



WESTMINSTER
COLORADO

NOVEMBER 13, 2000
7:00 P.M.

Please turn OFF Cell phones and pagers during meetings

AGENDA

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

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

1. Pledge of Allegiance – Boy Scout Troop #835
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Employee Service Award Recognition
 - B. Presentation of Certification for Investment Policy by Municipal Treasurers Association
5. Citizen Communication (5 minutes or less)
 - A. Boy Scout Troop #835
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. Wastewater Collection System Trenchless Technology bid to WSU Inc for \$226,180
 - B. Wastewater Collection System Replacement Improvements Bid to Farner Enterprises for \$243,760
 - C. 2001 Traffic Signal Maintenance Bid to Rocky Mountain Signal Inc for \$90,035
 - D. City Park Maintenance Facility Design Contract with Slater Paull Assoc for \$45,500
 - E. Update of Master Plan and Modeling Services by HDR Engineering for \$368,420
 - F. Councillor's Bill No. 94 re Community Development Block Grant Fund Appropriation (Hicks-Merkel)
 - G. Councillor's Bill No. 95 Annexing Asbury III Subdivision (Atchison-Hicks)
 - H. Councillor's Bill No. 96 Zoning Asbury III Subdivision (Atchison-Hicks)
 - I. Councillor's Bill No. 97 Rezoning Ranch Creek Villas from C-1 to PUD (Atchison-Hicks)
 - J. Councillor's Bill No. 98 2000 Utility Fund Supplemental Appropriation (Hicks-Merkel)
 - K. Councillor's Bill No. 100 Big Dry Creek Watershed Grant Appropriation of \$49,217 (Atchison-Merkel)
 - L. Councillor's Bill No. 101 Legacy Ridge Driving Range Barrier Fencing (Kauffman-Atchison)
9. Appointments and Resignations
 - A. Volunteer Fire Pension Board Appointment
10. Public Hearings and Other New Business
 - A. Public Hearing re Ranch Reserve 2 78.3 acres at NEC of 112th Avenue & Federal Boulevard
 - B. Councillor's Bill No. 102 amending Comprehensive Land Use Plan designation to retail commercial, single family low density and public/quasi public uses
 - C. First Amended Preliminary Development Plan for 112th & Federal Partnership (Ranch Reserve 2)
 - D. Councillor's Bill No. 103 re Accessory Building Code Amendment
 - E. Resolution No. 86 re Sheridan Boulevard 113th to 119th Avenue Improvements Amendment with CDOT
 - F. Councillor's Bill No. 104 re Marriott/Spring Hill Suites Business Assistance Package
 - G. Councillor's Bill No. 105 re Supplemental Appropriation of Grants into Open Space Funds
 - H. Councillor's Bill No. 106 re 2001 Appropriations
 - I. Resolution No. 87 re Exclusion from North JeffCo Park & Recreation District for Fritzler Property
 - J. Resolution No. 88 re Exclusion from Southwest Adams County Fire District for East Bay Property

10. Public Hearings and Other New Business (continued)

- K. Legal Service for ROW Acquisition Federal Boulevard with Holme Roberts & Owen LLP for \$25,000
- L. Resolution No. 89 Revisions to Council Rules and Procedures to include Reports on Consent Agenda
- M. Audit Firm Appointment of Van Schoonevelt & Co Inc for \$47,000
- N. Audit Firm Appointment for Westminster Housing Authority of Van Schoonevelt & Co for \$5,000

11. Old Business and Passage of Ordinances on Second Reading

- A. Councillor's Bill No. 99 2001 Water and Sewer Rates (Moss-Hicks)

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

- A. Third Quarter Insurance Report
- B. City Council
- C. Request for Executive Session

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS:

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

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

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

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

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

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

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

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

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

J. Final comments/rebuttal received from property owner;

K. Final comments from City Staff and Staff recommendation.

L. Public hearing is closed.

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, NOVEMBER 13, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Boy Scout Troop 835 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Hicks to accept the minutes of the meeting of October 23, 2000 with no additions or corrections. The motion carried unanimously.

PRESENTATION OF EMPLOYEE SERVICE AWARDS:

Mayor Heil and City Clerk Michele Kelley recognized the following employees with service pins and certificates of appreciation: 10 years – Keith Alvis, Chris Cloyed, Louis Engleberg, Lori Flora, Jamie Greaser and Heather wood; 15 years – Linda Bolseth, Robert Maxeiner, David Puntenney, Valerie Rottach, Frank Watt and Carol Workman; 20 years: Sharon Benson, Dave Downing, Jeff Jones, John Marx, Josephine Meissner and Vaughn Pepper. Fire Captain Mark miller received a \$2500 check, certificate and service pin in recognition of his 25 years of service with the City.

PRESENTATION:

Mayor Heil presented a Certificate of Recognition to Finance Director Mary Ann Parrot and Treasury Manager Bob Eichem in recognition of the City's Investment Policy being certified by the Municipal Treasurers' Association of the U.S. and Canada.

CITIZEN COMMUNICATION:

Members of Boy Scout Troop #835 addressed Council with suggestions regarding the City's Bike Trails.

John Anson, 600 West Emma, Lafayette, who is building a home at 8373 Tennyson Street addressed Council about he problems with building at this site.

Jeff Karpovitch, 6711 West 98th Place, representing the Westcliff Homeowners Association, thanked Council for the money Council allocated in the 2001 budget to assist the Westcliff HOA.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher asked that Council consider a Special City Council meeting for Monday, November 20, 2000 regarding a contract for the Executive Search Firm to assist in the recruitment and selection of a new City Manager.

A motion was made by Moss and seconded by Atchison to call a Special City Council meeting for Monday, November 20, 2000 at 7:00 P.M. to consider a contract with the Executive Search Firm to assist in the recruitment and selection of a new City Manager. The motion carried unanimously.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Wastewater Collection System Trenchless Technology Improvements Project Bid – Award the contract to the low bidder, WSU Inc., in the amount of \$226,180 for the 2000 Wastewater Collection System Improvements Project; authorize the City Manager to execute a contract between the City and WSU Inc. to complete the specified work as described in the project documentation; authorize a project budget of \$226,180 with a 10% contingency budget of \$22,618; and charge the appropriate operating budget account in the Utilities Operations Budget, Water/Wastewater Fund; Wastewater Collection System Replacement Improvements Project Bid – Award the contract to the low bidder, Farner Enterprises, Inc., in the amount of \$ 243,760.20 for the 2000 Wastewater Collection System Improvements Project. Authorize the City Manager to execute a contract between the City and Farner Enterprises, Inc. to complete the specified work as described in the project documentation. Authorize a project budget of \$243,760.20 with a 10% contingency budget of \$24,376; and charge the appropriate operating budget account in the Utilities Operations Budget, Water/Wastewater Fund; 2001 Traffic Signal Maintenance – Authorize the City Manager to sign a contract for traffic signal maintenance during 2001 with the low bidder, Rocky Mountain Signal, Inc. in the amount of \$90,035 and charge the expense to the appropriate 2001 Department of Community Development Operating Budget account; City Park Maintenance Facility Architectural Design Contract – Authorize the City Manager to sign a contract with Slater Paull Associates in the amount of \$45,500 for design and construction documentation services, as well as construction administration assistance. Also authorize a ten percent contingency in the amount of \$4,500 and charge this expense to the appropriate General Capital Improvement Fund accounts; Update of Treated Water & Wastewater Master Plans - Authorize the City Manager to sign a contract with HDR Engineering, Inc. in the amount of \$368,420 to provide services to update the Treated Water and Wastewater Master Plans and to conduct computer modeling of the treated water and wastewater system that is needed in conjunction with the updating of the Master Plans. The expense associated with this will not be charged to a capital improvement fund, but will be assessed against the settlement account with HDR; Councillor's Bill No. 94 – Community Development Block Grant Fund Appropriation; Councillor's Bill No. 95 – Asbury III Subdivision Annexation; Councillor's Bill No. 96 – Asbury III Subdivision Zoning; Councillor's Bill No. 97 – Ranch Creek Villas Rezoning; Councillor's Bill No. 98 – 2000 Utility Fund Supplemental Appropriation; Councillor's Bill No. 100 – Big Dry Creek Watershed Grant Appropriation; and Councillor's Bill No. 101 – Legacy Ridge Driving Range Barrier Fencing.

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 Atchison and seconded by Hicks to adopt the Consent Agenda items as presented. The motion carried unanimously.

VOLUNTEER FIRE PENSION BOARD APPOINTMENT:

A motion was made by Merkel and seconded by Hicks to reappoint Gary Doane to a two-year term on the Volunteer Fire Pension Board with the term of office to expire December 31, 2002. The motion carried unanimously.

PUBLIC HEARING ON RANCH RESERVE 2 FIRST AMENDED PDP:

At 7:35 P.M. the meeting was opened to a public hearing on an amendment to the Preliminary Development Plan for the Ranch Reserve 2, generally located east of Federal Boulevard and north of 112th Avenue. Planning Manager David Shinneman entered a copy of the agenda memorandum, Planning Commission recommendation and other related items as exhibits. Mike Byrne, 11859 Pecos Street, Western Property Advisors Inc., and Kim Straw, Planner for City Scape Urban Design, were present to address Council. No one spoke in opposition. At 7:55 P.M. the public hearing was declared closed.

COUNCILLOR’S BILL NO. 102 – COMPREHENSIVE LAND USE PLAN AMENDMENT:

A motion was made by Atchison and seconded by Hicks to pass Councillor’s Bill No. 102 on first reading amending the Westminster Comprehensive Land Use Plan designation for the Ranch Reserve 2 property from “Retail Commercial, Single Family-Low Density and Single Family-Medium Density”; to “Retail Commercial, Single Family-Low Density and Public/Quasi-Public” based on the finding that the proposed amendment meets the requirements of Section 11-4-16 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

FIRST AMENDED PRELIMINARY DEVELOPMENT PLAN FOR 112TH & FEDERAL PARTNERSHIP:

A motion was made by Atchison and seconded by Hicks to approve the First Amended Preliminary Development Plan of the 112th and Federal Partnership, conditional upon approval of the CLUP amendment, based on the finding that the PDP is in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to PDP amendments. The motion carried unanimously.

COUNCILLOR’S BILL NO. 103 – ACCESSORY BUILDING CODE AMENDMENT:

A motion was made by Hicks and seconded by Merkel to pass Councillor’s Bill No. 103 on first reading, which amends Section 11-4-5: Density Schedule and 11-4-6: Special Regulations of the Westminster Municipal Code.

A friendly amendment was made by Atchison that the setback requirement for RE districts remain at 5 feet. The amendment failed for lack of a second. Upon roll call vote, the motion carried with 5 aye votes and a dissenting vote by Atchison.

RESOLUTION NO. 86 –SHERIDAN BOULEVARD, 113TH TO 119TH AVENUE IMPROVEMENTS:

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 86 authorizing the City Manager to execute the Amendment to the Sheridan Boulevard, 113th to 119th Avenue Project Agreement with the Colorado Department of Transportation. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 104– CHURCH RANCH HOTEL COMPANY. II ASSISTANCE AGREEMENT:

A motion was made by Merkel and seconded by Hicks to pass Councillor’s Bill No. 104 on first reading approving the amendment to the existing agreement with Church Ranch Hotel Company II, LLC. which establishes that if the limited partnership is unable to commence construction on the full service hotel by March 1, 2004, the Church Ranch Hotel Company will provide the City with the full set, wet stamp construction plans and specifications for the full service hotel and convey the 2.59 acre site where the full service hotel is planned to be located, to the City of Westminster, at no cost and free and clear of all liens except a \$4 per square foot lien in favor of Key Bank. Greg Bradbury, Church Ranch Partner, was present to address Council. Councillor Moss requested to abstain due to a previous relationship with Church Ranch Marriott Hotel. Upon roll call vote, the motion carried with 5 aye votes and Councillor Moss abstaining.

Mayor Pro Tem Dixon arrived at 8:00 P.M.

COUNCILLOR’S BILL NO. 105 – APPROPRIATION OF GRANTS INTO OPEN SPACE FUND:

A motion was made by Kauffman and seconded by Moss to pass Councillor’s Bill No. 105 on first reading appropriating \$841,175 into the Open Space Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 106 – 2001 APPROPRIATIONS:

A motion was made by Hicks and seconded by Merkel to pass Councillor's Bill No. 106 on first reading appropriating funds for the 2001 budget. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 87 – EXCLUSION FROM NORTH JEFFCO PARK & RECREATION DISTRICT:

A motion was made by Atchison and seconded by Hicks to adopt Resolution No. 87 approving the exclusion of the Fritzler property from the North JeffCo Park & Recreation District. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 88 – EXCLUSION FROM SOUTHWEST ADCO FIRE PROTECTION DISTRICT:

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 88 approving the exclusion of the East Bay property from the Southwest Adams County Fire Protection District. Upon roll call vote, the motion carried unanimously.

LEGAL SERVICES FOR RIGHT-OF-WAY ACQUISITION FOR FEDERAL BOULEVARD EXTENSION:

A motion was made by Merkel and seconded by Hicks to authorize the City Manager to execute a contract with the law firm of Holme, Roberts & Owen LLP up to a limit of \$25,000 to provide the City with legal services for eminent domain proceedings attendant to the Federal Boulevard Extension project. The motion carried unanimously.

RESOLUTION NO. 89 – REVISIONS TO COUNCIL RULES AND PROCEDURES:

A motion was made by Moss and seconded by Atchison to waive the prior written submittal requirement found in Part VII, Section 9 of the Council Rules and Procedures regarding the proposed changes contained in Resolution No. 89, and adopt Resolution No. 89 revising the Council Rules and Procedures to add reports to the consent agenda. Upon roll call vote, the motion carried unanimously.

SELECTION OF CITY'S FINANCIAL RECORDS AUDITOR FOR FISCAL YEARS 2000-2004:

A motion was made by Atchison and seconded by Hicks to authorize the City Manager to sign a contract for the independent audit of the City's financial records for the year 2000 with an option to renew annually for four subsequent years through 2004 with Van Schooneveld & Co., Inc. with the first year cost of \$47,000 to be charged to the appropriate 2001 Finance Department budget account. Jack Schroeder, President of Van Schooneveld & Co. Inc. was present to address Council. The motion carried unanimously.

SELECTION OF HOUSING AUTHORITY FINANCIAL RECORDS AUDITOR FOR FISCAL YEAR 2000:

A motion was made by Atchison and seconded by Hicks on behalf of, and acting as the Board of Directors of the Westminster Housing Authority, authorize the President to sign a contract for the independent audit of the Westminster Housing Authority financial records for the year 2000 with a first year cost of \$5,000 to be charged to the appropriate 2001 Westminster Housing Authority budget account. The motion carried unanimously.

ORDINANCE NO. 2836 – 2001 WATER AND SEWER RATES:

A motion was made by Hicks and seconded by Atchison to adopt Councillor's Bill No. 99 on second reading, as amended, implementing the 2001 Water and Sewer rate adjustments to become effective January 1, 2001. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Third Quarter Insurance Report.

Mayor Heil stated there would be an Executive Session regarding a personnel matter.

ADJOURNMENT:

The meeting was adjourned at 8:12 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO
Agenda Memorandum

Date: November 13, 2000
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor 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. . In addition, the one employee celebrating 25 years of service will be presented with a check for \$2,500.

Staff Recommendation

Mayor present service pins and certificates of appreciation to employees celebrating 10, 15, 20 years of service with the City, and providing special recognition to our 25 year employee with the presentation of a \$2,500 check.

Background Information

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

Keith Alvis	Public Works & Utilities	Utilities Foreman
Chris Cloyed	General Services	Mechanic II
Louis Engleberg	Police Department	Senior Police Officer
Lori Flora	General Services	Probation Services Coordinator
Jamie Greaser	Police Department	Communications Specialist II
Heather Wood	Police Department	Senior Police Officer

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

Linda Bolseth	Police Department	Animal Control Officer
Robert Maxeiner	Police Department	Senior Police Officer
David Puntenney	Information Technology	Information Technology Director
Valerie Rottach	Police Department	Code Enforcement Officer
Frank Watt	Public Work & Utilities	Lead Plant Operator IV
Carol Workman	Police Department	Communication Supervisor

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

Sharon Benson	Parks, Recreation & Libraries	Library Supervisor
Dave Downing	Community Development	City Engineer
Jeff Jones	Police Department	Sergeant
John Marx	Police Department	Senior Police Officer
Josephine Meissner	Parks, Recreation & Libraries	Library Associate II
Vaughn Pepper	Police Department	Senior Police Officer

In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

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

Mark Miller: Mark Miller is currently the Fire Captain at Fire Station 5, located at 10100 Garland Street and has worked for the City of Westminster for the past 25 years. Mark began his career with the Fire Department on October 6, 1975 when he was hired as a Firefighting Cadet, a non-benefited part-time position that was partially funded by the Federal Government. Mark was promoted to the position of full time Firefighter with benefits on December 1, 1976.

