no Preliminary (PDP) or Official Development Plan (ODP) be required.

This is the same approach that was used by the City for the Legacy Ridge Golf Course.

The 33-acre parcel will remain in the ownership of the Jefferson County Airport Authority. Any development proposed will be required to have prepared for it a PDP and ODP in accordance with the procedures specified in the City Code. Staff will recommend that all uses proposed for that area be consistent with the Business Park designation of the Westminster Comprehensive Land Use Plan.

Access and Circulation Principal access to the golf course will be provided via a new collector street to be built along the south boundary of the property to be annexed. Development in the 33-acre business park area will have primary access via Simms Street.

Signage The signage will be determined at time of ODP approval. Golf course signage will be developed with the plans for the course.

Service Commitment Category Golf course commitments will be awarded out of Category F. The commercial area will be awarded commitments out of Category C. The number of commitments required for that area will be determined at the time of ODP approval. Three hundred and sixty service commitments will be required for the property being annexed for development of the golf course, and Staff estimates that approximately 720 service commitments will be required for the entire golf course, including the portion that is already located within the City.

Surrounding Zoning To the north and east the property is abutted by the airport runways. To the south is the Westmoor Business park which is zoned PUD in the City. West of Simms Street the land is located in the City of Broomfield and is zoned commercial and is currently vacant (see vicinity map).

Respectfully submitted,

William M. Christopher,
City Manager

Attachments

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1997

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN THOSE PARTS OF SECTIONS 4, 5, 8 AND 9 OF, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

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

WHEREAS, City Council has previously adopted Resolution No. 43 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the attachment of area from a school district;
- c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
- d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
- e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

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

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

PASSED AND ADOPTED this 27th day of October, 1997.

ATTEST:

Mayor

City Clerk

Airport

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A THOSE PARTS OF SECTIONS 4, 5, 8 AND 9 OF TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 43 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

Those parts of Sections 4, 5, 8 and 9 of Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, described as follows:

Commencing at a point on the South line of said Section 4, from which the Southeast corner of said Section 4 bears South 89°38'57" West 1339.07 feet to the point of beginning; Thence along the South line of said Section 4 the following (2) courses: (1) South 89°38'57" West 1430.00 feet to the South quarter corner of said Section 4; (2) Thence South 89°38'18" West 2604.70 feet to the East right-of-way line of Simms Street; Thence along said East right-of-way line the following (2) courses: (1) South 00°04'24" East 2641.77 feet; (2) Thence South 00°11'23" East 885.31 feet; Thence leaving said East right-of-way line South 89°48'37" West 100.00 feet to the West right-of-way line of said Simms Street as shown on the subdivision plat Walnut Creek Development, Unit One, Book of Plats 31, Page 1, Jefferson County records; Thence along said West right-of-way line the following (5) courses: (1) North 00°11'23" West 885.68 feet; (2) North 00°04'24" West 677.99 feet; (3) Thence North 89°59'06" East 40.00 feet; (4) Thence North 00°04'24" West 1963.36 feet;

(5) Thence North 00°34'33" East 2325.69 feet; Thence leaving said West right-of-way line South 89°25'27" East 60.00 feet to the Easterly right-of-way line of said Simms Street; Thence leaving said Easterly right-of-way line of Simms Street North 34°09'36" East 313.67 feet; Thence North 89°37'59" East 973.24 feet; Thence south 85°24'30" east 280.00 feet; Thence South 74°21'59" East 164.00 feet; Thence South 67° 54'17" East 206.00 feet; Thence South 55°55'43" East 685.00 feet to the Southwesterly line of the Jefferson County Airport per ISBill Associates Map dated January 1997; Thence along Southwesterly line of said Jefferson County Airport South 34°04'17" West 70.00 feet; Thence leaving said Southwesterly line of Jefferson County Airport South 39°17'39" West 500.00 feet; Thence South 35°03'06" West 1050.00 feet; Thence South 34°14'10" East 305.00 feet; Thence North 70°08'40" East 423.00 feet; Thence North 79°04'14" East 310.00 feet; Thence South 88°57'53" East 560.00 feet; Thence North 35°14'14" East 270.00 feet; Thence North 39°11'33" West 327.00 feet; Thence North 34°04'17" East 430.00 feet; Thence South 55°55'43" East 675.00 Feet; Thence South 47°15'06" East 760.00 feet; Thence South 10°44'17" West 620.00 feet to the point of beginning. Containing 165.943 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27nd day of October, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of November, 1997.

ATTEST:

Mayor

City Clerk

Airport annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY LOCATED IN THOSE PARTS OF SECTIONS 4, 5, 8 AND 9 OF TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County I-3 to City of Westminster PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

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

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County I-3 to City of Westminster PUD--Planned Unit Development.

Those parts of Sections 4, 5, 8 and 9 of Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, described as follows:

Commencing at a point on the South line of said Section 4, from which the Southeast corner of said Section 4 bears South 89°38'57" West 1339.07 feet to the point of beginning; Thence along the South line of said Section 4 the following (2) courses:

(1) South 89°38'57" West 1430.00 feet to the South quarter corner of said Section 4; (2) Thence South 89°38'18" West 2604.70 feet to the East right-of-way line of Simms Street; Thence along said East right-of-way line the following (2) courses: (1) South 00°04'24" East 2641.77 feet; (2) Thence South 00°11'23" East 885.31 feet; Thence leaving said East right-of-way line South 89°48'37" West 100.00 feet to the West right-of-way line of said Simms Street as shown on the subdivision plat Walnut Creek Development, Unit One, Book of Plats 31, Page 1, Jefferson County records; Thence along said West right-of-way line the following (5) courses:

(1) North 00°11'23" West 885.68 feet; (2) North 00°04'24" West 677.99 feet; (3) Thence North 89°59'06" East 40.00 feet; (4) Thence North 00°04'24" West 1963.36 feet; (5) Thence North 00°34'33" East 2325.69 feet: Thence leaving said West right-of-way line South 89°25'27" East 60.00 feet to the Easterly right-of-way line of said Simms Street; Thence leaving said Easterly right-of-way line of Simms Street North 34°09'36" East 313.67 feet; Thence North 89°37'59" East 973.24 feet; Thence south 85°24'30" east 280.00 feet; Thence South 74°21'59" East 164.00 feet; Thence South 67° 54'17" East 206.00 feet; Thence South 55°55'43" East 685.00 feet to the Southwesterly line of the Jefferson County Airport per ISBill Associates Map dated January 1997; Thence along Southwesterly line of said Jefferson County Airport South 34°04'17" West 70.00 feet; Thence leaving said Southwesterly line of Jefferson County Airport South 39°17'39" West 500.00 feet; Thence South 35°03'06" West 1050.00 feet; Thence South 34°14'10" East 305.00 feet; Thence North 70°08'40" East 423.00 feet; Thence North 79°04'14" East 310.00 feet; Thence South 88°57'53" East 560.00 feet; Thence North 35°14'14" East 270.00 feet; Thence North 39°11'33" West 327.00 feet; Thence North 34°04'17" East 430.00 feet; Thence South 55°55'43" East 675.00 Feet; Thence South 47°15'06" East 760.00 feet; Thence South 10°44'17" West 620.00 feet to the point of beginning. Containing 165.943 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of November, 1997.

ATTEST:

Mayor

City Clerk

Airport zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add a portion of the Jefferson County Airport property legally described in "Exhibit A" attached hereto. The portion of said property which is leased to the City for golf course development shall be designated "PublicPaks/Golf Course" and the remainder shall be designated "Business Park."

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 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 27th day of October, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of November, 1997.

