



WESTMINSTER  
COLORADO

December 10, 2001  
7:00 P.M.  
AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. 2002 Capital Improvement Technical Staff Support Services
  - B. Agreement for Participation in Wattenberg Water Storage Project
  - C. Agreement with Ken Fellman for Telecommunication Ordinance Amendment
  - D. Design Contract for 2002 Traffic Calming
  - E. Refinancing of Equipment Leases
  - F. Federal Heights Water Rate for 2002
9. **Appointments and Resignations**
  - A. Resolution No. 69 re Appointment to Boards and Commissions
10. **Public Hearings and Other New Business**
  - A. Resolution No. 70 re Growth Management Service Commitment Allocations for 2002
  - B. Councillor's Bill No. 73 re Amendments to Personnel Policies and Rules
  - C. Resolution No. 71 re Carter Annexation Petition (Harmony Park) near 130<sup>th</sup> Ave & Zuni Street
  - D. Resolution No. 72 re Contingency Transfer for Savory Farms Water Tower Renovation
  - E. Resolution No. 73 re Year End Contingency Transfers
  - F. Resolution No. 74 re 2002 Jefferson County Open Space Joint Venture Grants
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
  - A. City Council
  - B. Executive Session
    1. Property Negotiations
    2. Business Assistance Agreement Negotiations
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, DECEMBER 10, 2001 AT 7:00 P.M.

ROLL CALL:

Mayor Heil, Mayor Pro Tem Moss, Councillors Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Absent Atchison.

CONSIDERATION OF MINUTES:

Councillor Hicks moved, seconded by Councillor McNally to accept the minutes of the meeting of November 26, 2001, 7:00 p.m. with no corrections or additions. The motion carried unanimously.

CITY COUNCIL COMMENTS:

Councillor McNally commented that the Boards & Commission interviews had been conducted November 27, 28<sup>th</sup> and December 1<sup>st</sup>, and thanked the City for the opportunity to attend the National League of Cities conference.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: 2002 Capital Improvement Technical Staff Support Services with RG Consulting Engineers, Inc., for \$150,000; Agreement for Participation in Wattenberg Water Storage Project with South Adams County Water and Sanitation; Agreement with Ken Fellman for Telecommunication Ordinance Amendment with Kissinger & Fellman, P.C. for \$5,000; Design Contract for 2002 Traffic Calming with Burns & McDonnell for \$91,195; Refinancing of Equipment Leases with Key Municipal Finance; and approved the Federal Heights Water Rate for 2002.

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.

Councillor Dixon moved, seconded by Hicks to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 69 re RESIGNATIONS & APPOINTMENTS TO BOARDS

Mayor Pro-Tem Moss moved, seconded by Dixon to adopt Resolution No. 69 accepting the resignations of Mary Lindsey and Leisa Shivelbein from the Board of Adjustment; Chuck Lortie from the Environmental Advisory Board, Jeff Van Meigham from the Election Commission, Dick Fregosi from the Human Services Board, Bob Tschudy from the Open Space Advisory Board, and Bob June and Dottie Urban from the Transportation Commission, and to appoint Ted Knapp and Jim Hall to the Board of Adjustment; Maryann Maher to the Election Commission; Kathy Reynolds, Susan Aldridge, and Lisa Bressler to the Environmental Advisory Board; Jerry Hersey and Teresa Valeno Parrot to the Human Services Board, Ken Eichel and Ben Beaty to the Open Space Advisory Board; and Susan Smith, Bruce Vezina and Glenda Salter to the Transportation Commission. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 70 RE GROWTH MGMT PROGRAM SERVICE COMMITMENT ALLOCATIONS

Councillor Kauffman moved, seconded by Hicks to adopt Resolution No. 70 allocating Service Commitments for the year 2002 to the various categories of the Growth Management Program and authorize competitions to be held in the year 2002 for single-family detached, single-family attached, and senior housing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 73 RE REVISIONS TO THE CITY PERSONNEL POLICIES ORDINANCE

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 73 on first reading amending Title 1, Chapter 13, 16, and 24 of the Westminster Municipal Code to implement several changes to the City's personnel management system, effective January 1, 2002. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 71 RE CARTER ANNEXATION PETITION

Councillor Hicks moved, seconded by Kauffman to TABLE Resolution No. 71 re: Carter Annexation Petition. The motion carried unanimously.