Mark graduated from Saint Anthony's Paramedic Program on December 28th, 1978 and then successfully passed the Colorado State exam thus becoming one of the first Paramedics in the Westminster Fire Department and the State of Colorado. Mark has held the ranks of Firefighter, Paramedic, Station Officer, Lieutenant, Captain, and Deputy Fire Marshal. Mark was promoted to the rank of Station Officer, which was reclassified as Lieutenant a year later, on April 10, 1981. In 1985, Mark was promoted to Fire Captain. During his tenure as a Lieutenant and Captain Mark served as the Department's Emergency Medical Coordinator for eight years. While fulfilling the role of Emergency Medical Coordinator, Mark set the groundwork for the Fire Department to provide Ambulance service to the citizens of Westminster and was a key player in the smooth transition of ambulance transport service from the dissolving District 50 Rescue Unit to the Westminster Fire Department. This effort earned Mark the Firefighter of the Year award in 1991. Mark also fulfilled the role of Deputy Fire Marshal for three years during his tenure as a Fire Captain.

When Mark is not on duty, he enjoys backpacking and hiking with his wife Michele, their sons Jeremy and Ryan, and daughter Julia. Together, the family has climbed 36 of Colorado's 54 peaks above 14,000 feet. Mark is also an avid baseball fan and enjoys attending Colorado Rockies games. Mark and his wife Michele are natives of Westminster and both graduated from Westminster High School in 1973.

On November 15th, the City Manager will host an employee awards luncheon at which time 15 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 fourth luncheon for 2000 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 370 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



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Presentation of Certification: City of Westminster Investment Policy by Municipal Treasurers Association

Prepared by: Mary Ann Parrot, Finance Director

Introduction

The City of Westminster is being recognized by the Municipal Treasurers' Association of the US and Canada (MTA US&C) for the certification of the City's Investment Policy.

Summary

At the Municipal Treasurer's Association annual conference in San Diego in September 2000, the City of Westminster was recognized for the review, approval and certification of the City's investment policy. Bob Eichem, the City's Treasury Manager, wrote the policy, submitted the policy to the City Council for approval, submitted the application for certification, and is responsible for the City's working document. The revised policy guarantees the City the proper priorities in its investment program: safety of principle, liquidity, diversification and return.

The City of Westminster is the first government in the State of Colorado to have its investment policy certified by MTA US&C. Over 250 governments have had their policies certified by the association since its Investment Policy Certification Program was developed in 1990. The MTA US&C is a membership organization of approximately 2,000 cities, towns, private corporations and other organizations, which specializes in treasury and financial training and certifications.

Staff Recommendation

Mayor Heil and City Councillors recognize the Finance Department and in particular Bob Eichem, Treasury Manager, for their efforts in re-drafting and improving the City's Investment Policy, and for the crafting of a policy which is a working document, used on a daily basis by the City's Investment Staff and their consultants in the affective management of City funds.

Background Information

In 1997, the Finance Department recognized the need to review and revise its Investment Policy, as a part of the overall policy statement on Financial Policies and Management.. Bob Eichem joined the City in November 1998, as the City's Treasury Manager. His background included serving as Finance Director in Loveland, Colorado, Assistant Superintendent for Thompson Valley Schools, and Treasurer and Investment Officer for Ft. Collins, Colorado. His expertise included, among many other skills, the managing of multi-million dollar operating and pension portfolios.

Bob was assigned the responsibility of re-drafting and overhauling the City's investment policy statement. Particularly because of the concerns about safety of the City's portfolio, raised by the debacle in Orange County, California in the 1990's, City Staff realized the re-drafting of this policy was a high priority.

The work involved significant re-drafting and expansion of over 18 sections, including the following items:

- Stipulations of ethics and standards on conflict of interest.
- Limits on various types of securities by percentage of the total portfolio.
- Limits on the maturities of securities, both in general and specific to each security.
- Limits on ratings of securities, when ratings are available.
- Requirements for written, up-to-date documentation on internal controls.
- Requirement for initial and annual review of broker-dealers by the City's consultants.

In 1999, Bob Eichem completed the policy, reviewed it with City Staff and consultants, and requested and received unanimous approval by City Council of the policy. He and his Staff submitted the application for certification to MTA US&C, and received it in September of this year. It is notable that about 1/3 of the applications for certification are returned for changes; the City's policy was certified the first time it was reviewed.

Congratulations are in order for Bob Eichem, the Treasury Division, and the entire Finance Department.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: Citizen Communication – Boy Scout Troop #835
Prepared by: Michele Kelley, City Clerk

Introduction

Boy Scout Troop #835, which is from the Green Knolls subdivision area is working on this Citizenship Badge, and will be attending Monday night' City Council meeting.

Summary

As part of the Boy Scout Troop #835 Citizenship Badge project, the troop will be composing the letter as a group, to address a position they are taking on a City issue. The topic will be about parks and/or trails, and one of the Scout members will be addressing City Council as the spokesperson for the group.

They will be speaking under Citizen Communication, and their presentation will be less than 5 minutes in length.

Policy Issues

There are no policy issues to address.

Staff Recommendation

Listen to the comments from Boy Scout Troop #835

Background Information

This Boy Scout Troop is anticipating having approximately 16 Scouts present at Monday night's meeting to observe the City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: 2000 Wastewater Collection System Trenchless Technology Improvements Project
Prepared by: Andy Mead, Utilities Operations Coordinator

Introduction

City Council action is requested to award the bid for the 2000 Wastewater Collection System Improvements Project to Western Slopes Utilities (WSU), Inc.; authorize the City Manager to execute a contract between the City and WSU, Inc.; and authorize a budget of \$226,180 for construction of wastewater collection system improvements as specified in the contract documents and \$22,618 as a contingency budget. Funds are available for these expenditures in the 2000 Water/Wastewater Fund, Utility Operating Budget.

Summary

Over the past five years, the City has outsourced its sewer rehabilitation projects utilizing Trenchless Technology (lining of existing pipe) methods to improve existing sewer lines. Also included in these projects is manhole rehabilitation work, consisting of rebuilding deteriorating manhole benches and inverts, and seal coating manhole barrel sections where needed. These methods of rehabilitation work have been more efficient and cost effective as compared to conventional sewer line replacement.

The 2000 Wastewater Collection System Improvements Project was advertised in the *Daily Journal* (a contractors publication) on October 3, 2000. A mandatory pre-bid meeting was conducted on October 12, with four firms being represented. Bids were received and read at the public bid opening on October 23, 2000, in the City Council Chambers.

<u>Bidder</u>	<u>Bid Amount</u>
WSU Inc.	\$226,180.00
Insituform Technologies, Inc.	\$232,575.00
K.R. Swerdfeger Construction, Inc.	\$245,751.00
Project Estimate	\$200,000.00

WSU Inc. has been determined to be the successful contractor on the basis of their bid proposal as the lowest responsible bidder. WSU has performed work in the past for the City and has a good record of accomplishing the required scope of work within the funding allocated.

Policy Issues

Should the City of Westminster outsource the wastewater collection system improvements as specified in the contract document, as opposed to doing this work in-house.

Staff Recommendation

Award the contract to the low bidder, WSU Inc., in the amount of \$226,180 for the 2000 Wastewater Collection System Improvements Project; authorize the City Manager to execute a contract between the City and WSU Inc. to complete the specified work as described in the project documentation; authorize a project budget of \$226,180 with a 10% contingency budget of \$22,618; and charge the appropriate operating budget account in the Utilities Operations Budget, Water/Wastewater Fund.

Background

Over the past four years, the Utilities Division has utilized Trenchless Technology methods for sewer line rehabilitation instead of the traditional open trench excavation and pipe replacement for certain rehabilitation projects in the City. This method has proven very successful and less disruptive for citizens and traffic flows; therefore, the Trenchless Technology methods are recommended to continue.

The 2000 Wastewater Collection System Improvements Project consists of rehabilitating approximately 5,055 feet of sanitary sewer main; ranging in size from 8 inches to 24 inches, and rehabilitating 21 manholes. The contractor will utilize one of three Trenchless Technology methods that have been approved by City Staff and have been successfully used in past projects. This project will take place in the southern part of Westminster to include England Park Area, 69th Avenue and Wolff Street, 71st Avenue and Julian Street, and on Bradburn Boulevard from 73rd Avenue north to 78th Avenue. The Bradburn Boulevard work is being completed this year in advance of scheduled water line replacement and street reconstruction projects scheduled for 2001.

Alternatives

The alternative to completing the 2000 Wastewater System Improvements Project as recommended would be to replace the sewer lines through traditional pipe replacement and open trench excavation. However, this alternative would be much more inconvenient to residents and traffic flows due to heavy construction equipment and excavation work in the affected areas. Also, this alternative approach would be more expensive.

An other alternative would be to not replace any existing sewer lines, but this would cause possible sewer backups to residents' homes and continued high maintenance costs for these sewer lines.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: 2000 Wastewater Collection System Replacement Improvements
Prepared by: Andy Mead, Utilities Operations Coordinator

Introduction

City Council action is requested to award the bid for the 2000 Wastewater Collection System Improvements Project to Farner Enterprises, Inc.; authorize the City Manager to execute a contract between the City and Farner Enterprises, Inc.; and authorize a budget of \$243,760.20 for construction of wastewater collection system improvements, as specified in the contract documents and, \$24,376 as a contingency budget. Funds are available for these expenditures in the 2000 Water/Wastewater Fund, Utility Operating Budget.

Summary

This specific project consists of open trench replacement of approximately 600 feet of 10-inch sanitary sewer line, 1,718 feet of 8-inch sanitary sewer line, and connecting existing sanitary sewer services. This work also includes removal and disposal of existing sanitary sewer lines, abandoning existing manholes, and street patching. The project is located in three areas: 73rd Avenue from Bradburn Boulevard to Osceola Street, Bradburn Boulevard from 78th Avenue to Turnpike Drive and Winona Court from 72nd Avenue south to 70th Avenue. This project is expected to start in mid-November and should be completed by year-end.

This 2000 Wastewater Collection System Improvements Project was advertised in the *Daily Journal* and the *Dodge Plan Room* (two construction periodicals) on October 3, 2000. Mandatory pre-bid meetings were conducted on October 12 and 30, with eight firms being represented. Bids were received and read at the public bid opening on November 3, 2000, in the City Council Chambers. Farner Enterprises, Inc. was the apparent low bidder. Design consultant JR Engineering checked Farner's references and recommends the City award the project to them.

<u>Bidder</u>	<u>Bid Amount</u>
Farner Enterprises, Inc.	\$ 243,760.20
Concrete Express, Inc	\$ 295,313.00
<u>Engineers Estimate</u>	<u>\$ 280,344.00</u>

Policy Issues

Should the City of Westminster utilize Utility Fund monies to complete the needed wastewater collection system improvements via an outsource contract as specified in the contract document.

Staff Recommendation

Award the contract to the low bidder, Farner Enterprises, Inc., in the amount of \$ 243,760.20 for the 2000 Wastewater Collection System Improvements Project. Authorize the City Manager to execute a contract between the City and Farner Enterprises, Inc. to complete the specified work as described in the project documentation. Authorize a project budget of \$243,760.20 with a 10% contingency budget of \$24,376; and charge the appropriate operating budget account in the Utilities Operations Budget, Water/Wastewater Fund.

Background

The project locations for sewer line replacement have been identified as needing replacement due to the poor condition of the existing pipe. These areas are not good candidates for trenchless technology methods because of the age and poor condition of the sewerline and misalignment of the existing pipe, causing problems with the sewer line flows. Trenchless technology methods require pipe of good condition, an adequate pipe formation with proper alignment and grade to be successful. Many of the sewer lines in this project have deteriorated to a poor condition and have grade inconsistencies in the alignment to the main line.

Also, the Bradburn Boulevard work is being completed this year in advance of a scheduled water line replacement and subsequent street reconstruction project scheduled for 2001.

Alternatives

An alternative to replacing the sewer lines would be to delay this project to a later date. However, the funding for the project was approved in the 2000 Budget and requires using those funds by year-end. Also, if this work is delayed further, additional maintenance, repairs, and customer service concerns will occur.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Project Maps



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: Bids for the 2001 Traffic Signal Maintenance
Prepared by: Greg Olson, Transportation Systems Coordinator

Introduction

City Council action is requested to award the bid in the amount of \$90,035 for the 2001 Traffic Signal Maintenance Contract to Rocky Mountain Signal, Inc. Funds are available in the 2001 Department of Community Development budget for traffic signal maintenance.

Summary

The City utilizes the services of a private contractor to perform maintenance on the City’s traffic signals. The current contract expires on December 31, 2000.

Formal bids for the 2001 Traffic Signal Maintenance were opened on October 12th. Bids were submitted by three contractors in the Denver metro area who currently provide traffic signal maintenance services. The low bid by Rocky Mountain Signal, Inc. is twenty percent lower than the next lowest bidder. The results of the bids are as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Rocky Mountain Signal, Inc.	\$ 90,035
Sturgeon Electric, Inc.	\$113,580
W.L. Contractors, Inc.	\$175,690

Rocky Mountain Signal, Inc. is qualified to perform traffic signal maintenance and has adequate Staff and a proven track record to do the work. In fact, this contractor has been awarded the City’s annual maintenance contract for the past several years in a row.

Policy Issues

Does City Council wish to continue the practice of outsourcing Traffic Signal Maintenance to a private contractor?

Staff Recommendation

Authorize the City Manager to sign a contract for traffic signal maintenance during 2001 with the low bidder, Rocky Mountain Signal, Inc., in the amount of \$90,035 and charge the expense to the appropriate 2001 Department of Community Development Operating Budget Account.

Alternatives

The alternative to outsourcing would require the City to hire a minimum of two full-time employees and invest in the equipment necessary to perform traffic signal maintenance. At this point in time, City Staff does not recommend performing the traffic signal maintenance “in-house”. The number of traffic signals in the City does not justify the investment the City would be required to make to provide for traffic signal maintenance activities.

Background Information

The City utilizes the services of a traffic signal maintenance contractor to perform maintenance on traffic signals at 74 intersections and on 9 pedestrian crossing signals (total of 83 installations). The current traffic signal maintenance contract, which was awarded to Rocky Mountain Signal, Inc. in November 1999, expires on December 31, 2000.

The 2001 bid documents utilize a conservative, estimated annual amount of labor and equipment hours for performance of all traffic signal maintenance items. There are two general categories of work activities that provide the basis for the estimated hours of equipment and labor unit prices in the traffic signal maintenance contract: annual preventive (routine) maintenance and additional traffic signal (occasional) maintenance.

Annual preventive maintenance: The first section of the contract addresses annual preventive maintenance at each of the traffic signal locations. The estimated hours of equipment and labor do not cover material costs associated with any repairs made as the result of the annual preventive maintenance inspection. These material costs are paid from the balance of the City's traffic signal maintenance account. The components of annual preventive maintenance include the following:

1. Clean signal controller cabinets and components.
2. Check all field wiring for inadequacies (i.e., proper grounding etc.).
3. Check critical controller settings (i.e., amber time) with a stopwatch to insure adequate operation.
4. Check for adequate power levels in the communications cable, which links the signals in the computerized signal system.
5. Check and calibrate vehicle loop detectors to insure proper operation. (Vehicle loop detectors are wires embedded in the roadway, which detect the presence of a vehicle, which trigger a change in the traffic signal.)
6. Check signal heads, signal poles and associated hardware for damage and make repairs as necessary.
7. Check and record incoming voltage at all intersections to prevent excessive wear on the signal control equipment.
8. Quarterly inspection at each signal location.
9. "Troubleshoot" and maintain the computerized signal system components to insure proper operation.
10. Maintain emergency vehicle preemption equipment to insure proper operation. (Emergency vehicle preemption equipment consists of an electric component, which preempts the traffic signal to allow a green signal indicator for fire equipment.)
11. Based on the activities listed above, provide the City with a prioritized list of items in need of repair.

Additional Traffic Signal Maintenance Items: The remaining section of the contract reflects estimated labor and equipment costs for additional traffic signal maintenance items. It should be noted that this section of the contract does not include material costs, with the exception of light bulbs, as it is difficult to estimate the type and amount of materials needed for emergency trouble calls and unscheduled maintenance items. Again, these material costs are paid for from the balance of the City's traffic signal maintenance account. Additional traffic signal maintenance items include emergency trouble calls, unscheduled maintenance items, the annual light bulb replacement program and an estimated cost for loop detector replacements. The contract also assures the City that the contractor will be available to perform emergency or other repairs as required. Therefore, it is necessary that the City have a firm available seven days a week, 24 hours a day to respond to any emergency signal work that may arise.

The bids are based on a conservative, estimated amount of labor and equipment hours so that each bidder would provide unit prices based upon the same assumption. Staff typically estimates on the low side the number of labor and equipment hours that will be necessary so that the contractor will not rely on a higher workload than may be experienced.

Possible alternatives to awarding the contract to the lowest bidder for traffic signal maintenance are very limited. The City does not have the equipment and the labor force required to perform traffic signal maintenance.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: City Park Maintenance Facility Architectural Design
Prepared by: Becky Eades, Landscape Architect II

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Slater Paull and Associates in the amount of \$44,500 for architectural design services for a new Maintenance Facility to be located at City Park. Funds for this expense are available in the 1999 and 2000 General Capital Improvement Projects account for City Park Maintenance Facility and City Park Ballfields Phase III, respectively.

Summary

In August 2000, Staff solicited proposals from four architectural firms for design services for the proposed City Park Maintenance Facility. Only two firms were represented at the mandatory pre-proposal meeting, and both firms submitted proposals on September 27, 2000. The tabulation of proposals is as follows:

Slater Paull Associates	\$44,500
Michael Brendle Architects	\$48,000

Staff carefully reviewed the proposals, and it was clear that Slater Paull Associates had more experience and a better understanding of the scope of this project. The two proposals are about ten percent of the proposed construction budget of \$450,000, which is in line for a project of this size and scope.