ATTEST:

Mayor

City Clerk

EXHIBIT A

Those parts of Sections 4, 5, 8 and 9 of Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, described as follows:

Commencing at a point on the South line of said Section 4, from which the Southeast corner of said Section 4 bears South 89°38'57" West 1339.07 feet to the point of beginning; Thence along the South line of said Section 4 the following (2) courses: (1) South 89°38'57" West 1430.00 feet to the South quarter corner of said Section 4; (2) Thence South 89°38'18" West 2604.70 feet to the East right-of-way line of Simms Street; Thence along said East right-of-way line the following (2) courses: (1) South 00°04'24" East 2641.77 feet; (2) Thence South 00°11'23" East 885.31 feet; Thence leaving said East right-of-way line South 89°48'37" West 100.00 feet to the West right-of-way line of said Simms Street as shown on the subdivision plat Walnut Creek Development, Unit One, Book of Plats 31, Page 1, Jefferson County records; Thence along said West right-of-way line the following (5) courses: (1) North 00°11'23" West 885.68 feet; (2) North 00°04'24" West 677.99 feet; (3) Thence North 89°59'06" East 40.00 feet; (4) Thence North 00°04'24" West 1963.36 feet; (5) Thence North 00°34'33" East 2325.69 feet; Thence leaving said West right-of-way line South 89°25'27" East 60.00 feet to the Easterly right-of-way line of said Simms Street; Thence leaving said Easterly right-of-way line of Simms Street North 34°09'36" East 313.67 feet; Thence North 89°37'59" East 973.24 feet; Thence south 85°24'30" east 280.00 feet; Thence South 74°21'59" East 164.00 feet; Thence South 67° 54'17" East 206.00 feet; Thence South 55°55'43" East 685.00 feet to the Southwesterly line of the Jefferson County Airport per ISBill Associates Map dated January 1997; Thence along Southwesterly line of said Jefferson County Airport South 34°04'17" West 70.00 feet; Thence leaving said Southwesterly line of Jefferson County Airport South 39°17'39" West 500.00 feet; Thence South 35°03'06" West 1050.00 feet; Thence South 34°14'10" East 305.00 feet; Thence North 70°08'40" East 423.00 feet; Thence North 79°04'14" East 310.00 feet; Thence South 88°57'53" East 560.00 feet; Thence North 35°14'14" East 270.00 feet; Thence North 39°11'33" West 327.00 feet; Thence North 34°04'17" East 430.00 feet; Thence South 55°55'43" East 675.00 Feet; Thence South 47°15'06" East 760.00 feet; Thence South 10°44'17" West 620.00 feet to the point of beginning. Containing 165.943 acres, more or less.

Date: October 27, 1997
Subject: Councillor's Bill No. re McKay Lake Drainage Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council is requested to hold a public hearing, and then pass the attached Councillor's Bill on first reading rezoning of the McKay Lake Drainage Channel to O-1 (Open).

Summary

The McKay Lake Drainage Channel property, formerly owned by the Fonay family, has been purchased by the City and was annexed by the City Council on September 22, 1997. The land was not zoned at that time. No improvements are anticipated for the land except for drainage control improvements. Staff is therefore recommending that the property be zoned O-1 (Open).

Planning Commission Recommendation

This case was heard by the Planning Commission on October 14th. No one appeared either for or against the proposed zoning. The Commission unanimously recommended that the property be zoned O-1.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor's Bill No. on first reading rezoning the McKay Lake Drainage Channel to O-1.

Background Information

The drainage channel was purchased from the Fonay's and annexed by the City in order to provide for a storm water drainage downstream of McKay Lake. The drainage way runs along the south side of 144th Avenue and from there eventually into the Big Dry Creek channel. The area was purchased by the City for eventual construction of channel improvements. The O-1 (Open) zone district permits construction of public utilities and would therefore allow any channel improvements that may be necessary in the future.

Respectfully submitted,

William M. Christopher,
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY LOCATED IN THOSE PARTS OF SECTION 21, OF TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminister O-1 Open zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code section **11-2-1**.

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

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Adams County A-1 to City of Westminister O-1 Open.

A tract of land located in the North half of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast quarter of said Section 21 as bearing North 89°50'40" West from a 1" axle at the Northeast corner of said Section 21 to a 2" iron bar at the North quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the Northeast corner of said Section 21; thence along the East line of said Northeast Quarter, South 00°42'47" East, 65.01 feet; thence departing said East line, North 89°50'40" West, 30.00 feet to a point on the West right-of-way line of Huron Street, said point also being the POINT OF BEGINNING; thence along said West right-of-way line, South 00°42'47" East, 79.01 feet; thence departing said West right-of-way line, North 89°50'40" West, 2574.36 feet to a point on the West line of the Northeast Quarter of said Section 21; thence, South 89°57'11" West, 244.64 feet to a curve concave to the Southeast having a central angle of 90°30'45", A radius of 60.50 feet and the chord of which bears South 44°41'48" West, 85.94 feet;

thence along the arc of said curve 95.57 feet; thence, South 00°33'34" East, 524.64 feet to a curve concave to the Northwest having a central angle of 55°24'13", a radius of 139.50 feet and the chord of which bears South 27°08'32" West, 129.70 feet; thence along the arc of said curve 134.89 feet more or less to a point on a non-tangent line, said line being the East line of that certain parcel of land described in Book 205 and Page 85, also being the West line of that parcel of land described in Book 3258, Page 420 on file with the Adams County Clerk and Recorders Office; thence along said Line, North 29°23'52" West, 79.94 feet to a point on a non-tangent curve concave to the Northwest having a central angle of 47°47'09", a radius of 60.50 feet and the chord of which bears North 23°20'01" East, 49.01 feet; thence departing said Line and along the arc of said non-tangent curve 50.46 feet; thence, North 00°33'34" West, 524.64 feet to a curve concave to the Southeast having a central angle of 90°30'45", a radius of 139.50 and the chord of which bears North 44°41'48" East, 198.16 feet; thence along the arc of said curve 220.37 feet; thence, North 89°57'11" East, 244.14 feet to a point on the West line of the Northeast quarter of said Section 21; thence, South 89°50'40" East, 2573.94 feet to the Point of Beginning.

The above described tract of land contains 6.518 acres and is subject to all easements and rights-of-way now on record or existing.

AND

A tract of land located in the North Half of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 21 as bearing North 89°50'40" West from a 1" axle at the Northeast corner of said Section 21 to a 2" iron bar at the North Quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the Northeast corner of said Section 21; thence along the East line of said Northeast Quarter, South 00°42'47" East, 65.01 feet; thence departing said East line, North 89°50'40" West 30.00 feet to a point on the West right-of-way line of Huron Street, said point also being the POINT OF BEGINNING; thence, North 89°50'40" West, 2573.94 feet to a point on the West line of the Northeast Quarter of said Section 21; thence, South 89°57'11" West, 244.14 feet; thence, North 00°02'49" West, 35.00 feet to a point on the South right-of-way line of West 144th Avenue; thence, along said South right-of-way line, North 89°57'11" East, 243.92 feet to a point on the West line of the Northeast Quarter of said Section 21; thence continuing along said South right-of-way line, South 89°50'40" East, 2573.75 feet to a point on the West right-of-way line of Huron Street; thence along said West right-of-way line, South 00°42'47" East, 35.00 feet to the Point of Beginning.

The above described tract of land contains 2.264 acres and is subject to all easements and rights-of-way now on record or existing.