RESOLUTION NO. 72 CONTINGENCY TRANSFER SAVORY FARMS WATER TOWER RENOVATION

Mayor Pro-Tem Moss moved, seconded by Hicks to adopt Resolution No. 72 authorizing the transfer of \$17,200 from the General Fund contingency account into the New Development Participation Capital Improvement Project for the Savory Farms Water Tower renovation. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 73 RE YEAR-END CONTINGENCY TRANSFERS

Councillor Hicks moved, seconded by Dixon to adopt Resolution No. 73 authorizing the transfer of \$168,000 from the General Fund contingency account into the various operating budgets for year end contingency transfers. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 74 RE 2002 JEFFCO OPEN SPACE JOINT VENTURE GRANTS

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 74 authorizing the Department of Parks, Recreation and Libraries to pursue two Jefferson County Open Space Joint Venture grants for 2002. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for discussion on: property negotiations and business assistance agreement negotiations.

ADJOURNMENT:

The meeting was adjourned at 7:20 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** 2002 Capital Improvement Technical Staff Support Services

**PREPARED BY:** Diane M. Phillips, Capital Improvement Projects Coordinator  
Ron Hellbusch, Director of Public Works and Utilities

**Summary Statement**

- Public Works and Utilities Capital Improvement Projects (CIP) Program is under the general direction of the CIP Coordinator and with technical engineering and management support provided by private sources.
- Public Works and Utilities has found it is cost effective to have a broad depth of skills provided by an outside consulting firm for CIP staff support services.
- Request for Proposals were sent to 12 various project management and engineering consulting firms for 2002 CIP technical staff support services.
- Three firms submitted proposals. RG Consulting Engineers, Inc. (the City's current consultant) proposed the lowest cost, with all the required technical services, combined with the most experience.
- RG Consulting Engineers, Inc. has done a good and thorough job providing technical and management CIP staff assistance in 2001.
- It is recommended that the City contract with RG Consulting Engineers, Inc. in 2002 to provide Public Works and Utilities CIP Program technical staff support services.

**Expenditure Required:** \$150,000

**Source of Funds:** 2002 Utility CIP Fund Account

**Recommended City Council Action**

Authorize the City Manager to execute a contract with RG Consulting Engineers, Inc. to provide technical assistance for the Capital Improvement Projects Program for 2002 in an amount not to exceed \$150,000.

**Policy Issue**

Should the City award a not to exceed contract to RG Consulting Engineers, Inc. (RGCE) for Capital Improvement Staff Support Services in the amount of \$150,000 in 2002.

**Alternative**

The City could add an additional full time and a part time staff position to assist with the management of the Capital Improvement Program. By using a consulting firm, the City can eliminate the need for varied technical permanent positions. In addition, there is a cost savings by only calling for contract services when a capital project demands support assistance.

**Background Information**

The Public Works and Utilities Department underwent a reorganization in 1998 whereby all of the Utilities, Water Resources and Treatment Capital Projects were placed under the general direction of the Capital Improvement Projects Coordinator. The 2002 budget for these capital projects is \$6,727,000. In addition to the 2002 budgeted projects, the replacement clearwell, the new water treatment plant, the Silo pump station, the England water line, the wastewater plant expansion and finalization of Treated, Reclaimed and Wastewater Master Planning and Computer Modeling are all key projects that will be managed in 2002.