Policy Issue(s)

Does City Council wish to support Staff's recommendation to build an expanded maintenance facility at City Park?

Staff Recommendation

Authorize the City Manager to sign a contract with Slater Paull Associates in the amount of \$45,500 for design and construction documentation services, as well as construction administration assistance. Also authorize a ten percent contingency in the amount of \$4,500 and charge this expense to the appropriate General Capital Improvement Fund accounts.

Background Information

In the original Master Plan for the City Park Ballfield Project, the construction of a maintenance facility was proposed as part of the Phase III Ballfield Project. This facility was planned to be located underneath the proposed plaza/concessions area. However, construction bids for this facility were received, and it became apparent that the cost of building an underground storage facility was prohibitive.

Therefore, a portion of the project design budget is comprised of the amount originally budgeted in the Phase III Ballfield Project. The budget breakdown is as follows:

City Park Maintenance Building 1999 CIP	\$30,000
City Park Ballfields 2000 CIP	\$19,550

Funding for construction of this facility is presently proposed in the 2002 CIP budget. Should carryover or other revenue become available next year to cover the construction costs of this project, Staff would propose to move the schedule of this project up to have the Maintenance Facility constructed and completed by the spring of 2002, to coincide with the opening of the City Park Ballfields.

The Maintenance Facility will be located as originally shown on the City Park Master Plan near the existing pump house (see attached location map). Current maintenance operations at City Park are already demanding enough to justify an on-site maintenance operation. With the completion of the Phase III ballfields, an on-site facility will be necessary. It is planned that a portion of the Maintenance Facility will be utilized by the Promenade maintenance crew. Storage will also be available for the Recreation Programming Staff, who in addition to scheduling soccer leagues on the fields, host several events at City Park, including the Mayor's Easter Egg Hunt, the July Fourth Fireworks, the Evening Concert Series, the Westminster Faire, and the Holy COW Trail Stampede.

Alternative(s)

- City Council could decline to authorize the City Manager to sign the contract with Slater Paull Associates and require Staff to request new proposals for the project. However, Slater Paull Associates has recently completed other maintenance facilities in the area and is well suited to this type of project.
- City Council could elect to have Staff proceed with the original plan of building an underground maintenance facility for the Ballfield Complex. However, this approach has been costed out and is not the most cost effective approach to providing a maintenance facility.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Update of the Treated Water and Wastewater Master Plans

Prepared by: Diane M. Phillips, Capital Improvement Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with HDR Engineering, Inc. (HDR) in the amount of \$368,420 to provide services to update the Treated Water and Wastewater Master Plans and to conduct computer modeling of the treated water and wastewater system that is needed in conjunction with the updating of the Master Plans. The expense associated with this will not be charged to a capital improvement fund, but will be assessed against the settlement account with HDR.

Summary

The Treated Water and Wastewater Master Plans are used as system wide guidelines in planning and providing treated and wastewater services to the City currently and until build-out. These plans need to be updated every few years to reflect changes in population, land use, development and service alternatives. The current Treated Water and Wastewater Master Plans were updated in 1997 and the proposed update would be completed in 2001.

Updates to the Master Plans will be correlated with the City's Geographic Information System (GIS) and the Comprehensive Land Use Plan. The Master Plans will be used as a technical and budgeting guideline each year to help plan the capital improvement program and to plan the 5-year capital improvement program.

The updated Master Plans will also include the Reclaimed Water Supply System which became operational in 2000. Options of how to best plan for the extension and build-out use of the System will be included.

Policy Issue

Should the City award this negotiated, sole source contract to HDR Engineering, Inc. for services to update the Treated Water and Wastewater Master Plans and conduct computer modeling related to the update, in the amount of \$368,420.

Staff Recommendation

Authorize the City Manager to sign a contract with HDR Engineering, Inc. in the amount of \$368,420 to provide services to update the Treated Water and Wastewater Master Plans and to conduct computer modeling of the treated water and wastewater system that is needed in conjunction with the updating of the Master Plans. The expense associated with this will not be charged to a capital improvement fund, but will be assessed against the settlement account with HDR.

Background

The Treated Water and Wastewater Master Plans are used as a guideline for how to plan to provide treated and wastewater services to the City currently and through build-out. These documents need to be updated every few years to reflect changes in population, land use, development and service alternatives. The current Treated Water and Wastewater Master Plans were updated in 1997 and the proposed update would be completed in 2001.

HDR Engineering is familiar with the City's treated and wastewater systems having prepared the previous Master Plans and having provided technical and management services to the City over the past 30 years. HDR has provided these utility system planning services for other numerous utility agencies as well.

Services provided by HDR to update the Treated Water and Wastewater Master Plans will include technical, planning and management skills. No design work or project management services will be provided. Staff conducted a value engineering cost comparison evaluation with other engineering firms to assure the negotiated fee with HDR is fair and reasonable in terms of market rates and costs and technical capabilities.

Alternative

As an alternative to awarding this contract to HDR, the City could choose to solicit proposals from several engineering firms. If another firm was chosen, it would result in considerable expense to the City's Utility Fund, which will not be incurred by contracting with HDR under the settlement agreement account. In addition, another firm would not be as familiar with the current Master Plans since they were prepared by HDR and it could take considerable more time for the other firm to become familiar with the City's systems.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Volunteer Fire Pension Board Appointment

Prepared By: Mary Ann Parrot, Finance Director
Bob Eichem, Treasury Manager

Introduction

City Council action is requested to appoint Gary Doane to the Volunteer Fire Pension Board with his term to expire December 31, 2002.

Summary

The Volunteer Fire Pension Board (VFPB) was created in accordance with Colorado Revised Statutes. City Council appoints two members to the seven member Board. Mr. Gary Doane was appointed to a two-year term for 1999 and 2000 to bring the City into compliance with the composition required by statute. It is recommended that Mr. Doane be re-appointed to serve an additional two year term.

The Board is going through a great deal of change as the City winds down the volunteer force. As of October 6, 2000, the last active volunteer was awarded a deferred benefit (a firefighter who has met legal service requirements but will not meet the age requirement until sometime in the future) that will begin in 2004. Therefore, there are no active volunteer firefighters to fill the three active positions required by law. The Board has obtained a legal opinion that the plan must continue to exist and be administered until the last firefighter reaches age 50 in 2004. The opinion also stated that the Board may continue with four members when the last active volunteer firefighter retires. Staff believes the following points are valid and can be addressed by re-appointing Mr. Doane.

- There is a need for continuity on the Board. The Board has lost all experienced active volunteer members. To lose Mr. Doane's knowledge would further deplete the Board's experience.
- Since the last active volunteer retired, there is no longer representation from the active volunteers on the Board. By re-appointing Mr. Doane, there will still be two former volunteers on the Board.
- Mr. Doane has served for two years on the Board and he is now familiar with all issues. His experience will be valuable as the Board begins to look at how retirement benefits will be administered in the future.

Policy Issue

The issue before City Council is to re-appoint a board member to the Volunteer Firefighter Pension Board with appropriate experience.

Staff Recommendation

Appoint Gary Doane to a two-year term on the Volunteer Fire Pension Board with a term of office to expire on December 31, 2002.

Background

The Volunteer Fire Pension Board (VFPB) was created in accordance with Colorado Revised Statutes. The controlling legislation for administration of the Plan is Section 31-30-1104. In 1995, Section 31-30-1104 of the Colorado Revised Statutes was revised, changing the number of members on the Board of Directors to seven members. Two of the members are appointed by City Council. In November of 1998, City Council appointed two members to the Board. The members were given staggered terms so the two terms would not turn over at the same time. Gary Doane was appointed to a two-year term.

When fully constituted the member Board of Trustees consists of:

- The Mayor
- Three active firefighters elected by the volunteer firefighters
- Two at large members appointed by City Council
- The Finance Director

The composition of the Westminster VFPB has undergone a radical change in the past few months. There are normally three active volunteer firefighters on the Board. Westminster has chosen to move to a paid force. The volunteer plan no longer has an active volunteer participant. The latest legal opinion is that the Pension Board will be legally constituted with four members (since there is no one to fill the active firefighters slots).

The legal opinion obtained from McNally and Bowers, P.C. states the Board will need to be maintained until at least 2004 to ensure that the last retiree receives their benefit. Members who meet both the age and service requirements now may have their payments annuitized. Annuitization means a third party insurance company would take over responsibility of the payments and all administrative duties. In 1999, City Council directed Staff to investigate this option; Staff is currently conducting this research. The Board will schedule a study session with Council when the analysis is complete.

In the past, Council has appointed retired Firefighters to the Board position(s). This has occurred because there is always a great deal of interest from retired firefighters and they have excellent historical knowledge and insight into the plan. At the last Board meeting, the upcoming Board appointment was discussed by Board members, retired firefighters in attendance, and Staff. It is the recommendation of the Board, and supported by Staff that Gary Doane be appointed to an additional two-year term.

Alternatives include:

- Soliciting applications from other interested citizens
- Appointing a citizen from the existing pool or from other Westminster citizens

Because the work of the Board is quickly becoming one of minimum maintenance, and the fact that a very capable individual is currently serving on the Board. Staff does not recommend pursuing these alternatives.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: Ranch Reserve 2
Prepared by: Patrick Caldwell, Planner II

Introduction

City Council is requested to hold a public hearing and approve an amendment to the Westminster Comprehensive Land Use Plan (CLUP) and to the First Amended Preliminary Development Plan (PDP) of the 112th and Federal Partnership (see attached location map, Exhibit A). The Official Development Plan (ODP) for the Ranch Reserve 2 was approved by the Planning Commission on October 24, 2000, conditioned upon City Council approval of the CLUP amendment and the PDP amendment.

Summary

The applicant, Western Property Advisors, has proposed the following.

1. Amendment to the Westminster Comprehensive Land Use Plan (CLUP). This amendment will change the 78.3 acres land use in several ways. The 15+ acre commercial site at the corner of 112th and Federal Boulevard will remain the same acreage, but it will be slightly reconfigured so that it will be a more square shape. The remainder of the western half of the site is currently shown as Single-Family Detached - Medium Density and these 24+ acres will be changed to Single-Family Detached - Low Density. The eastern half of the site is currently shown as Single-Family Detached - Low Density and these 37+ acres will be changed to Public/Quasi-Public. In the Public/Quasi-Public area the allowed uses will be open space, park and possible elementary school.
2. The First Amended PDP of the 112th and Federal Partnership. This amendment to the PDP will bring the 78.3 acres into conformance with the amendment proposed for the CLUP for this site. The amendment to the PDP substantially reduces the overall residential density from the previous PDP. The previous 112th and Federal Partnership PDP allowed up to 1108 apartment units in 4-story buildings (although not permitted in the CLUP). This amendment to the PDP will limit the dwelling units to 61 single family detached dwelling units. Consistent with the amended PDP, open space, parks and possible elementary school uses will be allowed within the eastern half of the site. Commercial use will continue to be allowed on 15 acres at the northeast corner of 112th and Federal Boulevard. To the north and east of the commercial site 61 detached single-family residential units are proposed. These dwellings are on approximately 24 acres.

Applicant/Property Owner

Mike Byrne, Western Property Advisors, Inc., 11859 Pecos Street, Suite 300, Westminster, Colorado 80234

Location

The project is located east of Federal Boulevard and north of 112th Avenue. The Ranch Reserve Subdivision is to the north and the College Hills/Stratford Lakes Subdivision is to the west across Federal Boulevard. Savory Farms Subdivision and the Cedarbridge Subdivision are to the south across 112th Avenue. To the east are The Ranch townhomes and a commercial parcel with Gussies Restaurant.

Size of Site

The site area of the 112th and Federal Partnership PDP is approximately 78.3 acres. Within the PDP the site area of the ODP of the Ranch Reserve 2 Subdivision is 27+ acres.

Description of Proposed Use

The proposed uses in the PDP are residential, commercial and parks and open space uses. Residential uses are described as single-family detached residential at a gross residential density of 2.3 dwelling units per acre. Commercial uses include all uses listed in the City's Commercial District (C-1) and similar uses. Parks and open space uses include a possible school use, trails, active and passive recreational areas with secondary uses such as parking lots, restrooms, snack stands, etc.

The proposed uses in the ODP are 61 single-family detached dwellings on approximately 24+ acres and public park uses on 2.7 acres. The ODP was reviewed and approved by the Planning Commission on October 24, 2000, by a 7-0 vote.

CLUP Designation

The CLUP is being amended. The attached map, Exhibit B, indicates the changes:

- The western half of the site is proposed to be amended from Retail Commercial and Single-Family Detached - Medium Density at 3.5 dwelling units per acre to Single-Family Detached - Low Density at 2.5 dwelling units per acre and Retail Commercial.
- The eastern half of the site is changing from Single-Family Detached - Low Density at 2.5 dwelling units per acre to Public/Quasi-Public.

Major Issues

The major issue to be resolved is on the ODP and does not involve the CLUP or PDP amendment. To date, the Colorado Department of Transportation (CDOT) has not allowed a right-in/right-out access from 113th Avenue to Federal Boulevard. City Staff and representatives of Western Property Advisors continue to meet with CDOT to negotiate a reasonable access to Federal Boulevard. The ODP shows the proposed access on Sheet 4 of 15. The proposed access is aligned with the Stratford Lakes right-in/right-out access to the west on Federal Boulevard. The access is not needed in order for the Ranch Reserve 2 Subdivision ODP or the undeveloped commercial site to meet fire, traffic engineering or other minimum criteria for safety. The access is desired for the convenience of the future residents of the Ranch Reserve 2 Subdivision, to separate the commercial from residential developments and for improved ingress to and egress from the commercial site. If the access to Federal Boulevard is not granted, an extension of Decatur Court to the south will provide an opportunity for vehicular access from the Ranch Reserve 2 Subdivision into the commercial site at the time that the commercial site is developed.

If the access is not granted, then the western terminus of 113th Avenue will be its intersection with Decatur Court. The ODP will be slightly revised so that Lots 18, 19 and 25 of Block 1 are deeper and run to the middle of the right of way of 113th Avenue. The south half of the 113th Avenue right-of-way will also be eliminated and will be absorbed by the commercial parcel. An improved buffer, running down the center of the former centerline of 113th Avenue, with landscaping on a berm would be constructed to the benefit of both the residential and commercial uses. This reconfiguration would be shown on an amended ODP of the Ranch Reserve 2 Subdivision and can be accomplished administratively.

Policy Issues

The major policy issue is whether to amend the CLUP to decrease the residential density, increase the public/quasi public land and to adjust the configuration, but not the size of the commercial site.

Planning Commission Recommendation

The Planning Commission held a public hearing on October 24, 2000, and by a vote of seven to zero (7-0), recommended that the City Council approve:

1. An amendment to the Westminster CLUP designation for the entire 78+ acre site. The designations would change from Retail Commercial, Single Family-Low Density and Single Family-Medium Density to Retail Commercial, Single Family-Low Density and Public/Quasi-Public. This is based on the finding that the proposed amendment meets the requirements of Section 11-4-16 of the Westminster Municipal Code.
2. The First Amended PDP of the 112th and Federal Partnership conditional upon approval of the CLUP amendment based on the finding that the PDP is in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to PDP amendments.

The Planning Commission also approved the Ranch Reserve 2 ODP by a seven to zero (7-0) vote, conditional upon the approval of the PDP. The ODP is in conformance with Section 11-5-15 of the Westminster Municipal Code pertaining to standards for approval of ODP's.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councilor's Bill No. 102 amending the Westminster Comprehensive Land Use Plan (CLUP) designation for the subject property;

From: Retail Commercial, Single Family-Low Density and Single Family-Medium Density.

To: Retail Commercial, Single Family-Low Density and Public/Quasi-Public.

This is based on the finding that the proposed amendment meets the requirements of Section 11-4-16 of the Westminster Municipal Code. The existing land use designations and proposed changes to the CLUP are shown on Exhibit B, attached.

3. Approve the First Amended Preliminary Development Plan (PDP) of the 112th and Federal Partnership conditional upon approval of the CLUP amendment based on the finding that the PDP is in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to PDP amendments.

Alternative

1. Recommend denial of an amendment to the CLUP, the amendment of the 112th and Federal Partnership PDP and of the Ranch Reserve 2 ODP.

Background Information

Architectural/Building Materials

The proposed homes in the Ranch Reserve 2 ODP are to have a minimum of 30 percent brick or stone veneers on all sides of the residences and on the entire lower level of walk-out units which will be visible from streets. All dwelling units will have three-car garages and the third space will have a separate door and a 2-foot minimum horizontal setback from the main garage door or shall incorporate a roof design change over the third space. A side or rear patio or deck a minimum of 120 square feet will be provided on all homes. Windows on the front of the houses, a minimum of 5-feet in width will project a minimum of 2-feet from the facade on 75 percent or more of all units within a streetscape. A streetscape is considered to be the continuous uninterrupted alignment of homes on both sides of the street from one corner to the next intersecting corner. Extreme curvatures or other non-residential uses are usually considered to be terminations of a streetscape.