AND

A tract of land located in the Northwest Quarter of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 21 as bearing North 89°50'40" West from a 1" axle at the Northeast corner of said Section 21 to a 2" iron bar at the North Quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the North Quarter corner of said Section 21; thence along the West line of the Northeast Quarter of said Section 21, South 00°24'21" East, 30.00 feet to a point on the South right-of-way line of West 144th Avenue; thence along said South right-of-way line, South 89°57'11" West, 243.92 feet to the POINT OF BEGINNING; thence departing said South right-of-way line, South 00°02'49" East, 35.00 feet to a point on a non-tangent curve concave to the Southeast having a central angle of 90°30'45", a radius of 139.50 feet and the chord of which bears South 44°41'48" West, 198.16 feet; thence along the arc of said curve 220.37 feet; thence, South 00°33'34" East, 524.64 feet to a curve concave to the Northwest having a central angle of 47°47'09", a radius of 60.50 feet and the chord of which bears South 23°20'01" West, 49.01 feet; thence along the arc of said curve 50.46 feet more or less to a point on a non-tangent Line, said Line being the East line of that certain parcel of land described at Book 205 and Page 85, also being the West line of that certain parcel of land described at Book 3258 and Page 420 on file with the Adams County Clerk and Records Office; thence along said Line, North 29°23'52" West, 855.12 feet to a point on the South right-of-way line of West 144th Avenue; thence departing said Line and along said South right-of-way line, North 89°57'11" East, 573.39 feet to the Point of Beginning.

The above described tract of land contains 4.073 acres and is subject to all easements and rights-of-way now on record or existing.

AND

A tract of land located in the Northwest Quarter of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 21 as bearing North 89°50'40" West from a 1" axle at the Northeast corner of said Section 21 to a 2" iron bar at the North Quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the North Quarter corner of said Section 21; thence along the West line of the Northeast Quarter of said Section 21, South 00°24'21" East, 30.00 feet to a point on the South right-of-way line of West 144th Avenue; thence along said South right-of-way line South 89°57'11" West, 817.31 feet more or less to a point on a Line, said Line being the East line of that certain parcel of land described at Book 205 and Page 85, also being on the West line of that certain parcel of land described at Book 3258 and Page 420 on file with the Adams County Clerk and Records Office, thence along said Line, South 29°23'52" East, 935.06 feet to the POINT OF BEGINNING, said point also being on a non-tangent curve concave to the Northwest having a central angle of 21°32'55", a radius of 139.50 feet and the chord of which bears North 44°04'11" East, 52.16 feet; thence along the arc of said curve 52.46 feet to a point on a non-tangent line; thence along said non-tangent line South 29°23'52" East, 589.59 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 21, said point also being on the North line of Lexington Subdivision, Seventh Filing; thence along said North line, South 89°42'08" West, 57.22 feet more or less to a point on a Line, said Line being the East line of that certain parcel of land described at Book 205 and Page 85, also being the West line of that certain parcel of land described at Book 3258 and Page 420 on file with the Adams County Clerk and Records Office, thence along said Line, North 29°23'52" West, 546.92 feet to the Point of Beginning. The above described tract of land contains 0.650 acres and is subject to all easement and rights-of-way now on record or existing.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of November, 1997.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997
Subject: Land Acquisition for Church Ranch Boulevard Extension
Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize the acquisition of remainder parcels adjacent to the right-of-way being acquired for the Church Ranch Boulevard (101st/100th Avenue) Extension project at a cost of \$359,733. Funds are available in the project account and by transfer from the General Fund Contingency account to the General Capital Improvement Fund.

Summary

City Council authorized acquisition of right-of-way for the Church Ranch Boulevard Extension project in May of 1995. Voluntary settlement through negotiations has been achieved with 14 of the 17 owners. One acquisition was recently resolved in court. S/S Land Holdings, the owner of 26.8 vacant acres in the project area near Wadsworth Parkway has recently been proposed a settlement that has the City purchasing two adjoining parcels in addition to the necessary right-of-way. The subject parcels are shown on the attached map.

The Church Ranch Boulevard alignment splits the S/S Land Holdings ownership and leaves a 2.42 acre remainder parcel whose value has been disputed by the City and the owner. The owner suggests that the City purchase this remainder along with a small adjoining triangular piece of property so the right-of-way acquisition can be settled voluntarily. The fee simple value for the three acquisitions including the right-of-way acquisition would be agreed to at \$2.35 per square foot, which is a compromise from the City's appraisal at \$2.00 per square foot and the owner's appraisal at \$2.50 per square foot. The total expenditure for the non-right-of-way elements of the purchase would be \$359,733.

The most likely alternative to this settlement proposal would have the City file a condemnation lawsuit for the right-of-way acquisition alone. The proposed settlement is attractive when considering that the court is likely to value the land at a compromised unit value, and that the remainder parcel may be judged to have diminished value as a result of its separation from the larger ownership. The City's costs for the right-of-way alone would then include the court's determination of value, a possible assessment of damages on the remainder parcel, and the cost of preparing and trying the case. The City would have nothing to show for these extra costs since the owner would retain the remainder parcel. Staff believes that the proposed settlement is in the public interest and beneficial in the long run.

Staff Recommendation

1. Authorize the purchase of 3.60 acres in two parcels from S/S Land Holdings at a cost of \$359,733.
2. Pass Councillor's Bill No. on first reading authorizing the transfer of \$125,000 from the General Fund Contingency account to combine with funds appropriated in the West 101st/100th Avenue Project account in the General Capital Improvement Fund to pay for the acquisition.

Background Information

Right-of-way acquisition for the project which extends Church Ranch Boulevard from Old Wadsworth Boulevard to Colorado Highway 121 (Wadsworth Parkway) began after City Council approval in May of 1995. A total of \$1.6 million was authorized for these acquisitions. All right-of-way acquisitions are subject to review and approval of the Colorado Department of Transportation since a portion of these expenses are eligible for Federal participation under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1993.

A total of 17 property owners are directly affected by the project, and voluntary settlements have been reached on the acquisitions from 14 of these owners. Recently, Jefferson County District Court made a determination in one case where the City and the owner were unable to reach agreement on the appropriate value of the acquisition. Negotiations have continued with S/S Land Holdings, the owner of approximately 26.8 acres at the northwest quadrant of 100th Avenue and Wadsworth Parkway.

The City must acquire 2.43 acres of fee simple right-of-way and 0.74 acres of easement from the S/S group for the roadway improvements (see attached map). The street alignment splits another 2.42 acres from the larger ownership. The City's appraisal valued the land at \$2.00 per square foot, but the owner's appraisal determined a value of \$2.50 per square foot. The overall site is vacant but is zoned for mixed use development, and a recent Preliminary Development Plan submittal requests rezoning to District Center, for the purpose of constructing a retail center with a grocery store and home improvements center as its anchor tenants.

The City's appraisal concluded that the parcel, originally considered for a detention pond which would serve the larger ownership, was not diminished in value. A recently drafted update of the appraisal speculates that even without use as a detention pond, the remainder parcel value might actually increase, enhanced by the construction of the project as a site for free-standing office facilities. In contrast, the owner is asserting that the parcel's value is diminished by its severance from the larger piece. Until the case is filed in court, the owners assertion of damages is unlikely to be quantified but if a loss of 25 percent were assumed, that damage assessment might reach \$60,000.

Negotiations to acquire the right-of-way have been stalled for several reasons, including the owner's desire to secure a commitment from a site user and approval by the City of a Preliminary Development Plan for those uses. Recently, progress was made on those activities and the City and the S/S group have discussed a purchase proposal where the City would purchase the right-of-way along with the remainder parcel and an adjoining 1.20 acre parcel now owned by the Cleo Wallace Center (see attached map).

The unit price for these acquisitions would be \$2.35 per square foot, for a total expenditure of \$627,555. \$267,822 would be allotted to the right-of-way purchase and \$359,733 to the other parcels.