Public Works and Utilities retained the services of RGCE on a trail basis during 1998 to assist with the Capital Improvement Program. At that time RGCE was the only firm contacted that would agree to the condition imposed by the City that the firm chosen to provide CIP assistance would not be allowed to propose for the design of capital projects due to an obvious conflict of interest. In 1999, 2000 and 2001 RGCE worked under contract and successfully provided CIP assistance. The Department believes that this method of providing technical and management assistance has worked well and provides a broad depth of skills that are available as needed.

Public Works and Utilities Staff conducted a Request for Proposal (RFP) process to evaluate the most prudent services available to assist with the Capital Improvement Program for 2002. RFP's were sent to 12 various engineering and project management firms that might provide both the needed technical engineering and CIP management skills. Technical skills that are needed include computer modeling, highly technical engineering design evaluation, surveying, project planning, and operation and maintenance and construction trouble shooting experience. Management skills that are needed include agency and City Staff coordination, construction management oversight, budgeting, and RFP and bidding process experience.

The three firms that submitted proposals include Project Time and Cost, Inc., Merrick and Company and RG Consulting Engineers, Inc. Rates per hour for their services are listed below.

Project Time and Cost, Inc.:

Project Management Services	\$100
Construction Management Services	\$115
Other Technical and Management Support	\$94

Merrick and Company:

Project Management Services	\$120
Construction Management Services	\$90
Other Technical and Management Support	\$80

RG Consulting Engineers, Inc.:

Project Management Services	\$95
Construction Management Services	\$80
Other Technical and Management Support	\$78

RG Consulting Engineers, Inc. had both the lowest cost and the most technical and management experience providing this type of CIP support service. They have provided on-call client services of this type for up to 15 years to Parker, Edgewater, Superior, Lafayette, City and County of Denver, Black Hawk, Castle Rock and other organizations. RGCE is familiar with the City's procedures, staff and utility systems and has proven that they have technical staff and can do a very good job at providing Capital Improvement Staff Support Services to the City.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Agreement for Participation in the Wattenberg Water Storage Project

**Prepared By:** Mike Happe, Senior Water Resources Engineer

**Summary Statement**

- Westminster entered into an agreement with Aggregate Industries, Inc. on October 24, 2000 for the creation of between 4,000 acre feet and 7,000 acre feet of storage as a result of gravel mining activities near the town of Wattenberg in Weld County.
- Staff has negotiated an agreement with South Adams for them to participate in the project for 1,200 acre feet of storage at the Wattenberg Lake, once completed.
- The agreement with South Adams is structured so that South Adams participates in all costs associated with the reservoir including the cost of the storage, the cost of the agreement with the Brighton Ditch to carry water from the South Platte to the Wattenberg site, the cost of all inlet and outlet structures and a pro rata share of all future operations and maintenance costs associated with operating the reservoir.
- Westminster will also receive an additional payment of over \$600,000 to compensate the City for developing this project and negotiating the agreement with Aggregate Industries.
- The agreement is structured as an option for South Adams, where they make substantial annual payments into an escrow account that collects interest. The payments to escrow and all interest go to Westminster upon completion of the storage when payment is due to Aggregate Industries. Alternatively, if South Adams decides at any time to drop out of the project, all of the money in escrow goes to Westminster and South Adams gets no storage.
- Westminster does not have a use for all of the storage created at the site, but intentionally left room for bringing in partners into the storage facility.

**Expenditure Required:** None

**Source of Funds:** Not Applicable

**Recommended City Council Action**

Authorize the City Manager to execute an agreement with South Adams County Water and Sanitation District for participation in 1,200 acre feet of storage in the Wattenberg Storage project being constructed pursuant to Westminster's agreement with Aggregate Industries and find that the proposed sale of storage will result in the improvement of the capacity, efficiency, and service of the City's water and wastewater utility system.

**Policy Issue**

Should the City sell this storage to another entity in order to share costs or keep this storage for the City's uses?