Public Land Dedication, Parks/Trails

Required public land dedications for the Ranch Reserve ODP will be satisfied with the dedication of a long narrow 2.7 acre parcel that is to the east of Ranch Reserve Parkway. This parcel is adjacent to an existing 2.8 acre parcel of land dedicated to the City in 1999, with the approval of the adjacent Ranch Reserve ODP.

Soon after the approval of the CLUP amendment, the PDP amendment and the ODP, Western Properties intends to exercise its option to purchase the Residential and Public/Quasi-Public property. This is approximately 62+ acres. The current owner, Cooper Investments, will retain the 15 acre Commercial property. Western Properties will develop approximately 24+ acres with residential uses and dedicate 2.7 acres to the City as its public land dedication (PLD) for the Ranch Reserve 2 ODP. The City will purchase the remaining 34.7 acres of the approximately 62+ acres from Western Properties with open space funds.. This is designated as Public/Quasi-Public on the CLUP. This acreage includes the existing Vogel Pond and adjacent stands of large trees. A portion of this site is being considered as an elementary school site by School District #12.

Access and Circulation

Primary vehicular access to the site from 112th Avenue on the south property line is from Ranch Reserve Parkway. Ranch Reserve Parkway will be extended south from the existing Ranch Reserve Subdivision to a terminus at 112th Avenue. Park/open space/school access is available from the extended Ranch Reserve Parkway and from 112th Avenue. The park's access location from 112th Avenue has not been determined at this time. The commercial access to 112th Avenue will be a full turn and will align with Decatur Street, the main access to the Savory Farms subdivision on the south side of 112th Avenue. The access to Federal Boulevard has been proposed as a right-in and right-out access at 113th Avenue. Details on the problems with this access are provided in the Major Issues section of this report.

Pedestrian and bicycle access and circulation will be available to the 37.4 park and open space parcels at the east side of Ranch Reserve Parkway. Development plans for the park are not yet available. There will be connections to the trails on the south side of 112th Avenue, to City-owned open space parcels in The Ranch and to Big Dry Creek open space via the newly constructed trails in the Ranch Reserve subdivision immediately to the north of the Ranch Reserve 2.

Traffic calming measures such as neckdowns and medians are proposed on Ranch Reserve Parkway. Additional measures might be installed as the park/open space/school develop.

Traffic

The existing Federal Boulevard and 112th Avenue right-of-way configurations are adequate to handle the new traffic generated by the 61 residential lots in the Ranch Reserve 2 subdivision. Curb and gutter and a third traffic lane may be added to Federal Boulevard if the right-in and right-out access at 113th Avenue is allowed. This is to be determined by CDOT. The improvements to the east side of the Federal Boulevard right-of-way will eventually be constructed with the development of the commercial parcel on the northeast corner of 112th and Federal.

The Ranch Reserve 2 ODP shows that an 8-foot wide detached sidewalk will be installed within the right-of-way of Federal Boulevard adjacent to the Ranch Reserve 2 subdivision and will connect to the 8-foot wide detached sidewalk adjacent to the Ranch Reserve subdivision to the north. Improvements are needed within the right-of-way of 112th Avenue. A cash-in-lieu contribution to the City will be requested from the developer for improvements adjacent to the residential portion of the Ranch Reserve 2 subdivision that is adjacent to 112th Avenue. However, if the developer purchases the commercial parcel at the northeast corner of 112th and Federal and an ODP is approved for that parcel then the needed improvements will be coordinated with the improvements required for the Ranch Reserve 2 subdivision. The City has not yet established timelines nor budgeted funds for the widening of 112th Avenue east of the Ranch Reserve subdivision to Gussies Restaurant.

Site Design

The Ranch Reserve 2 ODP is approximately 27.7+ acres in size. The public land dedication is 2.7 acres and is located to the east of the Ranch Reserve Parkway. This is adjacent to the public land that was dedicated with the Ranch Reserve ODP to the north.

The residential area is entirely to the west of Ranch Reserve Parkway. The parkway is an extension of the existing parkway in the Ranch Reserve development and completes its loop south to 112th Avenue. A tree lawn with a detached sidewalk identical to the existing parkway design lends continuity to the parkway route. As noted on the ODP the City of Westminster is responsible for constructing Ranch Reserve Parkway and the utilities within the parkway. Funds for this project are contained in the City's 2001 capital improvements budget. Landscaping, sidewalk and street lighting on the west side will be installed by the developer. The east side landscaping will be installed at the time that the park/school site is developed. The parkway pavement necks down from the City standard 30-foot flowline to flowline for collector status roadways to a narrower width of 20-feet from flowline to flowline in the vicinity of Reserve Lane as a traffic calming method. On-street parking may be allowed to the north and to the south of the narrower part of the parkway. This will allow adequate parking for users of the undeveloped park to the east of the parkway. When the park is developed parking will be added internally for the new park uses.

The Ranch Reserve Parkway is a collector roadway. As such, backout driveways are not permitted. Pullout loops shared by several lots with frontage onto Ranch Reserve Parkway are designed as a safety feature. The loops are private easements and the driveways for the homes are accessed from these loops. The safety feature is that the driver backs into the loop and then exits to the parkway in a forward position, rather than from a driveway that requires backing up into the collector.

A number of the lots at the north part of the Ranch Reserve 2 site have been designed to provide for a walkout lower level with potential mountain views. Sound barrier walls 6-feet in height with 1 inch of close cell foam between 4 inch wide wooden pickets will be placed atop 2-foot high landscaped berms for mitigation of noise and for privacy for lots adjacent to 112th Avenue, adjacent to the commercial property to the west of Lots 1 through 10 in Block 4 and for the lots adjacent to Federal Boulevard. Again City Council has directed Staff to encourage PVC or masonry.

Signage

In the ODP for the Ranch Reserve 2, an entrance sign is proposed for the entrance medians within Ranch Reserve Parkway north of 112th Avenue and the intersection at 113th Avenue and Federal Boulevard. The signs will be integrated into the landscape features. This sign design is almost identical to the monument signage used for the Ranch Reserve subdivision to the north. If the access to Federal Boulevard at 113th Avenue is not permitted, then the entrance feature would not be constructed at this location.

Service Commitment Category

Service Commitments for 61 dwellings were awarded from Category B per the City Council action on March 20, 2000.

Referral Agency Responses

City Staff received responses from numerous agencies. All issues except the access to Federal Boulevard from 113th Avenue have been addressed.

Public Comments

A neighborhood meeting was held on May 16, 2000, to present the proposed development and to answer questions. The meeting was attended by one person and concerns focused on the timing of development for the park site north of 112th Avenue.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The Ranch Reserve Subdivision is to the north. This is designated as Single-Family Detached - Low Density, Public Park/Golf Courses and Public Open Space in the CLUP and is used as such. The College Hills/Stratford Lakes Subdivision is to the west across Federal Boulevard. The proposed uses are consistent with the designated CLUP use of Single-Family Attached. Savory Farms Subdivision and the Cedarbridge Subdivision are to the south across 112th Avenue. The CLUP designation is Single-Family Detached -Low Density, Single-Family Detached - Medium Density and Private Parks and Open Space and the uses are in compliance with this designation. To the east are The Ranch townhomes, a city owned open space parcel and a commercial parcel with Gussies Restaurant. These uses are consistent with the CLUP designations of Public Open Space, Single-Family Attached and Retail Commercial.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **102**

SERIES OF 2000

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 112th & Federal Partnership site is specifically described as:

A parcel of land located in the south half of the southeast quarter of Section 5, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, except that part conveyed to the County of Adams by the deed recorded February 13, 1923 in Book 120 at Page 186 and except that part in Federal Boulevard as taken by rule and order recorded October 24, 1961, in Book 944 at Page 355, County of Adams, State of Colorado.

WHEREAS, the existing land use designation is "Commercial, Single Family-Low Density and Single Family-Medium Density"; and

WHEREAS, the desired land use designation is "Commercial, Single Family-Low Density and Public/Quasi-Public"; and

WHEREAS, City Council finds that the requested amendment will be in the public good and in compliance with the overall purpose and intent of the Westminster Comprehensive Land Use Plan and not merely to afford the applicant a more profitable use of its property.

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 designate the land use as "Commercial, Single-Family Detached - Low Density, and Public/Quasi-Public" shown in "Exhibit B" attached hereto.

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 13th day of November 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED
PUBLISHED this 27th day of November, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Councillor's Bill No. 103 re: Accessory Building Code Amendment

Prepared by: John Shary, Planning Technician

Introduction

City Council action is requested to adopt the attached Councillor's Bill amending 11-4-5: Density Schedule and 11-4-6: Special Regulations, of the Westminster Municipal Code relating to accessory buildings.

Summary

At present, the Westminster Municipal Code treats accessory buildings differently for traditionally zoned properties and Planned Unit Developments (PUD). The current Code has standards for accessory buildings in traditionally zoned neighborhoods. However, PUD neighborhoods must have specific standards within the Official Development Plan (ODP) in order to build an accessory building. This language has caused many homeowners to go through a lengthy and costly ODP amendment process to permit an accessory building or choose to build buildings in violation of the Code. Such a process is thought to be overburdensome.

The proposed ordinance will allow accessory buildings in PUD zone districts where they are not specifically restricted on an approved ODP. Setback requirements are being increased from one (1) foot to three (3) feet, to lessen the potential impact of an accessory building on adjacent properties. These changes will streamline the approval process, improve customer service, and bring many existing violations into compliance. ODP's that do specifically regulate accessory buildings will not be affected by this amendment.

Policy Issue

Whether or not to amend the Code creating standardized regulation of accessory buildings, increase the setbacks and allow accessory buildings in PUD zone districts when the ODP does not address such structures.

Staff Recommendation

Pass Councillor's Bill No. 103 on first reading, which amends Section 11-4-5: Density Schedule and 11-4-6: Special Regulations of the Westminster Municipal Code.

Alternatives

1. Deny Councillor's Bill No.
2. Pass Councillor's Bill No. amending section 11-4-5: Density Schedule and 11-4-6: Special Regulations, but limit the size of accessory buildings to no more than one hundred twenty (120) square feet. The amendment as proposed will allow accessory structures limited to 10% of the building lot area, not to exceed six hundred (600) square feet in PUD districts. This is consistent with current development standards for other zone districts.

Background

The existing Code has separate standards for accessory buildings in Planned Unit Developments (PUD's) vs. traditionally zoned areas. In PUD's, accessory building regulations must be included in the ODP. If the ODP is silent, accessory buildings are prohibited. In traditionally zoned areas of the City, accessory buildings are regulated according to the Municipal Code.

With this amendment, a single set of standards will be applied to accessory buildings allowed in all zone districts, unless specifically restricted or regulated on an approved Official Development Plan. This amendment would produce a "user friendly" approach on accessory buildings throughout the City.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2000

COUNCILLOR'S BILL NO. **103**
INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XI OF THE WESTMINSTER
MUNICIPAL CODE CONCERNING ACCESSORY BUILDINGS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-5 of the Westminster Municipal code is hereby AMENDED as follows:

	<u>RE</u>	<u>R1</u>	<u>RA</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>R5</u>	<u>T1</u>	<u>B1</u>	<u>C1&C2</u>	<u>M1</u>	<u>O1</u>
Minimum Side Setback; Interior Lot -- Principal Building:	7'	5'	5'	5'	5'	5'	(d)	5'	(b)	(b)	40'	30'
Accessory Building: (LESS THAN 120 SQUARE FEET)	<u>5' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	(d)	<u>1' 3'</u>	(b)	(b)	<u>40'</u>	<u>30'</u>
Minimum Total -- Both Side Setbacks:	<u>20'</u>	<u>15'</u>	<u>15'</u>	<u>12'</u>	<u>12'</u>	<u>12'</u>	(d)	<u>12'</u>	(a)	(a)	(a)	(a)
Minimum Side Setback; Corner Lot/Side Street -- Principal Building:	15'	15'	15'	15'	15'	15'	(d)	15'	30'	30'	30'	30'
Accessory Building:	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	(d)	<u>15'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>
Minimum Side Setback; Reverse Corner Lot -- Principal Building:	30'	30'	30'	30'	25'	25'	(d)	25'	15'	15'	30'	30'
Accessory Building:	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	(d)	<u>30'</u>	<u>15'</u>	<u>15'</u>	<u>30'</u>	<u>30'</u>
Minimum Rear Setback -- Principal Building:	20'	20'	20'	20'	20'	20'	(d)	20'	(c)	(c)	(c)	30'
Accessory Building: (LESS THAN 120 SQUARE FEET)	<u>1' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	<u>1' 3'</u>	(d)	<u>20'</u>	(c)	(c)	(c)	<u>30'</u>

Section 2. Section 11-4-6 of the Westminster Municipal Code is hereby AMENDED as follows:

11-4-6: SPECIAL REGULATIONS: (2534) The following regulations apply to ~~all~~ zoning districts ~~except Planned Unit Developments~~ AS INDICATED BELOW.

Section 3. Section 11-4-6 (D) 6 of the Westminster Municipal Code is hereby DELETED as follows:

~~6. **Accessory Buildings.** Accessory buildings are permitted unless restricted or not indicated on an approved Official Development Plan and may be located in the required rear or side setback for a principal building (See Density Schedule for RE, R1, RA, R2, R3, and R4 Districts). An accessory building which is a garage or carport may be attached to the principal building in the use districts listed above and shall meet the front setback and rear setback setback requirements for a principal structure. The side setback for an attached or unattached accessory building which is a garage or carport may be the same as the setback required for an accessory structure if the application for a building permit is accompanied by an agreement with the adjacent property owners indicating approval of the setback.~~

Section 4. Section 11-4-6 (N) of the Westminster Municipal Code is hereby AMENDED as follows:

(N) ACCESSORY BUILDINGS.

1. PERMITTED ZONE DISTRICTS: ACCESSORY BUILDINGS ARE PERMITTED IN ALL RESIDENTIAL ZONE DISTRICTS OR PLANNED UNIT DEVELOPMENTS UNLESS RESTRICTED ON AN APPROVED OFFICIAL DEVELOPMENT PLAN.

‡ 2. Number permitted: One (1) accessory building will be permitted per building lot. ~~in the RE, R1, RA, R2, R3, R4 and T1 zone districts.~~

‡ 3. Architectural character: Accessory buildings in the RE, R1, RA, R2, R3, R4, ~~and T1 AND PUD~~ zoned districts must maintain the residential character of the surrounding neighborhood and architecturally resemble and be constructed of like or similar materials of that used on the exterior of the existing principal building on the property. Pre-fabricated or corrugated metal, plastic, vinyl, canvas or similar material buildings are prohibited. ~~in the RE, R1, RA, R2, R3, R4 and T1 AND PUD zone districts.~~

‡ 3. ~~Accessory buildings in PUDs. If criteria for accessory buildings is not specified on the preliminary or official development plan for a subdivision, accessory buildings (regardless of the square footage) will not be permitted.~~

4. SIZE: FOR ZONE DISTRICTS RE, R1, RA, R2, R3, R4, R5, T1 AND PUD DISTRICTS (WHERE NO REGULATIONS ARE INCLUDED IN THE OFFICIAL DEVELOPMENT PLANS), ACCESSORY BUILDINGS SHALL BE LIMITED TO 10% OF THE BUILDING LOT AREA, NOT TO EXCEED 600 SQUARE FEET. MAXIMUM HEIGHT OF AN ACCESSORY BUILDING SHALL BE LIMITED TO FIFTEEN (15) FEET.

5. SETBACKS: FOR ZONE DISTRICTS RE, R1, RA, R2, R3, R4, R5 AND T1 SEE DENSITY SCHEDULE. ARCHITECTURAL FEATURES SUCH AS CORNICES, CANOPIES, EAVES, AWNINGS OR SIMILAR ARCHITECTURAL ROOFLINE FEATURES MAY NOT ENCROACH INTO THE REQUIRED SIDE OR REAR SETBACKS FOR ANY ACCESSORY BUILDING.

(A) ACCESSORY BUILDINGS OF ONE HUNDRED TWENTY (120) SQUARE FEET OR LESS IN PUD ZONE DISTRICTS WITHOUT SPECIFIED SETBACKS ON AN APPROVED OFFICIAL DEVELOPMENT PLAN SHALL MEET THE REQUIRED FRONT SETBACK OF THE PRINCIPAL BUILDING AND SHALL BE PLACED WITHIN THE REAR AND SIDE SETBACKS A MINIMUM OF THREE (3) FEET FROM THE PROPERTY LINES.

(B) ACCESSORY BUILDINGS THAT ARE GREATER THAN ONE HUNDRED TWENTY (120) SQUARE FEET IN RE, R1, RA, R2, R3, R4, R5, T1 AND PUD ZONE DISTRICTS, WITHOUT SPECIFIED SETBACKS ON AN APPROVED OFFICIAL DEVELOPMENT PLAN, SHALL MEET THE FRONT SETBACK AND REAR SETBACK REQUIREMENTS FOR A PRINCIPAL BUILDING. THE SIDE SETBACK FOR AN ACCESSORY BUILDING GREATER THAN ONE HUNDRED TWENTY (120) SQUARE FEET MAY BE A MINIMUM OF FIVE (5) FEET IF THE APPLICATION FOR A BUILDING PERMIT IS ACCOMPANIED BY A SIGNED AGREEMENT WITH THE ADJACENT PROPERTY OWNER(S) INDICATING APPROVAL OF THE SETBACK. IF NO SIGNED AGREEMENT ACCOMPANIES THE BUILDING PERMIT APPLICATION THEN THE ACCESSORY BUILDING MUST MEET THE REQUIRED SIDE SETBACKS FOR THE PRINCIPAL BUILDING.