Right-of-way costs for the project have been close to the amount originally estimated for the project budget, but the purchase of the remainder parcels was not anticipated. The budget for the project is nearly spent or encumbered. Of the \$359,733 necessary for the purchase, \$234,733 would come from funds as yet unauthorized and in other project accounts and \$125,000 would be transferred to the project account from the General Fund Contingency.

The assemblage of the S/S Land Holdings' remainder parcel and the Wallace parcel is a desirable end from the City's perspective and the S/S group had been encouraged to pursue this approach themselves from the beginning of talks. Adding the Cleo Wallace parcel to the S/S parcel greatly enhances the development viability of the S/S parcel since the combined parcels have a more usable shape. The combined area of the two parcels (3.62 acres) is better suited to development and a resale will be pursued, either as a free-standing site or in an assemblage with property south of 100th Avenue. The City's return on this investment should cover its cost and will certainly be positive when compared to an assessment of damages on the remainder parcel if the right-of-way acquisition went to trial. The 3.6-acre property could also be a valuable component in an incentive package for attracting preferred development to the 100th Avenue/Wadsworth Parkway area.

If the City and S/S Land Holdings cannot negotiate to a voluntary settlement, the condemnation case would have to be prepared and filed. In addition to the base cost for the right-of-way, the City's exposure consists of the cost of trial preparation and testimony, the possibility of a value determination for the right-of-way considerably higher than the \$2.00 per square foot unit value of the City's appraisal and the chance that the remainder parcel would be considered damaged due to its severance from the whole ownership. The combined exposure of these elements could range from \$30,000 to \$150,000, in addition to the cost of the right-of-way, and the owner would retain the remainder parcel to develop or sell to someone else. Staff believes that for the \$2.35 per square foot unit value, the City benefits by being able to purchase the remainder parcel, combine it with the Cleo Wallace parcel, and better control its ultimate use.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvement Project Fund initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$125,000 which, when added to the fund balance as of the City Council action on October 27, 1997 will equal \$43,922,625. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the General Fund Contingency Account for the Church Ranch Boulevard (101st/100th Avenue) Extension.

Section 2. The \$125,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Transfer from General Fund		
75-9999-360	\$1,093,901	<u>\$125,000</u>
\$1,218,901		

<u>EXPENSES</u>		
101st/100th Avenue Extension		
75-30-88-555-225	\$126,438	<u>\$125,000</u>
\$251,438		

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

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>EXPENSES</u>		
Contingency		
10-10-99-999-000	\$641,709	<u>\$(125,000)</u>
\$516,709		
Transfer to GCIF		
10-10-95-990-975	\$192,500	<u>\$125,000</u>
\$317,500		

Section 4 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of November, 1997.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997

Subject: Resolution No. Re Becky Martin Annexation Petition

Prepared By David Falconieri, Planner III

Introduction:

City Council action is requested on the attached resolution concerning finding compliance of the proposed petition requesting annexation of the Becky Martin property with statutory requirements and establishing a hearing date.

Summary:

The property in question is located on the north side of Church Ranch Boulevard, west of the Diamond Shamrock service station. The proposed annexation consists of a total of 29,600 square feet and is proposed to be zoned Planned Unit Development (PUD). The property is included in the Northeast Comprehensive Development Plan, Sub-area "I", which permits a broad range of commercial, office and light industrial uses, and low density single family residential.

The property is currently improved with a modular office building. The applicant wishes to continue the use of the existing building for a period not to exceed five years until a more permanent office building can be built on the site. The applicant is looking into the possibility of purchasing the land to the west in order to create more area for the future permanent development. A Preliminary Development Plan (PDP) will be processed simultaneously with the annexation request.

In 1996, City Council established the desirability of annexations within the Jefferson County enclave area by adopting an Intergovernmental Agreement with the Jefferson County Commissioners in which that goal was affirmed. Annexations along the new Church Ranch Boulevard extension are especially desirable in order to give the City control of development along this important transportation corridor.

Staff Recommendation:

Adopt Resolution No. accepting the annexation petition submitted by Becky Martin and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of November 24, 1997, for the annexation hearing.

Background Information:

Upon receiving a petition for annexation, City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) of the C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.

2. An allegation that the requirements of Section 31-12-104 and 31-12-105 of the C.R.S. have been met. (These Sections are to be reviewed by the Council at a formal public hearing).
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, Becky Martin, signer of the petition, owns 100% of the property).
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that the petition complies with the above requirements.

If City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time Council will review the merits of the proposed annexation.

Respectfully Submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, a copy of which is attached hereto and incorporated herein by reference, for the annexation of certain territory therein-described to the City; and

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107(1).

2. City Council hereby establishes November 24, 1997, 7:00 p.m., at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108(1).

2. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108(2).

Passed and adopted this 27th day of October, 1997.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997
Subject: Skyline Vista Park Construction Contract
Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to authorize the City Manager to sign contracts with Urban Farmer, Inc. in the amount of \$1,023,003.85 for construction of Skyline Vista Park; with Fence Consulting Services in the amount of \$97,032.00 for fencing; with Wenk Associates in the amount of \$11,840 for construction administration. City Council is also requested to adopt the attached Resolution to award 36 Service Commitments for Skyline Vista Park. The total project budget, in addition to the amounts given above, included a 3" irrigation water tap, geotechnical testing, park lighting and a 6% construction contingency is \$1,354,050.85. Funds for this expense are available in both the Skyline Vista Park Project account for \$1,287,050.85 and the Community Enhancement account for \$67,000 in the General Capital Improvement Fund.

Summary

Skyline Vista Park is an 11 acre neighborhood park located at 72nd and Zuni adjacent to Skyline Vista Elementary School. The Park is located at the City's southeastern boundary where the City's gateway will be constructed as part of this project using Community Enhancement funding for this portion of work. Wenk Associates was the design consultant hired by the City to develop the construction documents based on the approved master plan developed by Winston and Associates. This September, the project was advertised and bid according to the City's purchasing ordinances and procedures. Sixteen contractors attended the mandatory pre-bid meeting and 28 copies of construction documents were sold to various contractors and suppliers. The following is a tabulation from the October 16 bid opening:

Urban Farmers, Inc.	\$1,023,003.85
Western States Reclamation	\$1,054,224.52
Environmental Concerns	\$1,070,858.63
Randall & Blake, Inc.	\$1,185,820.00
Arrow J. Landscaping	\$1,216,543.00

The low bid by Urban Farmer, Inc. is considered a good bid in comparison to the engineer's cost estimate of \$1,151,000.00 for the project. Urban Farmer, Inc. has not performed any previous work for Westminster in the past, however, after closely checking references from other agencies, Staff believes that Urban Farmer is qualified and will be a competent contractor. For instance, Urban Farmers was the landscape contractor for the Market Place commercial development north of City Hall.

Prior to bidding the construction project, Staff competitively bid a fencing contract for the Skyline Vista Park project through Fence Consulting Service.

Three contractors submitted bids for fence supplies and installation of the fencing and backstops for the two little league fields and the result of the bids are as follows:

Ideal Fencing Corp.	\$ 97,032.00
Metro Fence Company	\$103,762.00
Steelock Fence Company	\$107,558.00

Ideal Fencing Corp has worked for the City in the past on Little Dry Creek Trail and will coordinate with Urban Farmer, Inc. on this project. In addition to the construction contracts mentioned above, other construction costs include a 3" irrigation tap, construction observation and administration by Wenk, park lighting by Public Service Company, geotechnical testing, miscellaneous cost such as park sign and a traffic signal box relocation, and a 6% project contingency are requested to complete the project. The following is a construction budget established for Skyline Vista Park.