**Alternative**

Not enter into this agreement and keep all storage created at the site for Westminster's use or for future sale to South Adams or another entity, if there is any interest.

**Background Information**

As part of Westminster's overall water supply plan to meet build out water demands, it has been determined that water storage located on the South Platte River would help increase the efficiency of Westminster's overall water supply system. After negotiations with the mining company Aggregate Industries, Inc., Westminster entered into an agreement for the construction of between 4,000 acre feet and 7,000 acre feet of storage at a site near Wattenberg in Weld County. Westminster staff has been negotiating with South Adams for the participation in the Wattenberg storage site for several months. Pursuant to the Aggregate Industries agreement, Westminster will pay Aggregate Industries for the storage only after it is completed, estimated to be between the years 2008 and 2012. Under the proposed Agreement, South Adams County will be paying Westminster over \$600,000 more for the storage than Westminster will be paying to Aggregate Industries for the 1,200 acre feet of storage. This was negotiated by Staff and agreed to by South Adams in order to compensate Westminster for taking the initiative to pursue and finalize the agreement with Aggregate Industries for the Wattenberg Storage project and the related engineering and legal costs.

In addition to the payments to Aggregate Industries for the storage itself, Westminster is responsible for construction of facilities required to get water into and out of the reservoirs. This includes the agreement with the Brighton Ditch, previously approved by City Council, and the construction of various water diversion structures and pump stations. The proposed South Adams Agreement splits all of these future costs between Westminster and South Adams on a pro-rata basis. Having one larger storage facility shared between two users will be much more cost efficient than owning and operating smaller separate facilities.

Westminster will retain control over all decisions regarding operation and maintenance of the shared storage facility. This issue is important in that if repairs or equipment replacements become necessary in the future, Westminster will not be "held hostage" by another entity reluctant to spend funds.

Westminster entered into the agreement with Aggregate Industries with the idea that it would like to bring in partners in sharing the storage at the site. The amount of storage being sold to South Adams is not needed by Westminster to meet its water resources goals at the site.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Agreement with Ken Fellman for Telecommunication Ordinance Amendment

**Prepared By:** Sharon Widener, Assistant City Attorney

**Summary Statement**

As the demand for cellular phones and other devices continues to grow, telecommunication companies continue to seek additional sites for placement of their facilities. The State of Colorado recently passed a law giving telecommunication companies the right to use public rights of way for their facilities without paying a franchise fee. In addition, the Colorado Supreme Court just recently ruled that local governments may not preclude telecommunication companies from using public rights of way and may not require such companies to obtain local franchises or pay franchise fees. However, there appears to be some latitude under Colorado law and federal law for cities to adopt limited regulations relative to the exact placement and construction of such facilities, including limited fees commensurate with the cost of reviewing their plans and, if based on documented studies, fees to offset degradation costs where applicable.

State and federal regulations concerning telecommunications are very complex and the law in this area remains in a state of flux. To minimize the potential of litigation with telecommunication companies, any local regulations must be carefully drafted.

Staff recommends that the City hire Kenneth Fellman as special legal counsel to assist the City in developing an ordinance to establish conditions and regulations regarding the use of public rights of way by telecommunication and other companies. Mr. Fellman has extensive expertise and experience in this area. Mr. Fellman has agreed to a cap of \$5,000 for his services. Staff believes this is a very reasonable price for this work.

**Expenditure Required:** \$5,000

**Source of Funds:** Planning Division Professional Services Account

**Recommended City Council Action**

Authorize the City Manager to sign an agreement with Kissinger & Fellman, P.C. for professional services in drafting an ordinance regulating the placement of telecommunication and other facilities in public rights of way.

**SUBJECT:** Agreement with Ken Fellman for Telecommunication Ordinance Amendment - Page 2

**Policy Issue(s)**

Should the City hire Kenneth S. Fellman of Kissinger & Fellman, P.C. for professional services to draft an ordinance regulating the placement of telecommunication and other facilities in public rights of way?