(C) ACCESSORY BUILDINGS THAT ARE GREATER THAN ONE HUNDRED TWENTY (120) SQUARE FEET IN B1, C1, C2, M1 AND O1 ZONE DISTRICTS SEE DENSITY SCHEDULE.

Section 5. 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 6. This ordinance shall take effect upon its passage after second reading.

Section 7. 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 13th day of November, 2000.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Resolution No. 86 re Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Amendment to the Agreement with the Colorado Department of Transportation (CDOT) addressing the City's financial obligation for the Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements Project. Funds have been allocated and are available in the General Capital Improvements Fund for this project.

Summary

The Sheridan Boulevard, 113th Avenue to 119th Avenue widening project is one of the City's projects eligible for federal funds under the Transportation Equity Act for the 21st Century (TEA-21) Program.

The original Agreement, which was approved by Council in November 1999, outlines the management responsibilities of both the City and the CDOT as well as defining the financial obligation of both parties. This November 1999 action also secured the year 2000 Federal participation funds for this project.

The action requested in this Agenda Memorandum is necessary to secure the additional \$2,091,000 of 2001 federal participation funds for the construction of this project. These additional funds plus the previously secured federal funds will bring the total Federal funds allocated for this project to \$3,102,000.

The City's matching fund obligation in 2000 for this project was \$216,907. The City's matching fund obligation for 2001 is \$434,667, for a total matching fund obligation of \$651,574. It should be noted that the "matching" funds mentioned are the City's contractual obligation. However, the City will be "overmatching" on this project in the total amount of \$1,850,000.

Policy Issues

City Council has the prerogative to not authorize the execution of an Amendment to the city's contract with the Colorado Department of Transportation (CDOT) if it is determined that the City's share of the funding is needed for a high priority use.

Staff recommends the execution of this Amendment since it is necessary to secure the federal funds necessary to construct this project.

Staff Recommendation

Adopt Resolution No. 86 authorizing the City Manager to execute the Amendment to the Sheridan Boulevard, 113th Avenue to 119th Avenue Project Agreement with the Colorado Department of Transportation.

Background Information

During the past several years, Sheridan Boulevard between 113th Avenue and 119th Avenue has increasingly posed a problem in terms of its traffic carrying capabilities. As a result, funds were appropriated by City Council in the General Capital Improvements Fund for the final design of the improvements to this section of roadway. In addition, the City was able to secure federal participation funds through the TEA-21 program.

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

An additional \$2,091,000 of TEA-21 funds for the construction of this project will also be available in 2001. To secure these funds, the City will be required to “match” funds in the amount of \$434,667 in 2001. However, the City will be “overmatching” on this project such that the City’s total expenditure on this project will be \$1,850,000. This “overmatching” was necessary to be competitive with other local governments for the federal funds mentioned. Many projects throughout the metro area compete for these funds, and “overmatching” on a project is necessary to rank higher than the other projects. Several years ago, the City was successful in this competition in large part because of this “overmatching”.

Staff believes that this requested action is in the best interest of the City since using Federal funds for this project frees up City funds to be used on other projects.

Alternative(s)

The only alternative to this action would be to abandon the project if it is determined that the City’s share of the funding is needed for a different purpose.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **86**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A resolution of the City Council of the City of Westminster defining responsibility in the State contract for improvements to Sheridan Boulevard between 113th Avenue and 119th Avenue.

WHEREAS, the City of Westminster is vitally interested in improving traffic flow on Sheridan Boulevard between 113th Avenue and 119th Avenue; and

WHEREAS, the City has authorized the total amount of \$644,829 for the local match plus \$6,745 for indirect costs for the design and construction of improvements to Sheridan Boulevard between 113th Avenue and 119th Avenue; and

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

1. The City of Westminster shall enter into an Amendment to the Agreement with the Colorado Department of Transportation on the state contract dated December 16, 1999, for said modification on Sheridan Boulevard between 113th Avenue and 119th Avenue.
2. The City of Westminster shall be responsible for its share of these costs in the amount of \$651,574 (\$644,829 local match plus \$6,745 indirect costs) for the design and construction of improvements to Sheridan Boulevard between 113th Avenue and 119th Avenue.

Passed and adopted this 13th day of November, 2000

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Councillor's Bill No. 104 re Church Ranch Marriott Hotel's Business Assistance Agreement Amendment

Prepared by: Susan Grafton, Economic Development Manager
Marty McCullough, City Attorney

Introduction

City Council is requested to approve on first reading the attached Councillor's Bill authorizing the City Manager to sign and implement the attached amendment to the existing Business Assistance Agreement with the Church Ranch Hotel Company II, LLC. The amendment is to assist them in securing financing for the Springhill Suites Hotel which is a prerequisite to building the full service Marriott Hotel on an adjacent site.

Summary

City Council entered into separate Business Assistance Agreements with Church Ranch Hotel Company I, LLC and Church Ranch Hotel Company II, LLC that spelled out the terms and conditions of business assistance packages for both hotels to be located on the Church Ranch development, located west of US 36 and south of Church Ranch Boulevard. In July, City Council approved an amendment to the business assistance agreement for the hotels in order to facilitate securing financing for the Springhill Suites Hotel.

That amendment allowed for the uncoupling of the development of the hotel from the development of the suite so that the funds provided in the assistance package for the suites could be counted as revenue in connection with the financing for the Suites Project. In exchange for the release of this condition by the City, the Church Ranch Hotel Company agreed to give the City the 2.59 acre site for the Marriott, as well as, the complete plans and specifications for the hotel in the event the hotel was not under construction by March 1, 2004. What was not known at the time of this amendment, is that there is a Deed of Trust on the property which equates to a lien of \$4 per square foot. City Council action is now needed to amend the agreement to stipulate that the City would be responsible for pay off of this lien should the City acquire the property through the "take over" provision provided in the previous amendment.

Policy Issue(s)

Should City Council amend the existing agreement with Church Ranch Hotel Company II, LLC to provide for the payoff of the existing Deed of Trust, in the event the City would take the Hotel property back pursuant to the "take over" provision?

Staff Recommendation

Pass Councillor's Bill No. 104 on first reading approving the amendment to the existing agreement with Church Ranch Hotel Company II, LLC. which establishes that if the limited partnership is unable to commence construction on the full service hotel by March 1, 2004, the Church Ranch Hotel Company will provide the City with the full set, wet stamp construction plans and specifications for the full service hotel and convey the 2.59 acre site where the full service hotel is planned to be located, to the City of Westminster, at no cost and free and clear of all liens except a \$4 per square foot lien in favor of Key Bank.

Background Information

The amended agreement that City Council authorized in July has not yet been executed. The attorneys for the Church Ranch Hotel Company had provided a final agreement for the City's execution, when they advised Staff that a further revision was needed that they had overlooked concerning the existence of the \$4 per square foot Deed of Trust lien. At that point, they were informed that this was a substantive change to the Agreement and it would need further City Council consideration.

City Council will recall that, originally, the City was requested to uncouple the two incentive packages without offering the City any consideration in exchange. Further negotiations with representatives of the Hotel Company resulted in an agreement that, in the event the Hotel was not commenced by March 1, 2004, deadline, the City would receive the 2.59 acre portion of the overall site that the Company was required to provide for the Hotel Project. (City Council will recall that the City would still be required to contribute the balance of the site consisting of approximately 5 acres, for an overall site of approximately 5.8 acres.) In addition, in the event the construction of the Hotel is not commenced by March 1, 2004, the City would also receive the complete construction plans and specifications for the Hotel Project that have been developed to date. Also, the incentive for the Hotel Project would terminate.

City Staff estimates that this property currently is worth \$8 - \$10 per square foot. Obviously, taking this "collateral" property subject to the lien is not as advantageous to the City as unencumbered land. It is also conceivable that the lien could be foreclosed upon between now and March 1, 2004, in the event of a default by the current property owners. However, the current investment the owners have in this loan makes a default rather remote and payments against the lien are scheduled based on planned development occurring between now and March 2004. Further, the agreement restricts the developers from putting more debt on the land.

The developers of the Marriott project continue to represent to the City that in the event the Springhill Suites Hotel is not financed in a timely manner, the possibility of the full-service Marriott Hotel being constructed could disappear. Staff believes that the uncoupling of the two incentive packages is indeed an important factor in obtaining construction financing for the Springhill Suites project.

All things considered, City Staff believes that the combination of the penalties that the Hotel Company would have to pay Marriott in the event the Hotel was not timely constructed, the forfeiture of 2.59 acres of valuable property and the construction plans and specifications that the developer has paid for, all provide as much assurance as the City can possibly get that the Hotel Project will be completed according to the terms of the original Incentive Agreement.

Alternative(s)

1. City Council could decline to amend the existing Business Assistance Agreement and not allow for the acceptance of the Deed of Trust lien. This approach would likely cause the development agreement and the project financing to dissolve and mean the loss of both the Springhill Suites and the full service Marriott projects.
2. Another alternative would be to require the limited partnership to provide other assurances to the City that they will build the full service Marriott Hotel by the stated deadline. Staff has researched this possibility and is unable to identify other meaningful assurances or collateral that the limited partnership could offer to the City.

Respectfully submitted,

William M. Christopher, City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **104**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING THE AMENDING OF THE ASSISTANCE AGREEMENT WITH CHURCH RANCH HOTEL GROUP

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

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

WHEREAS, the Church Ranch Hotel Company Group (I and II) has indicated an interest in building a Marriott Hotel and Springhill Suites Hotel at Church Ranch; and

WHEREAS, a proposed amendment to the Assistance Agreement between the City and Church Ranch Hotel Company I and II is attached.

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

Section 1. The City Manager of the City of Westminster is hereby authorized to sign Assistance Agreement with Church Ranch Hotel Company I and Church Ranch Hotel Company II, as amended, in substantially the same form as the one attached as Exhibit "A," and upon execution of the amended Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of November, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of November, 2000.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: November 13, 2000

Subject: Councillor's Bill No.105 re Supplemental Appropriations of Grant and Cash In Lieu of Public Land Dedication Funds into the Open Space Fund

Prepared by: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill authorizing supplemental appropriations of \$841,175 into the Open Space Fund.

Summary

The proposed supplemental appropriations include \$375,000 in Great Outdoors Colorado (GOCO) funds (the amount of the GOCO grant award that the City received toward the Snow property purchase near Standley Lake), \$150,000 in Adams County Open Space funds (the amount of a grant just received toward the purchase of open space and park land around Gussies Pond near 112th Avenue and Federal Boulevard), \$176,175 in cash in lieu of Public Land Dedication funds received from the Ranch Reserve I development, to be applied to the purchase of the open space and park land around Gussies Pond), and \$140,000 in Urban Drainage and Flood Control District Funds toward land acquisition along Little Dry Creek at Lowell Boulevard for open space. These funds will then be used to purchase the Gussies Pond property and other key open space acquisitions, as approved by City Council.

Alternatives

City Council could choose not to authorize the supplemental appropriations of \$841,175 into the Open Space Fund at this time. However, the majority of these funds are necessary to close several acquisitions already authorized by City Council between now and the end of the year. Staff does not recommend this alternative.

Policy Issue

Does City Council wish to accept the grants and cash in lieu funds outlined above for the outlined use for approved open space acquisitions?

Staff Recommendation

Pass Councillor's Bill No. 105 on first reading appropriating \$841,175 into the Open Space Fund.

Background Information

City Council had previously authorized Staff to apply for the three grants from Great Outdoors Colorado (GOCO), the new Adams County Open Space Program, and the Urban Drainage and Flood Control District, to assist with three open space purchases. Staff is very pleased to report that all three grant applications were successful at the full amounts requested! These grant funds have been paid to the City within the past few weeks, and were placed in a holding account until the monies are appropriated for their intended use.

By ordinance, new residential developments must dedicate a portion of their property as “public land” for park and/or open space use to serve the new residents. The ordinance allows the City to accept the cash value of that land when it makes better sense to acquire another nearby property to serve those public purposes. In the case of the Ranch Reserve I development, located east of Federal Boulevard at 116th Avenue, Staff asked for cash in lieu of the land, so that the cash could be used to help acquire a larger park and open space property around the old farm pond located just to the south. The developer paid this cash in lieu of public land dedication to the City recently. Because the remainder of the purchase price for the property is being paid from the Open Space Fund, the cash in lieu funds are proposed to be appropriated into that account.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **105**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2728 in the amount of \$4,630,382 is hereby increased by \$841,175 which, when added to the fund balance as of the City Council action on November 27, 2000 will equal \$7,153,399. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of grants received from Great Outdoors Colorado (GOCO) and Adams County Open Space and cash-in-lieu funds received from the Ranch Reserve I and Urban Drainage and Flood Control.

Section 2. The \$841,175 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Intergovernmental Revenues 54-0478-000	\$0	\$665,000	\$665,000
Misc. Contributions 54-1172-015	0	176,175	176,175
Total Change to Revenues		<u>\$841,175</u>	
EXPENSES			
Land Purchases 54-10-90-501-000	\$1,202,797	\$841,175	\$2,043,972
Total Change to Expenditures		<u>\$841,175</u>	

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

Section 4. This ordinance shall take effect upon its passage after the second reading. 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 13th day of November, 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of November, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Councillor's Bill No. 106 re 2001 Appropriations

Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council action is requested to pass on first reading the Appropriations Ordinance for 2001, which sets forth the amounts of estimated revenue and expenditures by each separate fund of the City for calendar year and fiscal year 2001. This action is in compliance with the City Charter Budget Provisions.

Staff Recommendation

Pass Councillor's Bill No. 106 on first reading appropriating funds for the 2001 budget.

Background Information

The 2001 Appropriations Ordinance reflects the budget adopted by City Council on October 9, 2000. The Appropriations Ordinance does not reflect funds for those capital projects that will be financed through bonds or other debt such as the Standley Lake Renovation project. Funds for this project will be appropriated when the bonds are issued and funds become available.

The 2001 appropriated City Budget totals \$142,191,251, comprised of \$128,683,267 budget, \$2,574,984 contingencies, and \$10,933,000 reserves. All capital improvements, services and programs previously discussed with City Council are reflected in the budget including any adjustments made by City Council at the Budget Retreat and at the various budget public hearings.

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

The ordinance will become effective January 1, 2001.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillors Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **106**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2001 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW.

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Non-emergency reserve as of December 31, 2000, along with revenue for the calendar and fiscal year 2001 are combined and reflected as the total in each of the following funds:

NON-EMERGENCY RESERVE AND NEW REVENUE

a.	General Fund	\$67,845,371
b.	Utility Fund	37,224,000
c.	General Capital Improvement Fund	14,802,638
d.	Fleet Maintenance Fund	1,121,246
e.	General Debt Service Fund	8,292,401
f.	Conservation Trust Fund	600,000
g.	Sales and Use Tax Fund	53,799,000
h.	Open Space Fund	4,827,625
i.	General Reserve Fund	6,453,000
j.	Utility Reserve Fund	4,480,000
k.	Golf Course Fund	<u>3,689,854</u>
	Total Funds Available	\$203,135,135
	Less Transfers	<u>-60,943,884</u>
	GRAND TOTAL	\$142,191,251

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

a.	General Fund	\$67,845,371
b.	Utility Fund	37,224,000
c.	General Capital Improvement Fund	14,802,638
d.	Fleet Maintenance Fund	1,121,246
e.	General Debt Service Fund	8,292,401
f.	Conservation Trust Fund	600,000
g.	Sales and Use Tax Fund	53,799,000
h.	Open Space Fund	4,827,625
i.	General Reserve Fund	6,453,000
j.	Utility Reserve Fund	4,480,000
k.	Golf Course Fund	<u>3,689,854</u>
	Total Funds Available	\$203,135,135
	Less Transfers	<u>-60,943,884</u>
	GRAND TOTAL	\$142,191,251

This ordinance shall become effective January 1, 2001.

INTRODUCED AND PASSED on first reading this 13th day of November, 2000.

PASSED AND ADOPTED on second reading this ___ day of November, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: Resolution No. 87 re Exclusion From North Jeffco Park & Recreation District
Prepared by: Tami Cannon, Paralegal

Introduction

City Council action is requested to adopt the attached Resolution approving the exclusion of the Fritzler property from the North Jeffco Park & Recreation District.

Summary

Exclusion of the recently annexed Fritzler property from the North Jeffco Park & Recreation District is necessary to avoid the overlapping of recreational services and double taxation of the property.

Policy Issues

Does City Council wish to continue the practice of excluding annexed property from special districts to avoid duplication of service and double taxation?

Staff Recommendation

Adopt Resolution No. 87 approving the exclusion of the Fritzler property from the North Jeffco Park & Recreation District.