Construction by Urban Farmers	\$1,023,003.85
Fencing by Fence Consulting Services	\$ 97,032.00
3" Irrigation tap	\$ 137,675.00
Park Lighting by PSCo.	\$ 10,000.00
Construction Administration by Wenk	\$ 11,840.00
Geotechnical Testing	\$ 3,000.00
Misc. Costs (relocates, sign, etc.)	\$ 10,000.00
<u>6% Contingency</u>	<u>\$ 61,500.00</u>
TOTALS	\$1,354,050.85

City Council is also requested to adopt the attached Resolution which awards 36.0 Water Service Commitments from Category F required under Section 11-5-4 of the City Code for the irrigation of Skyline Vista Park.

Alternatives

City Council could reject the low bid from Urban Farmer, Inc. and select the second lowest bidder, Western States Reclamation to perform the work. Western States Reclamation has previous experience working with the City and has proven to be a very good contractor. However, the low bid from Urban Farmer, Inc. has been determined to be a good bid and the evaluation of the company has been verified.

City Council could decline action on the attached Resolution for Water Service Commitments, however, the service commitments are necessary for irrigation of the park for maintaining landscaped areas.

Staff Recommendation

1. Authorize the City Manager to sign contracts with Urban Farmer, Inc. in the amount of \$1,023,003.85 for the construction of Skyline Vista Park, with Fence Consulting Services in the amount of \$97,032.00 for the installation of fencing materials, with Wenk Associates in the amount of \$11,840.00 for construction administration, authorize a project contingency of \$61,500, and charge this expense to both the Skyline Vista Park account for \$1,287,050.85 and the Community Enhancement account for \$67,000 in the General Capital Improvement Fund.

2. Adopt Resolution No. allocating 36.0 Category F Water Service Commitments to Skyline Vista Park.

Background Information

The City acquired five acres for Skyline Vista Park in 1987 in order to provide a new neighborhood park for area residents as identified in the Park Master Plan. In April 1993, the City hired Winston Associates, through a competitive bidding and selection process, for master planning, design development, construction document production, and construction observation for the development of the five-acre Skyline Vista Park.

During the master planning process, however, Staff realized that the five acre site would not be large enough to accommodate the park programs requested by the residents. The program included Little League Baseball fields, open lawn area, playground area with picnic shelter, and other park elements. Staff conducted a mail-in survey asking the residents whether to construct a five acre park with reduced program by 1994 or acquire additional six acres of land and delay the completion of the park until 1998. The residents voted for acquiring more land and delay the park development. Staff postponed the master planning process until 1995. The contract with Winston Associates was therefore amended to focus only on the master planning process and the scope of service was reduced to deliver a master plan of an eleven-acre neighborhood park.

In 1995, Staff reorganized the master planning process and presented three alternative plans for the eleven acre park to the residents at a community meeting on May 15, 1996. Confusion about the alternative plans resulted in Staff having to hold additional community meetings and conducted a mail-in survey to clarify the issues surrounding the proposed master plan. Based on the Citizen input the the final master plan was modified and approved by City Council at post meeting on August 26, 1996.

The approval of the master plan by City Council concluded the contract with Winston Associates. Then a competitive bid and selection process was initiated to hire a consultant to move forward with the project to provide construction drawings, engineering services, and bid documents for the construction phase of this project. Ten proposals were received and Wenk Associates were selected and approved by City council on January 13. Winston Associates was invited to submit an RFP, but they were eliminated due to the high fee they proposed for this phase of the project.

On October 1, 1996, Staff applied for a \$150,000 Local Government Park and Outdoor Recreation Grant sponsored by GOCO for Skyline Vista Park. The City was awarded the grant in the amount of \$100,000 on December 3, 1996 for construction of the park. Due to the high demand for these grants most projects received partial funding. However, Westminster did receive the largest awarded amount under the Local Government Park and Outdoor Recreation Grant category with GOCO. Between 1994 and 1996 only 6 other local governments received grant awards of \$100,000 out of 124 grants awarded. Skyline Vista Park design and construction funding sources are summarized below.

1996 Westminster GCI Fd	\$ 100,000
1996 GOCO Grant	100,000
1997 Westminster GCI Fd	400,000
1996 Carry Over Funds	100,000
1998 Westminster GCI Fd	<u>650,000</u>
Total Funding	\$1,350,000

Wenk Associates worked on the construction documents and prepared the cost estimates to construct the park. Under the existing time line the Skyline Vista Park project will begin construction in November of 1997 with completion proposed for May of 1998.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution, Project area map

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

AWARD OF SERVICE COMMITMENTS FOR SKYLINE VISTA PARK
FROM CATEGORY F

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

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through June 30, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category F, Contingency and Public Usage; and

WHEREAS, Category F is the category which is appropriate for Skyline Vista Park; and

WHEREAS, there are 198.50 Service Commitments available for award in Category F; and

WHEREAS, the City Council has approved the development of Skyline Vista Park; and

WHEREAS, the City Council is authorized to award Service Commitments by Section 11-5-5(F) of the City Code.

NOW, THEREFORE, be it resolved that:

1. An award of 36.0 Service Commitments is hereby made for use by Skyline Vista Park.
2. A reduction of 36.0 Service Commitments is hereby made to the total number of Service Commitments available in Category F.
3. This award shall be valid for a period ending October 27, 1997.
4. This shall constitute the resolution required under Section 11-5-4 of the City Code.

Passed and adopted this 27th day of October, 1997.

ATTEST:

Mayor

City Clerk

Date: October 27, 1997
Subject: Exclusion of Properties From West Adams County Fire Protection District
Prepared by: Tami Berry, Paralegal

Introduction

City Council action is requested to approve the Stipulation and Plan for exclusion of territory from the West Adams County Fire Protection District.

Summary

The City has been negotiating with the Adams County Fire Protection District regarding the exclusion of recently annexed properties from the District.

This Stipulation will allow the City to proceed in an uncontested manner in Adams County District Court for the purpose of obtaining an Order excluding the parcels of property covered under the Stipulation.

Staff Recommendation

Approve the Stipulation and Plan for exclusion of properties from the West Adams County Fire Protection District and authorize its execution by the Mayor and City Manager on behalf of the City.

Background Information

The important components of the Stipulation are as follows: (1) An agreement that the quality of fire protection service to be provided by the City will be comparable and not inferior to the fire protection service now provided by the District; (2) Existing indebtedness of the District for which the excluded properties would remain liable; (3) An agreement that the District shall have the right to levy a mill levy not to exceed 0.5 mill against the excluded properties for five consecutive years for the District's Volunteer Firemen's Pension Fund; and (4) Transfer of fire protection service responsibilities to be effective January 1, 1998.

Vicinity maps showing the areas to be excluded are also attached.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Stipulation and Vicinity Maps

DISTRICT COURT, COUNTY OF ADAMS, STATE OF COLORADO

Civil Action No. 4825

**STIPULATION AND PLAN FOR EXCLUSION OF CERTAIN TERRITORY
FROM THE WEST ADAMS COUNTY FIRE PROTECTION DISTRICT**

THE CITY OF WESTMINSTER, COLORADO, a home-rule City, and THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER,

Petitioners,

vs.

THE BOARD OF DIRECTORS OF THE WEST ADAMS COUNTY FIRE PROTECTION DISTRICT, and All Taxpaying Electors of the WEST ADAMS COUNTY FIRE PROTECTION DISTRICT, as a class,

Respondents.

COME NOW the parties hereto, by their respective counsel, and stipulate as follows:

PREAMBLE

1. This action is based upon the Petition of the City of Westminster pursuant to section 32-1-502, et seq., C.R.S., as amended, to exclude certain territory from the West Adams County Fire Protection District because that territory is located within the City of Westminster which also provides fire protection service. The territory sought to be excluded is described in Exhibit "A" attached hereto and incorporated herein by reference.