**Alternative(s)**

Not hire Mr. Fellman and direct Staff to develop a possible ordinance. This is not recommended due to the time it would take to develop this expertise in-house.

**Background Information**

At least one telecommunication company has expressed an interest in erecting a tower in a City right of way. Local examples of these structures are the two large towers in Federal Heights just south and east of 80<sup>th</sup> and Federal. Colorado law requires that municipal rights of way must be available for telecommunication facilities. This company is expected to assert that the City cannot interfere with its plans. Staff believes that reasonable regulations governing height, setback, spacing, insurance, repair, maintenance, safety, conflicts with other utilities and similar issues would not interfere with the rights of telecommunication companies, and still allow such facilities to meet local demand for telecommunication services. Other cities have experienced significant litigation in this area. Having a sound ordinance in this area should significantly reduce the City's risk of such litigation.

Regulation of telecommunication companies must adhere to very complex federal regulations as well as Colorado law and is considered a legal specialty area. Staff is recommending that attorney Kenneth Fellman of Kissinger & Fellman, P.C. be hired as a consultant in drafting ordinance changes which will protect the City's interest in its rights of way and also avoid potential litigation if possible. Mr. Fellman is a recognized expert in telecommunication matters. He is the attorney for the Greater Metro Telecommunications Consortium of which Westminster is a member, has advised the City of Denver in its litigation with Qwest, and serves in a national position concerning federal regulations. He is also very aware of municipal interests and how they may be protected, as a former city attorney and a municipal elected official.

Mr. Fellman has indicated an interest in working with the City and has agreed to a cap of \$5,000 for his services.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

# KISSINGER & FELLMAN, P.C.

ATTORNEYS AT LAW  
PTARMIGAN PLACE, SUITE 900

3773 CHERRY CREEK NORTH DRIVE

RICHARD P. KISSINGER  
KENNETH S. FELLMAN  
GARY F. ALBRECHT  
BRETT D. CHARDAVOYNE  
BOBBY G. RILEY

DENVER, COLORADO 80209  
TELEPHONE: (303) 320-6100  
FAX: (303) 320-6613

ROBERT E. JAROS, P.C.  
Of Counsel

## CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this \_\_\_ day of \_\_\_\_\_, 2001, by and between Kissinger and Fellman, P.C., Attorneys at Law (the "Firm") and the City of Westminster, Colorado (the "City").

### RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

### AGREEMENT

1. The Firm shall furnish the following special legal services to the City (the "Services"): see Exhibit "A."
2. Kenneth S. Fellman of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the rates set forth in Exhibit "B."
5. This Contract may be terminated by the City with or without cause.
6. No payments to the Firm shall be made prior to approval of this Contract by the Westminster City Council.
7. Payments pursuant to this Contract shall not exceed Five Thousand (\$5,000.00) Dollars without further written authorization by the City.

This Agreement is expressly contingent upon the approval of the City of Westminster's City Council of all of 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.

KISSINGER & FELLMAN, P.C.

By: \_\_\_\_\_  
Kenneth S. Fellman, Vice President

CITY OF WESTMINSTER, COLORADO

By: \_\_\_\_\_

**EXHIBIT A**  
**SCOPE OF SERVICES**

The Services to be provided involve review of existing and proposed City ordinances addressing placement of wireless telecommunications facilities, discussions with Staff regarding City goals with respect to siting these facilities in public rights of way, legal research and advice regarding regulatory authority of siting wireless telecommunications facilities in public rights of way, and drafting of ordinance language to address the goals of the City in this regard. If deemed necessary by the City, appearance before City Council will be included in the Services to be provided.