Background Information

Mr. and Mrs. Myron Fritzler, owners of the subject property, submitted a Petition for Exclusion of their property to the North Jeffco Park & Recreation District, pursuant to C.R.S. section 32-1-501. The Board of Directors for the North Jeffco Park & Recreation District adopted the attached Certified Findings and Order granting the Petition for Exclusion on November 9, 2000. 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 recreational services provided by the North Jeffco Park & Recreation District to the area described in the Petition immediately after the effective date of the exclusion order.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

SERIES OF 2000

EXCLUSION OF TERRITORY FROM THE NORTH JEFFCO PARK AND
RECREATION 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 32-1-501, 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 recreational services by the City of Westminster and the North Jeffco Park & Recreation 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 North Jeffco Park & Recreation District in the territory described in Exhibit "A" attached hereto, based upon the Westminster Park, Recreation and Libraries' service capability, which includes operation of four (4) existing recreational facilities, three (3) existing public library facilities, two (2) existing golf courses, forty-three (43) existing parks and several major biking and hiking trails which are strategically located throughout the City, the Standley Lake Recreation Area and Sun Microsystems Ice Centre at the Promenade. In addition, Westminster residents may use Hyland Hills Park & Recreation facilities and enjoy programs at Hyland Hills resident rates; and

WHEREAS, the Board of the North Jeffco Park & Recreation District has met to consider the Petition for Exclusion, and adopted a Certified Findings and Order granting the Petition; and

WHEREAS, the City Council of the City of Westminster is willing to agree by this Resolution to provide the service provided by the North Jeffco Park & Recreation District to the area described in Exhibit "A" 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 North Jeffco Park & Recreation District by filing a copy of this Resolution, the District's Resolution and a proposed form of exclusion Order in the District Court of Jefferson County, pursuant to the provisions of section 32-1-501, 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 North Jeffco Park & Recreation District to the area described in Exhibit "A" 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 North Jeffco Park & Recreation District in the territory described in Exhibit "A."
4. That the City Attorney is instructed to carry out all notification and filing requirements as contained in applicable state statutes.

PASSED AND ADOPTED this 13th day of November, 2000.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Resolution No. 88 re Exclusion From Southwest Adams County Fire Protection District

Prepared by: Tami Cannon, Paralegal

Introduction

City Council action is requested to adopt the attached Resolution approving the exclusion of the East Bay property from the Southwest Adams County Fire Protection District.

Summary

Exclusion of the recently annexed East Bay property from the Southwest Adams County Fire Protection District is necessary to avoid the overlapping of fire protection services and double taxation of the property.

Policy Issues

Does City Council wish to continue the practice of excluding annexed property from special districts to avoid duplication of service and double taxation?

Staff Recommendation

Adopt Resolution No. 88 approving the exclusion of the East Bay property from the Southwest Adams County Fire Protection District.

Background Information

Brothers Redevelopment, Inc., owner of the subject property, submitted a Petition for Exclusion of their property to the Southwest Adams County Fire Protection District, pursuant to C.R.S. section 32-1-501. The Board of Directors for the Southwest Adams County Fire Protection District will consider the adoption of the attached Certified Findings and Order granting the Petition for Exclusion on November 16, 2000. 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 Southwest Adams County Fire Protection District to the area described in the Petition immediately after the effective date of the exclusion order.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

SERIES OF 2000

EXCLUSION OF TERRITORY FROM THE SOUTHWEST 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 32-1-501, 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 Southwest 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 Southwest 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 an aerial fire truck, one attack unit, four fire engines, one reserve fire engine, one reserve squirt, one ladder truck and three ambulances operated by a staff of ninety (90) highly skilled and trained full-time 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, following City Council's adoption of this Resolution, the Board of the Southwest Adams County Fire Protection District will meet to consider the Petition for Exclusion, and adopt a Certified Findings and Order granting the Petition; and

WHEREAS, the City Council of the City of Westminster is willing to agree by this Resolution to provide the service provided by the Southwest Adams County Fire Protection District to the area described in Exhibit "A" 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 Southwest Adams County Fire Protection District by filing a copy of this Resolution, the District's Findings and a proposed form of exclusion Order in the District Court of Adams County, pursuant to the provisions of section 32-1-501, 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 Southwest Adams County Fire Protection District to the area described in Exhibit "A" 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 Southwest 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 carry out all notification and filing requirements as contained in applicable state statutes.

PASSED AND ADOPTED this 13th day of November, 2000.

Mayor

ATTEST:

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Legal Services for ROW Acquisition for Federal Boulevard Extension

Prepared by: Dan Blankenship, Senior Project Coordinator

Introduction

City Council action is requested to authorize a contract with Holme, Roberts & Owen LLP, to provide legal services for eminent domain proceedings in the Federal Boulevard Extension project. Funds are available and have been authorized in the appropriate General Capital Improvement project account for this expense.

Summary

In May of 2000, City Council authorized the acquisition of right-of-way from four ownerships affected by the Federal Boulevard Extension. The City is in the process of securing possession of all of the necessary right-of-way to start construction, but agreement on the purchase price has not been reached with any of the owners. Negotiations continue with representatives of the other owners, but it appears that the Doulos acquisition will require condemnation and a valuation hearing, with a high likelihood that other acquisitions will also require litigation.

The City Attorney's Office is currently handling an extensive case load of litigation, and is recommending that the law firm of Holme, Roberts and Owen LLP be allowed to provide legal services for the Doulos case and others if negotiation impasses are reached. The firm is very experienced in eminent domain cases and has provided similar services to the City in the past with good results. Funds for the contract, which has a limitation of \$25,000 in fees, are available in the project account in the General Capital Improvement Fund.

Policy Issues

Retaining outside legal counsel for eminent domain proceedings is an option when the City Attorney's Office workload is high and/or the complexity and effort involved in the case is expected to be great. The first condition exists at this time and is not expected to abate in the near future. Given the number of parcels being acquired and the likelihood that several will require condemnation, considerable effort is also expected to be necessary.

Staff Recommendation

Authorize the City Manager to execute a contract with the law firm of Holme, Roberts & Owen LLP up to a limit of \$25,000 to provide the City with legal services for eminent domain proceedings attendant to the Federal Boulevard Extension project.

Alternatives:

- Alternatives include hiring a legal firm other than Holme, Roberts & Owen LLP to handle the litigation. There are other firms that have the necessary qualifications and experience, but City Staff's experience with Holme, Roberts and Owen has been very positive and their fees are representative of those typically charged by firms experienced in eminent domain law.

- Council could also request that the City Attorney's Office re-arrange their priorities and take on representation of the City in the Doulos case and/or those that will likely follow it as negotiations for the Federal Boulevard right-of-way continue. Doing so would likely delay progress on other important litigation, at a minimum.

Neither of these alternatives is recommended in this case.

Background

The Federal Boulevard Extension project crosses four ownerships as it extends from the intersection of 120th Avenue to Zuni Street approximately 1100 feet south of 128th Avenue. Upon securing legal possession of the necessary right-of-way, construction is scheduled to begin this year. Negotiations with the property owners are on going. A court order has given the City possession of the Doulos right-of-way and a possession and use agreement has been executed for Fairway Business Park. The negotiations for right-of-way from the Arabian Horse Registry and the Metzger family may require filing for a hearing in order to obtain possession.

Retaining outside legal counsel for eminent domain proceedings is an option available to the City when the City Attorney's Office is too busy or the complexity and effort involved in preparing the case is expected to be high. The former is true at this time, since the City Attorney's Office is very involved in the Semper clearwell litigation and several other condemnation cases. While not terribly complex, condemnation of right of way is involved and requires consistent attention by experienced practitioners. Even with outside counsel, the City Attorney must also keep up with and guide the case, which requires some Staff time.

Staff is recommending that the firm of Holme, Roberts & Owen be retained to provide legal services for the condemnation action, as needed, on the Federal Boulevard Extension project. The proposed contract is attached and has a fee limitation of \$25,000, based on the assumption that at least one of the acquisitions will necessitate such services. Funds for right-of-way acquisition, including a provision for the cost of legal services attendant to condemnation, were approved for the Federal Boulevard Extension project by City Council in October of 1999 as part of the assistance agreement for the Willow Run Shopping Center.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000
Subject: Resolution No. 89 re Revisions to Council Rules and Procedures
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to adopt the attached Resolution, which amends the Council Rules and Procedures pertaining to items within the Consent Agenda.

Policy Issues

Should the Council amend the Council Rules to include reports within the actions of the Consent Agenda?

Summary

At a previous meeting, City Council suggested adding the Financial Report to the consent agenda. Adding this report to the Consent Agenda requires a resolution to amend the current Council Rules and Procedures. The amendment has been worded to allow the Financial Report, the Quarterly Insurance Report and other reports that might be submitted for Council's review to be placed on the consent agenda.

It is necessary for Council to waive the prior written submittal requirement found in Part VII, Section 9 of the Council Rules and Procedures regarding the proposed changes contained in the Resolution. This section of the Council Rules and Procedures reads as follows:

“**9. AMENDMENT OF RULES:** These rules may be amended or new rules adopted by a majority vote of all members of the Council. Any such alteration or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of new business. This requirement shall be waived only by unanimous consent of all members of Council.”

Staff Recommendation

Waive the prior written submittal requirement found in Part VII, Section 9 of the Council Rules and Procedures regarding the proposed changes contained in Resolution No.89 and adopt Resolution No. 89 revising the Council Rules and Procedures to add reports to the consent agenda.

Background Information

The Consent Agenda policy was originally created in 1985, and it was intended that over time, additional items would be included within the allowed items to be considered as part of the consent agenda.

Respectfully submitted,

William M. Christopher, City Manager
Attachment

RESOLUTION

RESOLUTION NO. **89**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION AMENDING THE COUNCIL RULES AND PROCEDURES

WHEREAS, Chapter VII of the City Charter provides for the procedure and miscellaneous powers and duties of the City Council; and

WHEREAS, The City Council is entrusted with conducting the business of the City in a manner which will be most advantageous to the citizens and voters thereof.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster, hereby adopts the following revision to the Council Rules and Regulations.

PART II – COUNCIL PROCEDURE

E. Consent Agenda:

1. The City Manager shall determine those items to be included on the consent agenda but these items shall be limited to the renewal of existing licenses and permits, ~~and~~ authorizations for purchases of a routine nature where the purchase has been budgeted and all normal bidding requirements have been satisfied AND ROUTINE REPORTS FOR COUNCIL REVIEW.
2. All Councillor's Bills which City Council passed unanimously on first reading shall be listed as part of the Consent Agenda for consideration on second reading. If for any reason the Councillor's Bill is to be removed from the Consent Agenda, it shall necessitate a "yes" and "no" vote by the City Council.
3. Prior to accepting a motion for the adoption of the consent agenda, the Mayor shall ask the Council if they wish to discuss and/or vote on any consent agenda item separately. The Mayor shall also ask if anyone in the audience would like to discuss an item that has been included on the consent agenda. An item shall be taken off the consent agenda upon the request of any Council member or the request of a member of the audience. The rest of the consent agenda will then be adopted with a single motion and vote process. If the vote is not unanimous, each item shall be voted on separately. Items taken off the consent agenda will be acted on after the consent agenda has been adjusted and approved. The removed item(s) will then be considered as the next item of the agenda.

PASSED AND ADOPTED THIS 13th day of November, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 13, 2000

Subject: Selection of Auditors for Fiscal Years 2000-2004

Prepared by: Vicki Adams, Acting Accounting Manager

Introduction

City Council action is requested to award the bid for the independent audit services of the City's financial records for the year 2000 with an option to renew annually for four subsequent years through 2004 with Van Schooneveld & Co., Inc. Funds for the 2000 audit have been specifically designated in the approved 2001 Finance Department budget.

Summary

On August 11, 2000 the City received Bondi & Co's resignation for independent audit services. After review by City Council, Bill Christopher, City Manager, responded with a letter accepting their resignation. The letter was sent to City Council as a correspondence on September 8, 2000. Included in this letter Bill Christopher indicated the City would be issuing a Request for Proposal and go through a competitive selection process.

On September 19, 2000, a Request for Proposal (RFP) was sent to thirteen audit firms. Four firms attended the mandatory pre-bid meeting. Three firms submitted a proposal. The proposals were reviewed by the RFP Committee, which consisted of the Finance Director, Accounting Manager, Acting Accounting Manager, Sales Tax Manager, Internal Auditor, two Accountants, and a Pension Accounting Specialist. The RFP Committee reviewed the proposals and scored each firm based on the scoring explained in the RFP. The firm receiving the most points and who was the consensus choice of the committee was Van Schooneveld & Co., Inc.

The RFP included both the City's independent auditing services and the Westminster Housing Authority's. The RFP Committee is recommending Van Schooneveld & Co., Inc. for the independent auditing services of the Westminster Housing Authority as well. Although the Westminster Housing Authority is a separate legal entity and will contract separately with Van Schooneveld & Co. for this service, they are a component of the City and included in the Comprehensive Annual Financial Report (CAFR); therefore the City combines these requests in the RFP process. The Westminster Housing Authority has accepted this recommendation and will process payment for these services through their own budget.

During the review process, the RFP Committee compared Bondi & Co.'s contract for the year 2000 with Van Schooneveld & Co.'s proposal for the year 2000. If Council agrees with the recommendation for Van Schooneveld & Co., the savings over the cost of the audit in 2000 will be \$2,500 for the City of Westminster and \$1,800 for the Westminster Housing Authority.

Policy Issue(s)

The policy issue for City Council is to enter into a contract for the independent auditing services as required by City Charter Chapter IX, Section 9.10 Independent Audit.

Staff Recommendation

1. Authorize the City Manager to sign a contract for the independent audit of the City’s financial records for the year 2000 with an option to renew annually for four subsequent years through 2004 with Van Schooneveld & Co., Inc. with the first year cost of \$47,000 to be charged to the appropriate 2001 Finance Department budget account.

2. On behalf of, and acting as the Board of Directors of the Westminster Housing Authority, authorize the President to sign a contract for the independent audit of the Westminster Housing Authority financial records for the year 2000 with a first year cost of \$5,000 to be charged to the appropriate 2001 Westminster Housing Authority budget account.

Background Information

On September 19, 2000, a Request for Proposal (RFP) was sent to thirteen audit firms. The RFP followed guidelines established in 1988 by the U.S. General Accounting Office (GAO) and the Office of Management and Budget (OMB) as well as the 1989 Government Finance Officers Association (GFOA) criteria for scoring such proposals. Scoring is based on a formula involving mandatory training and experience, technical qualifications, audit approach and price. City staff took these standards and formatted them into the evaluation process. Federal guidelines recommend that price be less than 50% of the overall score. The GFOA recommends that it comprise 20-40% of the overall score. Staff assigned a weight of 30% to price. Mandated in the RFP was a required preproposal conference. Four firms attended the conference, three of the attending firms submitted proposals.

Each firm was asked to submit two separate proposals, a technical proposal and a sealed dollar cost proposal. The technical proposal was to demonstrate the qualifications, competence and capacity of the firm seeking to undertake an independent audit for the City and the Westminster Housing Authority (WHA) as well as to outline a specific audit approach and a staffing plan. The RFP Committee evaluated the technical proposals and then arranged a meeting with each of the firms to clarify specific items covered in the proposals. The final evaluation included the review of the written proposals, results of the interviews and reference checks.

Following the technical evaluation, the sealed dollar cost bids were opened and evaluated. Each firm was evaluated on total all-inclusive price, hourly rates and hours, optional service costs and rates for additional professional services.

A breakdown of total points scored by each firm, along with their costs proposed is below:

Firm Name	Total Points	City’s 1st Year Annual Cost	City’s 5 year Total	WHA 1st Year Annual Cost	WHA Total Cost
Van Schooneveld & Co.	82	\$47,000	\$260,000	\$5,000	\$25,000
Johnson, Holscher & Co.	80	\$43,000	\$221,000	5,000	\$25,000
Grant Thornton, LLP.	80	\$59,5000	\$322,500	\$10,000	\$58,000

Based on the total points awarded, the RFP Committee selected Van Schooneveld & Co.

Johnson, Holscher & Co. submitted the lowest cost bid; however, the RFP Committee had many concerns regarding the firm's size and expertise. Johnson, Holscher & Co. is a small firm comprised of 11 staff members. The RFP Committee was concerned with the effect the loss of one or two of their employees may have on the City's audit. Also, knowing the complexities of the City, the RFP Committee was concerned with the firm's expertise and depth of knowledge.

Van Schooneveld & Co. submitted the second lowest cost bid. The RFP Committee selected this firm over the other firms based on the following advantages:

1. Van Schooneveld & Co. is comprised of 30 staff members with Principals and Managers, each having between 7 to 30 years in governmental accounting experience.
2. Van Schooneveld & Co. is very experienced with governmental audits of the same caliber as the City of Westminster.
3. 80% of their business is governmental auditing clients.
4. Van Schooneveld & Co. has the depth of knowledge and resources in many facets of governmental accounting such as bond financing alternatives, use of EPA grant monies for the Utility Fund and various special districts.
5. Van Schooneveld & Co. offers training opportunities for the City's Staff.
6. Reference checks for Van Schooneveld & Co, Inc. were excellent. The firm was quoted as being very thorough, and knowledgeable. The firm was also quoted as helpful with TABOR issues, tax issues, new accounting packages and reporting changes.

Alternative(s)

An alternative would be to award the bid to one of the other firms. Concerns with the other firm's qualifications include: size and depth, expertise with governmental audits of the same caliber as the City of Westminster, and total cost. Due to these concerns, this alternative would not be the best choice for the City. The City would not be retaining the best qualified firm at the most reasonable price.

A second alternative is to reject all proposals and re-bid. This is not recommended as the firms who submitted bids specialize in governmental audits; others declined to submit proposals due to the lateness in the year. Re-bidding would also delay the audit for next year.