2. This Stipulation and Plan is submitted pursuant to and in satisfaction of the requirements of section 32-1-502(2)(c) which provides that as a condition to the exclusion of the property which is the subject of this petition, the governing body of the City and the board of directors of the District shall each submit a plan for the disposition of assets and continuation of services to all areas of the District, and that said plans shall include, if applicable, provisions for the maintenance and continuity of facilities to be utilized by the territories both within and without the municipal boundaries and of services to all territories served or previously served by the special district, and further, that if the City and the District agree upon a single plan and enter into a contract incorporating its provisions, the court shall review such contract, and if it finds the contract to be fair and equitable, the court shall approve the contract and incorporate its provisions into its exclusion order.

3. The City Council of the City of Westminster, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

4. The Board of Directors of the West Adams County Fire Protection District, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

STIPULATION AND PLAN

5. All notice requirements of the statute and of the Colorado Rules of Civil Procedure have been fully, completely and properly complied with. No objection to the exclusion has been made by any taxpaying elector, individually or on behalf of the class designated Taxpaying Electors. The District and the City consent to the exclusion of the property described in Exhibit "A", subject to the provisions of this Stipulation and Plan.

6. The parties further stipulate that:

A. The City of Westminster has provided and is now providing the same fire protection services which the West Adams County Fire Protection District provided in or to the territory proposed for exclusion.

B. The governing body of the City of Westminster agrees, and has agreed, by resolution, to provide the service provided by the West Adams County Fire Protection District to the area described in the exclusion petition effective immediately upon entry of the exclusion order regardless of its later effective date.

C. The quality of fire protection service to be provided by the City of Westminster will not be inferior to the fire protection service now provided by the West Adams County Fire Protection District in the territory proposed for exclusion and described in the Petition for Exclusion.

D. No election has been held or is required to be held pursuant to subsection (5) of section 32-1-502, C.R.S., as amended, and it is stipulated that the quality of service including, but not limited to, the fire insurance costs for the improvements within the excluded area will not be adversely affected by this exclusion.

E. The District owns no facilities or assets located within the territory which is proposed for exclusion.

F. The District has an outstanding bonded indebtedness of \$1,870,000.

7. Commencing the taxable year 1998, the District, for a period of five (5) years, shall have the right to assess and collect the proceeds of a mill levy of one-half (1/2) mill against the assessed value of the applicable excluded property, which proceeds shall be paid to and for the exclusive benefit of the District's Firemen's Pension Fund.

8. Pursuant to section 32-1-502, C.R.S., as amended, District and City agree to the following plan for disposition of assets and contribution of services to all areas of the District:

A. The District owns no real property or improvements within the territory described in the Petition for Exclusion and the City does not seek ownership of any such assets located in any other part of the District.

B. The City does not seek ownership of any firefighting equipment or other personal property now owned by the District and the Order of Exclusion may so state.

C. The City shall provide fire protection to the territory described in the Petition and shall continue to honor any mutual aid agreement with the District applicable to any District territory not excluded.

D. All other resources of the City Fire Department will be available to respond as the circumstances of any emergency or other situation may require. This includes a total of ten (10) major pieces of firefighting equipment based at six (6) fire stations throughout the City.

E. City officers will also be responsible for safety inspections and other fire code enforcement within the territory described in the Petition.

F. Primary responsibility for fire protection in all territory of the District not proposed for exclusion shall remain with the District.

9. The City of Westminster shall assume fire protection service responsibility to the excluded area from the District effective January 1, 1998. Nothing in this Stipulation and Plan shall impair or negate the validity or effectiveness of any existing mutual aid agreement between the parties.

10. The West Adams County Fire Protection District and its firefighters, including those residing in the excluded area, shall continue to have the right to operate District and personal vehicles and equipment as authorized emergency vehicles within said excluded area and the City of Westminster, for bona fide emergency purposes, as the District may deem necessary in fulfilling District obligations. Authorized emergency vehicles shall be those as defined by section 42-1-102, C.R.S., as amended, and shall include the right of District firefighters who reside in the excluded area to respond to emergency calls in personal vehicles and District vehicles which are operated as emergency vehicles.

11. Pursuant to section 32-1-503, C.R.S., as amended:

A. The change of boundaries of the West Adams County Fire Protection District which is accomplished by the Court Order, shall not impair nor affect its organizations, nor shall it affect, impair or discharge any contract, obligation, lien, or charge on which it might be liable or chargeable had such change of boundaries not been made.

B. For the taxable year 1998 and thereafter, the excluded property shall not be subject to any property tax levied by the District for operating costs.

C. For the purpose of retiring the District's outstanding indebtedness and the interest thereon existing at the effective date of the exclusion order, the applicable excluded territory shall be obligated only for that proportion of the District's outstanding indebtedness and the interest thereon existing immediately prior to January 1, 1998.

D. The excluded territory shall in no event become obligated for the payment of any bonded indebtedness created after the date of the Court's exclusion order.

12. This Court may, immediately upon presentation of this Stipulation and Plan, enter an Order consistent herewith excluding the territory described in Exhibit "A" from the West Adams County Fire Protection District. The Order shall become effective, as provided by statute, on January 1, 1998. The form of the Order is attached hereto as Exhibit "B" and all of the terms of said Order are hereby incorporated by reference in this Stipulation and Plan.

13. The Court's Exclusion Order shall become effective January 1, 1998.

Respectfully submitted,

CITY OF WESTMINSTER

By: _____
Richard Shearer #8792
Attorney for Respondent
1600 Broadway, #2400
Denver, CO 80202
830-9111 430-2400

By: _____
Sharon Widener #12571
Attorney for Petitioners
4800 W. 92nd Avenue
Westminster, CO 80030

APPROVED:

WEST ADAMS COUNTY FIRE
PROTECTION DISTRICT

CITY OF WESTMINSTER, a
home-rule City

By _____
President Nancy Heil, Mayor

By _____

By _____
Fire District Manager

By _____
Bill Christopher,
City Manager

ATTEST: ATTEST:

Date: October 27, 1997

Subject: Resolution No. re Exclusion From West Adams County Fire Protection District

Prepared by: Tami Berry, Paralegal

Introduction

City Council action is requested to adopt the attached Resolution approving the exclusion of properties from the West Adams County Fire Protection District.

Summary

This item is related to the approval of the Stipulation and Plan for exclusion appearing previously on Council's agenda.

Staff Recommendation

Adopt Resolution No. approving the exclusion of properties from the West Adams County Fire Protection District.