**EXHIBIT B**  
**Kissinger and Fellman, P.C.**

**BILLING POLICIES**

Our regular hourly charges for professional services of each attorney in the firm are as follows:

Kissinger	\$250 per hour
Fellman	\$175 per hour (reduced rate)
Albrecht	\$200 per hour
Chardavoyne	\$110 per hour
Riley	\$110 per hour
Paralegal/Law Clerk	\$ 60 per hour
Jaros	Quoted on an individual project basis

Adjustments in the Firm's rates and charges do occur from time to time, and we endeavor to notify all our then active clients of any changes at the time they are to take place. Nonetheless we still encourage all client inquiries concerning the rates in effect at the beginning of each project and will provide an updated copy of these Billing Policies upon every request.

If there are services which can be performed by our law clerks or paralegals, this time will be charged at \$60 per hour. Billing will reflect all time expended on clients' matters, such as: office conferences, legal research, telephone calls, correspondence, travel time, drafting, court or hearing preparation and appearances, etc. Direct costs or expenses relating to clients' work (i.e., photocopies, postage, long distance telephone calls, mileage, parking, etc.) will be billed in addition to our hourly charges for professional services rendered.

Billing will normally be between the 20th and the last day of the month covering the services and expenses incurred prior to the 20th of the current month. On matters which are not ongoing, a final billing may be made at the conclusion of the matter.

Our terms are payment in full within 30 days of the date of billing. If payment is not received timely, services and expense advances may be discontinued by the firm until satisfactory arrangements can be made to reinstate any past due account. **Interest** shall accrue at the rate of 1.5% per month on all amounts overdue and unpaid. If collection efforts become necessary on any unpaid amounts, the client shall be responsible for costs and legal fees related thereto.

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**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Design Contract for 2002 Traffic Calming Projects

**Prepared By:** Annette Rodenberg, Neighborhood Traffic Specialist

**Summary Statement**

- Ten proposals for the design and construction management of the 2002 Traffic Calming Projects were received by City Staff.
- City Council action is requested to award the 2002 Traffic Calming design and construction management contract to Burns & McDonnell based on their knowledge of City standards and their ability to respond within the City's time frame.
- The fee proposed by Burns & McDonnell is \$75,995, but Staff recommends that a 20% contingency be added to this figure for a total of \$91,195.

**Expenditure Required:** \$91,195

**Source of Funds:** 2002 General Capital Improvement Fund for Neighborhood Traffic Mitigation

**Recommended City Council Action**

Authorize the City Manager to execute a contract for traffic calming project design and construction management with Burns & McDonnell in the amount of \$75,995; authorize a 20% project contingency in the amount of \$15,200 for a total project budget in the amount of \$91,195; and charge the expense to the appropriate account in the 2002 General Capital Improvement Fund.

**Policy Issue**

Does the City Council wish to award this contract to Burns & McDonnell?

**Alternative**

Award the design and construction management contract to any of the other three consulting firms that were “short-listed” by City Staff. Staff does not recommend the selection of this alternative because Burns & McDonnell is well qualified to perform the work and this proposed fee was the lowest of the “short listed” firms.

**Background Information**

The City has completed an investigation and formulation of a policy and program to respond to resident concerns regarding traffic issues on residential streets. The process includes a range of solutions from the installation of inexpensive devices such as signs and pavement markings to more costly controls such as traffic circles and raised crosswalks. The response to the pilot project in the Northpark subdivision by the residents has been very positive.

The design contract as proposed will enable the Engineering Division to complete construction of the devices currently approved by residents at various locations around the City during the 2002 construction season. The proposed projects include two devices on Bradburn Boulevard, six on 132<sup>nd</sup> Avenue, six on Independence Drive, four in the Sheridan Green neighborhood, three in the vicinity of Zerger Elementary School, two in the Arrowhead subdivision, two on Kendall Street, two near Cotton Creek Elementary School and an undetermined number on 106<sup>th</sup> Avenue east of Oak Street. Approximately \$500,000 in funds will be available in the 2002 General Capital Improvement Fund Projects Budget to design and construct these projects.