Mr. Jack Schroeder, President of the firm will be in attendance at the City Council meeting, November 13.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

AGREEMENT
TO FURNISH PROFESSIONAL AUDITING AND ACCOUNTING SERVICES
TO THE
CITY OF WESTMINSTER
FOR AN OPIONION ON THE FAIR PRESENTATION OF THE CITY'S GENERAL PURPOSE
FINANCIAL STATEMENTS IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING
PRINCIPLES

THIS AGREEMENT, made and entered into this _____ day of _____, 2000, between the **CITY OF WESTMINSTER**, hereinafter called the "City", and _Van Schooneveld & Co., Inc., hereinafter called the "Auditor" is as follows:

WHEREAS, the City desires the Auditor to express an opinion on the fair presentation of the general purpose financial statements (GPFS), provide an "in-relation-to" report on the combining and individual fund financial statements, perform certain procedures involving required supplementary information and provide an "in-relation-to" report on the federal financial assistance report; and

WHEREAS, the City desires to engage the Auditor to render the professional auditing and accounting services described in this Agreement and the Auditor is qualified and willing to perform such services; and

WHEREAS, This Agreement is expressly contingent upon the approval of the City of Westminster's City Council of all the terms set forth herein. In the event this Agreement is not approved in its entirety by City Council, neither Party shall be bound to the terms of this Agreement.

WHEREAS, Auditor's proposal dated October 13, 2000, and the Auditor's dollar cost proposal dated October 13, 2000, are an integral part of this agreement and fully incorporated herein.

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth, the City and the Consultant agree as follows:

I. AUDITOR'S SERVICES AND RESPONSIBILITIES

The Auditor will provide the professional and technical Services as described in Appendix A, attached hereto and incorporated herein by this reference.

III. ADDITIONAL SERVICES

When authorized by the City, the Auditor agrees to furnish additional professional services subject to mutual agreement as to additional compensation for additional services.

IV. AUDITOR'S FEE

As compensation for the basic Services described in this Agreement, the Auditor shall be paid a lump sum fee of as outlined in Exhibits B through B-4, inclusive attached hereto and included herein by this reference. This shall constitute full and complete payment for said Services and all expenditures which may be made and expenses incurred, except as otherwise expressly provided in this Agreement.

Hourly Basis Per Scheduled Rates The compensation for the additional services shall be at the Auditor's standard billing rates, as outlined in Exhibits B through B-4, inclusive, attached hereto and incorporated herein by this reference, including reimbursable expenses as described therein. The Auditor shall submit invoices to the City for services rendered during the preceding month, such invoices to be in such form and detail as shall reasonably be required by the City. Reimbursable expenses shall be itemized. The City agrees to pay the Auditor within thirty (30) days of receipt of properly documented invoices. Ten percent (10%) will be withheld from each billing pending delivery of the final audit reports.

V. COMMENCEMENT & COMPLETION OF SERVICES

The Auditor understands and agrees that time is an essential requirement of this Agreement. The Services shall be completed as soon as good practice and due diligence will permit. In any event, the audit report will be presented to City Council no later than the second council meeting in June, exclusive of delays beyond the control of the Auditor. This contract will be for the 2000 calendar year audit with the option to extend the contract for four additional years.

VI. TERMINATION

A. This Agreement may be terminated by either party upon fifteen (15) days prior written notice to the other party in the event of a substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party.

B. This Agreement may be terminated by the City for its convenience upon fifteen (15) days prior written notice to the Auditor.

C. In the event of termination as provided in this Article, the City shall pay the Auditor in full for Services performed from the date of notice of termination plus any Services the City deems necessary during the notice period. Said compensation shall be paid upon the Auditor delivering or otherwise making available to the City all data, reports, summaries and such other information and materials as may have been accumulated by the Auditor in performing the Services included in this Agreement, whether completed or in progress.

VII. INSURANCE

During the course of the Services, the Consultant shall maintain Workmen's Compensation Insurance in accordance with the Workmen's Compensation laws of the State of Colorado, Professional Liability Insurance in the minimum amount of \$ 1,000,000, but in any event sufficient to cover the Auditor's liability under paragraph IX.B.1 below, Automobile Liability of \$1,000,000, and Comprehensive General Liability of \$1,000,000. The City will be an additional insured under the Auditor's Automobile and Comprehensive General Liability coverage. The Auditor shall provide certificates of insurance to the City indicating compliance with this paragraph.

VIII. EQUAL EMPLOYMENT OPPORTUNITY

In connection with the execution of this Agreement, the Auditor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, or disability. Such actions shall include, but not be limited to the following: employment; upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

IX. PROHIBITED INTEREST

A. The Auditor agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The Auditor further agrees that in the performance of the Agreement, no person having any such interests shall be employed.

B. No official or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

X. GENERAL PROVISIONS

A. Independent Contractor. In the performance of the Services, the Auditor shall act as an independent contractor and not as agent of the City except to the extent the Auditor is specifically authorized to act as agent of the City.

B. Books and Records. The Auditor's books and records with respect to the Services and reimbursable costs shall be kept in accordance with recognized accounting principles and practices, consistently applied, and will be made available for the City's inspection at all reasonable times at the places where the same may be kept. The Auditor shall not be required to retain such books and records for more than three (3) years after completion of the Services.

C. Ownership of audit workpapers. All workpapers and the like relating to the Services shall be the joint property of the City and Auditor.

D. Responsibility; Liability.

1. Professional Liability. The Auditor shall exercise in its performance of the Services the standard of care normally exercised by nationally recognized Certified Public Accounting firms engaged in performing comparable services.

2. Indemnification. The Auditor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Services, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the services themselves) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of the Auditor, any subcontractor of the Auditor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph D.2.

In any and all claims against the City or any of its agents or employees by any employee of the Auditor, any subcontractor of the Auditor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph D.2 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Auditor or any subcontractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts.

In the event it becomes necessary for the City to bring an action to enforce any provision of this Agreement or to recover any damages the City may incur as a result of the breach of this Agreement, including, but not limited to defective work, and the City prevails in such litigation, the Auditor shall pay the City its reasonable attorney fees as determined by the Court.

E. Communications. All communications relating to the day-to-day activities for the Services shall be exchanged between the respective representatives of the City and the Auditor who will be designated by the parties promptly upon commencement of the Services.

All other notices and communications in writing required or permitted hereunder shall be delivered personally to the respective representatives of the City and the Auditor set forth below or shall be mailed by registered mail, postage prepaid, return receipt requested to the parties at their addresses shown herein. Notices hereunder shall be effective three (3) days after mailing.

F. Assignment. The Auditor shall not assign this Agreement in whole or in part, including the Auditor's right to receive compensation hereunder, without the prior written consent of the City; provided, however, that such consent shall not be unreasonably withheld with respect to assignments to the Auditor's affiliated or subsidiary companies, and provided, further, that any such assignment shall not relieve the Auditor of any of its obligations under this Agreement. This restriction on assignment includes, without limitation, assignment of the Auditor's right to payment to its surety or lender.

G. Applicable Laws. This Agreement, and all questions concerning the execution, validity or invalidity, capacity of the parties, and the performance of this Agreement, shall be interpreted in all respects in accordance with the Charter and Code of the City of Westminster and the laws of the State of Colorado.

H. Entire Agreement. This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, proposals, representations, negotiations and letters of intent, whether written or oral, pertaining to the Services for the Audit.

I. Renewal; Termination. This Agreement shall be automatically extended for four renewal terms of one year each (the audit years 2000, 2001, 2002, 2003 and 2004). However, if funds for the purpose of this Agreement are not appropriated for any fiscal year subsequent to the one in which this Agreement is entered, the City may terminate this Agreement upon thirty (30) days prior written notice to Auditor, without penalty or further obligation on the part of either Party.

INSURANCE CERTIFICATES REQUIRED BY THIS AGREEMENT SHALL BE SENT TO THE FINANCE DEPARTMENT, ATTENTION: VICKI ADAMS, ACTING ACCOUNTING MANAGER.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the date first appearing above.

VAN SCHOONEVELD & CO., INC.

CITY OF WESTMINSTER

By _____

By _____

Title _____

William Christopher
City Manager

Address:

Address:

4800 West 92nd Avenue
Westminster, Colorado 80031

ATTEST:

ATTEST:

Title _____

City Clerk

APPROVED AS TO LEGAL FORM

By _____
Martin R. McCullough
City Attorney

APPENDIX A

II. NATURE OF SERVICES REQUIRED

A. General

The City is soliciting the services of qualified firms of certified public accountants to audit its financial statements for the fiscal year ending December 31, 2000, with the option to audit the City's financial statements for each of the four subsequent fiscal years. These audits are to be performed in accordance with the provisions contained in this Request for Proposal (RFP).

B. Scope of Work to be Performed

The City desires the Auditor to express an opinion on the fair presentation of its general purpose financial statements (GPFS) in conformity with generally accepted accounting principles (GAAP).

The Auditor is not required to audit the combining and individual fund and account group financial statements and supporting schedules. However, the Auditor is to provide an "in-relation-to" report on the combining and individual fund financial statements and supporting schedules based on the auditing procedures applied during the audit of the GPFS. The Auditor is not required to audit the statistical section of the report.

The Auditor shall also be responsible for performing certain limited procedures involving required supplementary information required by the Governmental Accounting Standards Board (GASB) as mandated by generally accepted auditing standards (GAAS).

The Auditor is not required to audit the schedule of federal financial assistance. However, the Auditor is to provide an "in-relation-to" report on that schedule based on the auditing procedures applied during the audit of the financial statements. The Auditor is also required to complete the IRS SF-SAC form.

The Auditor shall also be responsible for performing an audit and compilation of the Westminster Housing Authority (Authority) which is included as a component unit in the City's financial statements. In addition, the City has five other component units, all of which are blended with the City. Details of the component units can be found in Section III.B. of the RFP.

The Auditor is required to ensure the City is in compliance with the new reporting requirements of GASB 34.

C. Auditing Standards to be Followed

To meet the requirements of this RFP, the audit shall be performed in accordance with GAAS as set forth by the American Institute of Certified Public Accountants, the standards for financial audits set forth in the U.S. General Accounting Office's Government Auditing Standards, the provisions of the Single Audit Act, the provisions of U.S. Office of Management and Budget (OMB) Circular A-128, Audits of State and Local Governments, and any standards issued during the term of the contract.

The audit of the Authority will comply with the HUD IG handbook 2000.4. "Consolidated Audit Guide for Audits of HUD Programs."

D. Reports to be Issued

1. Following the completion of the audit of the fiscal year's financial statements, the Auditor shall issue:
 - a. A report on the fair presentation of the general purpose financial statements (GPFS) in conformity with GAAP.
 - b. A report on supplementary information--schedule of Federal financial assistance.
 - c. A report on compliance based on an audit of the GPFS in accordance with government auditing standards.
 - d. A report on the compliance with specific requirements applicable to major Federal financial assistance programs.
 - e. A report on compliance with the general requirements applicable to Federal financial assistance programs.
 - f. A report on internal control structure based on an audit of GPFS performed in accordance with government auditing standards.
 - g. A report on internal control structure used in administering federal financial assistance programs.
2. As a part of the audit of the Authority:
 - a. A compilation of the financial records of the Authority.
 - b. Report in accordance with the requirements of the U.S. Department of Housing and Urban Development.

In the required reports on internal controls, the Auditor shall communicate any reportable conditions found during the audit. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure, which could adversely affect the organization's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements.

Non-reportable conditions discovered by the Auditors shall be reported in a separate letter to management, which shall be referred to in the reports on internal controls.

The reports on compliance shall include all instances of noncompliance.

3. Irregularities and illegal acts. Auditors shall make an immediate, written report of all irregularities and illegal acts or indications of illegal acts of which they become aware to the City Council, City Manager and Finance Director.
4. Reporting to the Finance Director. Auditors shall discuss with the Finance Director each of the following:
 - a. The Auditor's responsibility under GAAS.
 - b. Management judgments and accounting estimates.
 - c. Significant audit adjustments.
 - d. Other information in documents containing audited financial statements.
 - e. Disagreements with management.
 - f. Management consultation with other accountants.
 - g. Potential major issues.
 - h. Difficulties encountered in performing the audit.

E. Special Considerations

1. The City will send its Comprehensive Annual Financial Report (CAFR) to the Government Finance Officers Association of the United States and Canada for review in its Certificate of Achievement for Excellence in Financial Reporting program. It is anticipated that the Auditor will not be required to provide special assistance to the City to meet the requirements of the program. However, the Auditor will be expected to review the audit with this in mind.
2. The City currently anticipates it will prepare one or more official statements in connection with the sale of debt securities which will contain the GPFS and the Auditor's report thereon. The Auditor shall be required, if requested, to issue a letter regarding: "certification of coverage for issuing bonds", "consent and citation of expertise" and any necessary "comfort letters." The firm should complete Appendix I and state the cost to provide such services.
3. The City has determined that the U.S. Department of Housing and Urban Development (HUD) will function as the cognizant agency in accordance with the provisions of the Single Audit Act of 1984 and U.S. Office of Management and Budget (OMB) Circular A-128, Audits of State and Local Government.

The audit of the Authority will comply with the HUD IG Handbook 2000.4, "Consolidated Audit Guide for Audits of HUD Programs."

4. The schedule of federal financial assistance and related Auditor's report, as well as the reports on the internal control structure and compliance are to be issued as part of the CAFR.
5. The Auditor shall give the Finance Director written notice of any professional relationships involving the City or any of its component units which are entered into during the period of this agreement, within 30 days of the establishment of such relationships.
6. The City is required to implement GASB 34 for the year ended December 31, 2002. The City will require the auditor's assistance in implementing these new reporting requirements and ensuring the City is in compliance with GASB 34. The City is not required to complete the retrospective infrastructure reporting requirements until the year 2006, however, the City will require the Auditors to assist with Infrastructure reporting within the five years to ensure compliance with GASB 34.
7. Specific tax advice may be requested by the City during the year.
8. City staff would like to consult with the audit team quarterly to discuss issues such as the recording of bond issuance, implementation of GASB 34 reporting requirements, recording of complicated leasing arrangements, etc. City staff feels this would be beneficial to both parties and would provide an opportunity to alert the auditor as to items that may affect the audit.
9. The City is currently implementing a new Financial Management System (JD Edwards). It is anticipated the new system will be fully converted by October 1, 2001. The City may require the auditor's assistance during this implementation.
10. City staff would like to attend relevant training courses offered by the audit firm to keep up with CPA licensing requirements.

11. The City staff would like the Auditor's assistance in developing information to be presented to the Credit Rating and Insurance Agencies both regionally and nationally (New York City).

F. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the Auditor's expense, for a minimum of three years, unless the firm is notified in writing by the City of the need to extend the retention period. The Auditor will be required to make working papers available, upon request, to the Finance Director or her designees.

In addition, the Auditor shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 13, 2000

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

Prepared by: Bob Eichem, Treasury Manager
Bob Krugmire, Water Resources Engineer

Introduction

City Council action is requested to adopt the attached Councillor's Bill on second reading that implements the 2001 proposed water and sewer rate adjustments. Amendments have been made, per City Council's request, to codify the shut off charges for residential and other classifications of customers who have had their service terminated for non-payment. In addition, typographical errors have been corrected in the conversion numbers in Schedule A in the Ordinance pertaining to service commitments and the respective second tier breakpoints for non-residential classes. These corrections will have no impact to the projected revenue.

Summary

At the October 23rd Council meeting, City Council passed Councillor's Bill No. 99 on first reading. This Bill sets the utility service rates for water and sewer for 2001 and 2002. Council amended the Bill and requested the shut off charge specified in the Ordinance before second reading. The attached ordinance sets forth the specific charges for each shut off during a twelve-month period.

Policy Issue

There are none at this time.

Staff Recommendation

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

Background Information

On first reading, Council amended the attached ordinance and requested the rates for turning off and restoring water service be stated in the ordinance before being presented for second reading. The changes have been made in Title VIII, Chapter 7, Section 9, Subsection A, Delinquent Payments and Service Charges, to reflect the charges for the various classifications of users. Proposed changes are in bold capitals.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

ORDINANCE NO. **2836**

COUNCILLOR'S BILL NO. **99**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

Moss-Hicks

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

WHEREAS, the last water rate increase and the last rate increase for sewer user charges took effect January, 1999; and

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

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

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

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

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

Section 1. Title VIII, Chapter 7, Section 1, Subsection (H), Westminster Municipal Code, is hereby added and Sections (I) through (M) are re-lettered as follows:

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

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

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

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

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

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

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

(B) RESIDENTIAL: Three (3) dwelling units or less served by one meter primarily used for residential occupancy shall be charged a ~~\$2.10~~ \$3.75 per month meter service charge plus:

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

per meter. Unit consumption shall be determined by dividing the number of gallons consumed by the number of units using one meter. Notwithstanding the above, residential customers who use more than 50,000 gallons for two billing cycles in a twelve month period will be billed the rate of ~~\$3.30~~ \$3.45 per 1,000 gallons for any usage exceeding 50,000 gallons. If usage exceeds 50,000 gallons for more than two billing cycles in a twelve-month period, the first two qualifying cycles will be billed at the ~~\$3.30~~ \$3.45 rate.