Background Information

In order for the City Attorney's Office to proceed with the filing of the exclusion documents, the exclusion statutes require that City Council adopt the attached Resolution indicating the City's agreement to provide the fire protection services provided by the West Adams County Fire Protection District to the area described in the Stipulation and Plan within one year from the effective date of the exclusion Order as required by statute.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

RESOLUTION NO. _____

INTRODUCED BY COUNCILLORS

SERIES OF 1997

EXCLUSION OF TERRITORY FROM THE WEST ADAMS
COUNTY FIRE PROTECTION DISTRICT

WHEREAS, it is in the public interest and a policy of the City of Westminster to eliminate the overlapping of services provided by local governments and the double taxation which may occur because of annexation when all or part of the territory lies within the boundaries of both the City of Westminster and a special district; and

WHEREAS, Colorado statutes provide an orderly procedure to eliminate such overlapping of services and double taxation, which procedure is found in section 32-1-502, et seq., C.R.S., as amended; and

WHEREAS, the City Council of the City of Westminster has been informed by City Staff and now finds that such a situation exists in the area described on Exhibit "A" attached hereto and incorporated herein by reference and that there is an overlapping of fire protection services by the City of Westminster and the West Adams County Fire Protection District and double taxation resulting from the territory described in Exhibit "A" being within the boundaries of both the City and the District; and

WHEREAS, the City Council, based upon information provided by its Staff, has found that the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the West Adams County Fire Protection District in the territory described in Exhibit "A" attached hereto, based upon the Westminster Fire Department's service capability, which includes operations out of six (6) existing fire stations which are strategically located throughout the City; an extensive fleet of sophisticated firefighting and emergency medical vehicles including a snorkel fire truck, one attack unit, six fire engines, two reserve fire engines, and ALS ambulances operated by a staff of eighty-five (85) highly skilled and trained full-time firefighters and thirty-five (35) volunteer firefighters including paramedics and emergency medical technicians; and

WHEREAS, evidence gathered in previous proceedings for exclusion from other Districts, and applicable to this proceeding also, establishes that fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

WHEREAS, City officials and representatives of the West Adams County Fire Protection District are negotiating the City's proposal to exclude from the Fire District, and are working towards a mutually acceptable exclusion agreement; and

WHEREAS, the City Council of the City of Westminster is willing to agree by this Resolution to provide the service provided by the West Adams County Fire Protection District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and more specifically, immediately upon the effective date of the exclusion order;

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

1. That the City proceed at once to exclude the territory described in Exhibit "A" from the West Adams County Fire Protection District by filing its Petition in the District Court of Adams County, pursuant to the provisions of section 32-1-502, et seq., C.R.S., as amended.

2. That the City Council of the City of Westminster agrees, by this Resolution, to provide the service provided by the West Adams County Fire Protection District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and specifically, immediately upon the effective date of the exclusion order.

3. That the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the West Adams County Fire Protection District in the territory described in Exhibit "A" and the fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

4. That the City Attorney is instructed to petition the Court and carry out all notification requirements as contained in applicable state statutes.

PASSED AND ADOPTED this 27th day of October, 1997.

Mayor

ATTEST:

City Clerk

Date: October 27, 1997
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, 1997 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 Neighborhoodly 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

Date: October 27, 1997
Subject: Intergovernmental Agreement re Simms Street Determinations
Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested on the attached Intergovernmental Agreement between the cities of Westminster and Broomfield pertaining to determinations involving Simms Street adjacent to the Westmoor Business Park.

Summary

As part of the actions involving the Westmoor Business Park and annexation of Jefferson County Airport land for the Countrydale Golf Course, Staff has been in discussions with Broomfield staff about the annexation of Simms Street. Also, the issue of access control designations, street maintenance issues and street widening were raised and discussed. Finally, existing Broomfield utility easements are addressed which are located on airport property. All of these issues have been addressed and resolved in the attached Intergovernmental Agreement between the cities of Westminster and Broomfield. Staff recommends approval of the agreement.

Staff Recommendation

Approve the Intergovernmental Agreement between the cities of Westminster and Broomfield pertaining to determinations involving Simms Street north of 107th Avenue as they relate to the Westmoor Business Park and authorize the appropriate City officials to execute said agreement.

Background Information

As part of the deliberations on the Westmoor Business Park and the City of Westminster's annexation of the Jefferson County Airport property for the northern part of the Countrydale Business Park, the question of annexing Simms Street arose between Westminster and Broomfield. Broomfield has previously had the support of the Jefferson County Airport Authority to annex airport owned property located west of Simms Street in unincorporated Jefferson County. Under Colorado Law, a municipality cannot annex half of the public right-of-way. Therefore, it is necessary to determine which municipality would annex the entire street right-of-way that existed in unincorporated Jefferson County. Other issues that were discussed involved who had the authority to determine access points off Simms Street, street maintenance provisions, street widening and existing utility line easements.

City management personnel from the two cities have worked out an amicable agreement to resolve these issues and the attached intergovernmental agreement has been prepared accordingly. The agreement calls for the City of Westminster annexing the full Simms Street right-of-way with Broomfield having access designation for the western half of the street and Westminster having such access control decision making for the east side of the street which is important to the Westmoor Business Park.

Intergovernmental Agreement re Simms Street Determinations

Page 2

The agreement sets forth street maintenance responsibilities and expenses as well as clarifying responsibility for street widening and continued use of an existing utility easement across the golf course site.

The City of Broomfield City Council is scheduled to consider action on this Intergovernmental Agreement at their regular meeting on October 28.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: October 27, 1997
Subject: Financial Report for September 1997
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1997 transactions through September, 1997.

Summary

There are three sections to the attached report:

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

General Fund revenues represent 72% of the total budget estimate while General Fund expenditures and encumbrances represent 71% of the 1997 appropriation.

Utility Fund revenues represent 68% of the total budget estimate.

Utility Fund expenditures and encumbrances represent 72% of the 1997 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment. Of the total budget increase of \$15.1 million between 1996 and 1997, \$13.2 million is due to the Reclaimed Water Project of 1997 and the bonded loan through Colorado Water Power Authority. Appropriations rose from \$21.962 million to \$25.562 million due to the carryover of \$3.6 million, which was subsequently loaned to WEDA.

The Sales and Use Tax Fund revenues represent 77% of the total budget estimate, while expenditures and encumbrances in that fund represent 69% of the 1997 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 6% from the same period last year and increased 7% year-to-date.

The Open Space Fund revenues represent 100% of the total budget estimate while expenditures and encumbrances in that fund represent 17% of the 1997 appropriation. In March, the City issued \$23,350,000 in bonds; \$12,000,000 was allocated for open space land purchases which will be spent later in 1997 - 1998.

The Golf Course Fund operating revenues represent 89% of the total budget estimate while operating expenditures and encumbrances in that fund represent 62% of the 1997 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures. In March, a portion of the 1992 Sales & Use Tax Revenue bonds were refunded. A portion of those bonds were used to finance construction of Legacy Ridge. The large revenue and expense is the golf course's portion of bond proceeds which were, in turn, expensed to the escrow agent for refunding.

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 Information

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: October 27, 1997
Subject: Quarterly Insurance Report
Prepared By: Nancy Winter, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from July 1, 1997 through September 30, 1997. 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, 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 Information

The Risk Management Division received the following claims during the third quarter of 1997:

1. WS16687024 Date of Loss: April 17, 1997. Adams County District 50 Schools, 7300 Lowell Boulevard, Westminster, CO 80030. Adams County School District 50/Career Enrichment Park (CEP) alleges that the City turned off the CEP facility's water while the City was performing maintenance work, thereby causing food in a CEP cooler to spoil. Claimants seek \$1,460.48 in damages. CIRSA has denied the claim.
2. WS11467025 Date of Loss: April 29 and 30, 1997. Harry Studer, 8085 Clay Street, Westminster, CO 80030. Claimant alleges that the City caused damage to his driveway during concrete gutter repair activity. Claimant seeks an unspecified amount to repair the damage to his gutter. CIRSA is investigating the claim.
3. WS16687026 Date of Loss: July 15, 1997. Bill Crossen, 10607 Kipling Way, Westminster, CO 80021. Mr. Crossen alleges that a water break caused a leak in his basement and, thus, caused property damage. Claimant sought reimbursement for cost of water removal and replacement cost of damaged possessions. CIRSA settled the claim for \$718.79.
4. WS04227027(1) Date of Loss: July 4, 1997. Theresa Fleischli, 12160 North Huron Street, #301, Westminster, CO 80234. Ms. Fleischli alleges fall-out from the City fireworks display caused damage to her vehicle. Claimant sought payment for the cost of repairs to her vehicle. CIRSA settled the claim for \$1,100.

5. WS04227027(2) Date of Loss: July 4, 1997. John Fleischli, 12160 North Huron Street, #301, Westminster, CO 80234. Mr. Fleischli alleged fall-out from the City fireworks display caused damage to his vehicle. Claimant seeks the cost of repairs to his vehicle. CIRSA settled the claim for \$250.00
6. WS16687028 Date of Loss: July 28, 1997. Jacob Heinrick, 7444 Alcott Street, Westminster, CO 80030. Mr. Heinrick alleged that his car was damaged after he drove it over a loose manhole cover at 74th and Zuni. CIRSA settled the claim for \$726.47.
7. WS16687029 Date of Loss: June 28, 1997. Robert Brown, 3651 West 76th Avenue, Westminster, CO 80030. Mr. Brown alleged that damage to a City sewer link caused a sewer back-up in his home, damaging his property. Claimant seeks \$7,500 in damages. CIRSA settled the claim for \$3,312.00 in damages.
8. WS16687030 Date of Loss: July 23, 1997. Tony Domenico/Amici's Ristorante, 92nd and Wadsworth, Westminster, CO 80021. Claimant alleged that he was unable to operate his business due to a City water line break, and therefore, he suffered a loss of revenue. CIRSA settled the claim for \$2,723.85.
9. WS20787031 Date of Loss: December 30, 1996. Jon Craig Hopper, Jefferson County Detention Center. Claimant alleges that he suffered a violation of his civil rights through a denial of due process. Claimant seeks \$200,000 in damages. CIRSA is investigating the claim.
10. WS16687032 Date of Loss: July 24, 1997. Philip and Cathy Abeyta, 8822 Quigley Street, Westminster, CO 80030. Claimants alleged they suffered damage property as a result of a sewer back-up caused by roots in the sewer system. CIRSA settled the claim for \$974.78 in damages.
11. WS14627034 Date of Loss: June 17, 1997. Marilyn Sinnard, c/o Ciancio, Tasker, Dupree and Jonsen, 1200 Pecos Street, #200, Westminster, CO 80234. Claimant alleges she tripped on a sidewalk on City property and injured herself. Claimant seeks \$200,000 in damages. CIRSA is investigating the claim.
12. WS03138035 Date of Loss: August 4, 1997. Susanne Bunn, 8035 Wolff Street, #G, Westminster, CO 80030. Claimant alleges flooding in parking lot caused damage to her vehicle. Claimant seeks the cost of a rental car. CIRSA is still waiting for information from Ms. Bunn's insurance carrier.
13. WS01047036 Date of Loss: August 6, 1997. Catherine Lachman, 804 Bass Circle, Lafayette, CO 80026. Claimant alleged that her Mazda Miata was rear-ended by an employee driving a City vehicle. Claimant seeks unspecified repair costs. CIRSA settled the claim for \$396.45 in damages.
14. WS16687037 Date of Loss: August 4, 5, and 6, 1997. Silver Mesa Nurseries, 9604 Harlan Street, Westminster, CO 80216. Claimant alleges the City is responsible for damage caused by flooding to Claimant's business. Claimant alleges the City did not keep its drainage and water diversion facilities in good repair. Claimant seeks \$1,065.80 in damages plus the cost of disinfection. CIRSA denied the claim.
15. WS03137038(1) Date of Loss: August 4, 1997. Kevin Anderson, 4970 West 80th Avenue, #B, Westminster, CO 80030. Claimant alleged the City is responsible for damage to property due to flooding. Claimant seeks \$16,642.99 in damages. CIRSA settled the claim for \$16,642.99 in damages.

16. WS03137038(2) Date of Loss: August 4, 1997. Todd Matteson, 4973 West 80th Avenue. Claimant, owner of Billet 4-U, alleged the City is responsible for damages to his business due to flooding. Claimant seeks \$43,003.88 in damages. CIRSA settled the claim for \$43,003.88.

17. WS10357039 Date of Loss: July 25, 1997. Noah Gunn, c/o H. Craig Skinner, Esquire, 303 East 17th Avenue, Suite 700, Denver, CO 80203-1260. Claimant alleges Westminster police officers used excessive force when apprehending him. Claimant seeks unspecified damages. CIRSA is investigating the claim.

18. WS14627040 Date of Loss: August 26, 1997. Jeffrey Brenner, 10702 Moore Way, Westminster, CO 80021. Claimant alleges an employee in a Street Department vehicle hit Claimant's parked car. Claimant seeks \$786.81 in repair costs. CIRSA is investigating the claim.

19. WS20777041 Date of Loss: August 21, 1997. Mike Schoenecker, 6880 West 91st Court, Westminster, CO 80021. Claimant alleges the Westminster Municipal Court failed to dismiss a restraining order against him, and as a result, he was wrongfully arrested. Claimant seeks \$665 in damages. CIRSA denied the claim.

20. WS10367042 Date of Loss: September 27, 1996. Deborah Heath, P.O. Box 2034, Rockport, TX 78382. Claimant seeks recovery of medical bills incurred when a Westminster police officer accidentally shut claimant's fingers in a holding cell door. CIRSA denied the claim.

21. WS16687043 Date of Loss: August 24, 1997. Country Buffet, c/o General Manager Ben Caulfield, 8685 Sheridan Boulevard, Westminster, CO 80003. Claimant alleges loss of business due to a lack of water from a water valve shut-off. Claimant seeks recovery of lost revenue in an unspecified amount. CIRSA is investigating the claim.

22. WS11467044 Date of Loss: September 5, 1997. Serpentix Conveyor Corporation, 9085 Marshall Court, Westminster, CO 80030.

Claimant alleges employee(s) operating a Street Department vehicle hit Claimant's building, thus damaging masonry. Claimant seeks recovery of unspecified repair costs. CIRSA is investigating the claim.

23. WS03117045 Date of Loss: July 23, 1997. Ellen Brockman, c/o David S. Hoover, Esquire, 2145 Kipling Street, Lakewood, CO 80215. Claimant alleges that a faulty traffic signal was the cause of her auto collision. Claimant seeks \$150,000 in damages.

CIRSA is investigating the claim.

24. WS16687046 Date of Loss: July 14, 1997. True-Morehead Company, 8725 Wadsworth Boulevard, Arvada, CO 80005. Claimant alleged damage to the sidewalk and parking area in front of Claimant's business was caused by a water line break. Claimant seeks unspecified repair costs. CIRSA settled the claim for \$1,613.00.

25. WS16687047 Date of Loss: August 5, 1997. David and Gerri Elliott, 7291 Vrain Street, Westminster, CO 80030. Claimants allege a sewer back-up caused damage to their basement carpet and drywall. Claimants seek unspecified repair and replacement costs. CIRSA is investigating the claim.

26. WS16687048(1) Date of Loss: September 18, 1997. Richard and Tiffany Colaiano, 7755 Perry Place, Westminster, CO 80030. Claimants alleged a water line break in front of their residence caused damage to three vehicles, the sidewalk, and the roof and gutter of their home. CIRSA settled the claim for \$1,955.46 in damages.

27. WS16687048(2) Date of Loss: September 18, 1997. Scott and Kendel Holdren, 7745 Perry Place, Westminster, CO 80030. Claimant alleged a water line break caused damage to his vehicle and possibly his roof. CIRSA settled the claim for \$1,975.00.

28. WS16687048(3) Date of Loss: September 18, 1997. Bob Gomez, 7740 Perry Place, Westminster, CO 80030. Claimant alleged a water line break caused damage to his vehicle. CIRSA settled the claim for \$1,255.00 in damages.

Respectfully submitted,

William M. Christopher
City Manager