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

(C) ~~MULTIPLE UNITS, COMMERCIAL AND PUBLIC: Multiple residential users consisting of four (4) units or more, commercial units and public users consisting of municipal, county and state facilities, church facilities, school district facilities and recreation district facilities shall be charged a ten dollar and fifty cent (\$10.50) monthly meter service charge plus three dollars and thirty cents (\$3.30) per thousand (1,000) gallons for all water delivered through the meter.~~ RESIDENTIAL IRRIGATION, TOWNHOME/ CONDO (CONSISTING OF FOUR UNITS OR MORE), PUBLIC/QUASI-PUBLIC USERS SHALL BE CHARGED ~~\$2.10~~ A MONTHLY METER SERVICE CHARGE BASED ON THE METER SIZE AS LISTED IN SCHEDULE A PLUS:

\$3.45 PER 1,000 GALLONS

Non-irrigation accounts for multiple residential units consisting of four (4) units or more that are not individually metered and that are classified as town homes or condominiums and can demonstrate that they are eighty percent (80%) owner occupied on a complex wide basis shall be charged a ~~ten dollar and fifty cents (\$10.50)~~ monthly meter service charge BASED ON THE METER SIZE AS LISTED IN SCHEDULE A plus: two dollars and ~~fifty four~~ EIGHTY-FIVE cents (~~\$2.54~~) (\$2.85) per thousand (1,000) gallons for all water delivered through the meter. The Director of Finance is authorized to prescribe and accept such forms of documentation as the Director may deem sufficient to demonstrate an applicant's eligibility for the rate described in this paragraph. For purposes of this section, a town home or condominium is a residential unit physically attached to another residential unit and separately owned.

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

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

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

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

SCHEDULE A				
METER SIZE CODE	METER SIZE	NUMBER OF SERVICE COMMITMENTS	MONTHLY METER SERVICE CHARGE	BREAKPOINT FOR SECOND TIER BASED ON METER SIZE (GALLONS)
1	5/8" X 3/4"	1	\$ 4.45	25,000
2	3/4" x 3/4"	1.5	\$ 7.50	37,500 38,000
3	1"	2.5	\$ 10.00	63,000
5	1-1/2"	5	\$ 15.00	125,000
6	2"	8	\$ 20.00	200,000
7	2" x 5/8"	8	\$ 20.00	200,000
8	3"	17.5	\$ 40.00	438,000
9	3" x 3/4"	22.5 17.5	\$ 40.00	563,000 438,000
10	4"	30	\$ 40.00	750,000
11	4" x 1"	30	\$ 40.00	750,000
12	6"	62.5	\$ 50.00	1,563,000
13	6" x 1-1/2"	62.5	\$ 50.00	1,563,000
14	6" x 3"	62.5	\$ 50.00	1,563,000
15	8"	70 90	\$ 90.00	1,750,000 2,250,000
18	10"	145	\$ 110.00	3,625,000
20	10" x 12" x 6"	75 215	\$ 110.00	1,875,000 5,375,000

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

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

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

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

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

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

8-7-9 DELINQUENT PAYMENTS AND SERVICE CHARGES:

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

	RESIDENTIAL	ALL OTHER CLASSIFICATIONS
FIRST TURN OFF/ON	\$30.00	\$ 30.00
SECOND TURN OFF/ON	\$60.00	\$ 60.00
ALL ADDITIONAL	\$60.00	\$100.00

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

Section 6. Title VIII, Chapter 8, Section 5, Subsection (D) of the Westminster Municipal Code, is hereby amended as follows:

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly rate for use of the City of Westminster sanitary sewage system by residential, including multiple unit residential, and public users shall be a sum equal to two dollars and ~~forty~~ SIXTY-EIGHT cents (~~\$2.50~~) (\$2.68) per thousand (1,000) gallons multiplied by the average monthly water consumption per user BILLED during the ~~period~~ MONTHS OF ~~December~~ JANUARY ~~1~~ through March ~~31~~. The minimum monthly rate for use of the City of Westminster's Sanitary Sewage System by multiple units and commercial users shall be a sum equal to two dollars and ~~eighty~~ NINETY-NINE cents (~~\$2.80~~) (\$2.99) per thousand (1,000) gallons multiplied by the average monthly water consumption per user BILLED during the ~~period~~ MONTHS OF ~~December~~ JANUARY ~~1~~ through March ~~31~~. The minimum monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water consumption BILLED during the period of ~~December 1~~ JANUARY through March ~~31~~ and may be adjusted if the water ~~consumption~~ BILLED during the months of ~~June 1~~ JULY through September ~~30~~ is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days' service. Any new occupant of a residential unit shall be charged fifteen dollars and fifty cents (\$15.50) sewer charge until an experience rate has been established. Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available or consumption of similar accounts.

Section 7. This ordinance shall be effective for any water charges billed after December 31, 2000.

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

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

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: November 13, 2000
Subject: Quarterly Insurance Report
Prepared by: Pierrette Ray, Risk Manager
Nancy Weaver, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from July 1, 2000 through September 30, 2000. This report is for informational purposes only and no Council action is required at this time.

Summary

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

For the third quarter, Staff observed the following:

- The number of claims is down from 1999 but up from 1998.
- The value of claims is down when compared to the third quarter 1999, due to the storm on August 4, 1999.

CLAIM SUMMARY – THIRD QUARTER ONLY 2000, 1999, and 1998

	<u>2000</u>	<u>1999</u>	<u>1998</u>
Administration	0	0	0
Police Professional	0	2	2
Auto Liability	6	1	3
Streets and Roads	1	0	1
Sewer Backups	0	28	0
Water Operations	2	8	2
General Liability	11	5	1
No. of Claims Filed	20	44	9
No. of Open Claims	10	4	1
Cost of Claims Pd to Date	\$21,074	\$333,843	\$3,658

Ten of the 20 claims reported in the third quarter of 2000 have been paid. There were six auto claims; one for \$469 from a backing accident, one for \$15,351 from a citizen who hit a patrol car and totaled it, one for \$1,737 in damages to a Parks Division truck that was hit by a van, and one for \$1,054 when a Parks Worker struck a citizen’s vehicle. The other two had no costs associated with them. Of the two claims from Water Operations, one had no expenses; the other is reserved at \$2,000 and resulted from water coming into a citizen’s home after a waterline was replaced. There were 11 general liability claims; nine incurred no charges.

Of the two with cost, one was for \$200 for damages to a citizen’s fruit trees, and one was for \$162 to replace a citizen’s cell phone that was broken when he was thrown from his bike due to an uneven piece of sidewalk.

Forty of the 44 claims from the third quarter of 1999 are closed. The largest expense was generated by the August 4, 1999 flood in South Westminster, with 28 claims that resulted in \$277,589 in damages. Another large claim was the result of a water main break that caused \$33,754 in damages to the parking lot of the Westminster Plaza.

Eight of the nine claims reported in the third quarter of 1998 have been closed. The only open claim is a policy professional claim where notice was filed in 1998, but the claim did not become active until August 2000. CIRSA and the City Attorney’s Office are reviewing this claim.

For the year to date, Staff has noted the following:

- The third quarter saw an increase in the number of claims reported in both auto liability and general liability. This can be attributed to more construction and activity on the part of both employees and citizens during the summer.
- Unlike 1999, the City did not experience any flooding during the month of August.

Claims Summary – Third Quarter 2000 and Year to Date 2000, 1999 and 1998

	2000 <u>3rdQuarter</u>	2000 <u>TOTAL</u>	1999 <u>TOTAL</u>	1998 <u>TOTAL</u>
Administration	0	0	1	0
Police Professional	0	1	7	7
Auto Liability	6	10	16	27
Streets and Roads	1	5	2	3
Sewer Backups	0	1	43	2
Waterworks Operations	2	10	3	0
General Liability	11	14	17	14
No. of Claims Filed	20	41	89	53
No. of Open Claims	10	15	10	5
Cost of Claims Pd to Date	\$21,074	\$36,176	\$365,161	\$53,802

Policy Issues

There are none at this time.

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 2000:

1. WS10340030 Date of Loss: June 16, 2000. Bob Mc Donald, 7364 West 68th Avenue, Arvada, CO 80003. Claimant alleges the City is responsible for paying the costs for repair to his vehicle. Claimant alleges as he was driving westbound on 72nd Avenue, towards Federal Boulevard, there was a high-speed chase. He states that the suspect’s vehicle clipped his front wheel and bumper. Claimant seeks \$229 in damages. CIRSA denied the claim, no police report of Westminster’s case.

2. WS12540031 Date of Loss: July 12, 2000. Martin and Sherry Sos, 11010 Perry Court, Westminster, CO 80031. Claimants allege that golf balls from the Legacy Ridge Driving Range are hitting their house. One golf ball did break a window on the 12th of July. They claim this is due to faulty design of the driving range. Claimants seek an unspecified amount in damages. CIRSA denied the claim based on the provisions in the Governmental Immunity Act.
3. WS10330032 Date of Loss: July 9, 2000. Shanon Bretz, 10849 Vanese Lane, Northglenn, CO 80234. Claimant alleges that an animal control vehicle backed into her parked vehicle in the parking lot of Einstein Bagels. Claimant seeks up to \$416.27 in damages plus rental car fees. CIRSA settled the claim for \$333.10 in damages.
4. WS10350033 Date of Loss: July 25, 2000. Gilbert Wiseman, 3718 West 80th Dr, Westminster, CO 80030. Claimant alleges that the Westminster Swat Team broke his garage door & locks at his rental property, at 7635 Stuart Street in Westminster, during a drug bust. The claimant stated there was \$310.22 in damages. CIRSA denied the claim base on the provision in the Governmental Immunity Act.
5. WS10340034 Date of Loss: July 28, 2000. City of Westminster's Police Officer, Mark Toth was struck by a citizen, Denise Brooks of 5770 W 88th Ave Arvada, CO 80005. The City of Westminster seeks reimbursement for damages to the totaled patrol car. CIRSA is investigating the claim.
6. WS11460035 Date of Loss: March 12, 2000. Marlene Yaniglos, 11138 Seton Place Westminster, CO 80031. Claimant alleges the sidewalk on Legacy Ridge Parkway near 112th Ave was an unmarked hazard, causing her daughter to fall off of her bike. CIRSA denied the claim, as a private contractor was responsible for the work on the sidewalk.
7. WS12510036 Date of Loss: July 31, 2000. City of Westminster is seeking damages from Coach USA/Ace Express when the motorcoach failed to yield the right of way for a City Parks truck. Westminster seeks an estimated \$1,737.37 in damages. CIRSA is investigating the claim.
8. WS03120037 Date of Loss: Unknown. Trammell Crow Company for BankOne, 7301 North Federal, Westminster. Claimant alleges the City of Westminster is responsible for damages caused to the underground parking lot wiring due to construction of the Westminster Plaza. Claimant seeks \$8,500 in damages. CIRSA is investigating the claim.
9. WS10310038 Date of Loss: July 28, 2000. Marlene Yaniglos, 11138 Seton Place Westminster, CO 80031. Claimant alleges a Code Enforcement Officer cut branches off of her fruit trees, damaging the trees. She seeks two new trees. CIRSA settled the claim for \$200 in tree trimming costs.
10. WS12490039 Date of Loss: August 8, 2000. Janis Parker, 4195 South Lipan Street Englewood, CO 80110. Claimant alleges a Park's vehicle struck and damaged her vehicle. She seeks \$1,054.87 in damages. CIRSA settled the claim for \$1,054.87.
11. WS12500040 Date of Loss: July 28, 2000. Rebecca Boyd, 9796 Hooker Court, Westminster, CO 80031. Claimant alleges the design of the fountain at the City Park Recreation Center caused her niece to trip and fall, cutting her head. She seeks reimbursement for medical bills. CIRSA denied the claim.
12. WS03110041 Date of Loss: August 14, 2000. Charles Richardson, 12550 McKenzie Court, Broomfield, CO 80020. Claimant alleges the City of Westminster is responsible for the cost of replacing his cell phone that was lost when he slipped, while riding his bike, on some algae and mud that covered the sidewalks. The sidewalk is located on the eastbound side of Church Ranch Boulevard just each of the railroad overpass. CIRSA is investigating the claim.

13. WS11460042 Date of Loss: August 26, 2000. Robert Wolf, 6820 West 80th Circle Arvada, CO 80003. Claimant alleges the City is responsible for the damage to the right front tire of his vehicle from driving over pavement patches in the road on 80th Avenue. Damages were unspecified. CIRSA denied the claim due to the contractor's responsibility.
14. WS16680043 Date of Loss: May 3, 2000. Drake Construction, Inc., 5190 Parfet Street Wheat Ridge, CO 80033. The Claimant, Attorney for Drake Construction, alleges the City is responsible for damages caused to the water line and roadway due to a mislocation of a water main. CIRSA is investigating the claim.
15. WS12510044 Date of Loss: July 21, 2000. April Schenck, c/o Fireman's Fund Insurance, 7887 East Belleview Avenue, Englewood, CO 80111. Claimant, Fireman's Fund Insurance for April Schenck, alleges that the City is responsible for costs incurred to repair the water damage done to their insured's car. Ms. Schenck parked her car outside of Dave and Buster's at the Promenade and left the top down. The sprinklers then went into operation and caused water to enter her car. CIRSA denied the claim.
16. WS-14-62-0045 Date of Loss: June 28, 2000. Anne and Jeff Hanson, 3312 West 113th Avenue, Westminster, CO 80030. Claimants allege that the City is responsible for costs to repair their carpets and linoleum damaged by tar tracked in from the street as a result of a chip seal project near their home. CIRSA denied the claim and referred claimants to the contractor.
17. WS-16-68-0046 Date of Loss: September 13, 2000. Candis Chain, 9840 Xavier Court, Westminster, CO 80031. Claimant alleges that the City is responsible for costs to repair water damage done to her home when her toilets overflowed after Utilities crews restored water service to her house. CIRSA settled the claim for unspecified damages.
18. WS-12-50-0047 Date of Loss: August 6, 2000. Carolyn Roth, c/o Edwin A. Howe, P.C., Cherry Tower, 950 South Cherry Street, Suite 1502, Denver, CO 80246. Claimant Carolyn Roth, through her attorney, alleges the City is responsible for medical costs claimant incurred when she injured herself by falling off of a treadmill at City Park Recreation Center. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
19. WS-12-50-0048 Date of Loss: September 10, 2000. Andrea Howell, 5726 West 115th Place, Broomfield, CO 80020. Claimant alleges that the City is responsible for lost wages and medical costs resulting from an injury to her foot that occurred when she fell on some uneven cement outside of the Sun Microsystems Ice Arena. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
20. WS-12-49-0049 Date of Loss: September 18, 2000. Nicole Valley, 6879 West 91st Court, #11-202, Westminster, CO 80221. Claimant alleges that the City is responsible for paying for the repairs to her 2000 Honda Accord damaged when an employee in a Parks Division vehicle rear-ended her vehicle. Claimant seeks the cost of repairs to her vehicle as well as reimbursement of rental car costs. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher
City Manager

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, November 13, 2000.

Present at roll call were Mayor Heil and Councillors Atchison, Hicks, Merkel and Moss. Mayor Pro Tem Dixon arrived at 8:00 P.M.

The minutes of the October 23, 2000 Council meeting were approved with no additions or corrections.

Mayor Heil recognized employees celebrating 10, 15, 20 and 25 years of service with the City, and presented a Certificate of Recognition to Bob Eichen and the Finance Department for the certification of the City's Investment Policy.

Council requested a Special City Council meeting for 7:00 P.M., Monday, November 20, 2000 to consider a contract with an Executive Search Firm for a new City Manager.

Gary Doane was appointed to the Volunteer Fire Pension Board for a two year term.

A Public hearing was held on the amendment to the Preliminary Development Plan for the Ranch Reserve 2 and the Comprehensive Land Use Plan.

Council approved the following: 2000 Wastewater Collection System Trenchless Technology Improvements Project; 2000 Wastewater Collection System Replacement Improvements; Bids for the 2001 Traffic Signal Maintenance; City Park Maintenance Facility Architectural Design Services; Services to update the Treated Water and Wastewater Master Plans; First Amended Preliminary Development Plan for 112th & Federal Partnership; Legal Services for ROW Acquisition for Federal Boulevard Extension; and Selection of Auditor for Fiscal Years 2000-2004.

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Amend Land Use for Ranch Reserve 2.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING ACCESSORY BUILDINGS. Standardize regulation of accessory buildings.

A BILL FOR AN ORDINANCE AUTHORIZING THE AMENDING OF THE ASSISTANCE AGREEMENT WITH CHURCH RANCH HOTEL GROUP. Purpose: Amend agreement to assist developer in securing financing for Springhill Suites Hotel.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Appropriate Grant and Cash In Lieu of Public Land Dedication funds.

A BILL FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2001 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW. Purpose: 2001 Budget Appropriation.

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

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

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

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

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

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

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

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

A BILL FOR AN ORDINANCE INCREASING THE RATES FOR WATER SALES AND SEWER USER CHARGES, as amended.

The following Resolutions were adopted by City Council:

Resolution No. 86 – Amend Agreement with CDOT for Sheridan Boulevard, 113th /119th Avenue Project.

Resolution No. 87 – Exclusion of Fritzler property from North Jeffco Park & Recreation District.

Resolution No. 88 – Exclusion of East Bay property from Southwest AdCo Fire Protection District.

Resolution No. 89 – Revision to Council Rules and Procedures.

At 8:12 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on November 22, 2000