Ten proposals for design of the 2002 Traffic Calming projects were received. City Staff reviewed the proposals and narrowed the list of consultants based upon the following criteria:

- Sufficient local experience and qualified Staff to perform the project.
- Familiarization with City of Westminster standards and procedures.
- Ability to meet the proposed project schedule
- Most appropriate response to requirements outlined in the City’s Request for Proposal, such as itemization of costs for each mitigation device.

Review by City Staff narrowed the list to four firms:

<u>Consultant</u>	<u>Design Fee</u>
Burns & McDonnell	\$75,995
BWR	79,554
Sear-Brown	79,000-114,500
Felsburg, Holt & Ullevig	86,000-136,000

All of these firms submitted proposals that indicated sufficient local experience and qualified staff to complete the work. The firm of Burns & McDonnell is familiar with City of Westminster standards and procedures, has completed similar projects and has submitted a proposal that responds to the City’s time frame for construction bid advertising.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
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**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Refinancing of Equipment Leases

**Prepared By:** Robert Byerhof, Financial Analyst  
Bob Eiche, Treasury Manager

**Summary Statement:**

City Council action is requested to approve the refinancing of all outstanding equipment leases entered into prior to January 1, 2001. Refinancing of these leases in the amount of \$1,266,650 will result in the following benefits to the City:

- Reduced interest rates on old leases, from original rates of 6.30% to 4.58% to new rates estimated at 3.93% to 3.65% under the refinancing. Estimated reduced interest rate savings totaling \$25,940.
- Simplified administration will be realized through consolidation of all quarterly payments into one payment per quarter. Staff estimates the administrative time would be reduced by 60%.
- The number of payments outstanding of each lease will not change with the refinancing.

**Expenditure Required:** None is required for the refinancing.

**Recommended City Council Action**

Authorize the City Manager to execute a lease purchase agreement with Key Municipal Finance in the amount of \$1,266,650 to refinance existing equipment leases, incorporating them into the master lease approved by City Council February 12, 2001.



## **Policy Issue**

Should the City Council approve refinancing of equipment leases into the master lease agreement?

## **Alternative**

- Do not refinance the equipment leases. This action is not recommended. Analysis indicates the refinancing will lead to lower interest payments for each lease, estimated savings in the amount of \$25,940, simplified payment processing and reduced administrative processing time. Maintaining the current leases will not generate any of these benefits.
- Solicit a RFP requesting new master lease rates. This action is not recommended. A competitive RFP was issued earlier this year. The index chosen has proven to be cost effective for the City. The master lease was awarded for a one-year period. A sampling of the master lease indices available indicates it is highly unlikely a lower index could be obtained by issuing another RFP. Master leases using an index also require a large amount of analytical time to determine the best index under all market conditions. Because this was done earlier this year, it is not the best use of Staff time.

## **Background Information**

Early in 2001, Staff analyzed the feasibility of using a master lease agreement for lease purchases. The analysis indicated a master lease process would be cost effective and would simplify and reduce administrative time. City Council approved the creation of the master lease on February 12, 2001.

Prior to entering into the master lease, bids were solicited for each equipment lease. The purchases were for fire trucks, golf course equipment, and computer equipment.

Since implementing the master lease process, the City has entered into four leases under the master agreement with Key Municipal Finance. The actual results have exceeded expectations. A comparison of the benefits realized compared to the previous system is as follows:

- Established consistency in legal and administrative paperwork and documentation. Under individual bids, all documentation and paperwork differed for each lease purchase unless the same vendor had the winning bid.
- Payments are made on one date with one electronic payment. Under individual bids, each payment date and method of payment is different.
- Bids are based on an index and Staff can easily determine the interest rate to determine what day will be used to close the lease. Under individual bids, the closing had to occur within a set number of days.
- Competitive rates are always available for equipment under \$250,000. Individual bids were difficult to solicit and vendors often pulled their bids if the market changed, due to the smaller sizes of leases.
- Administrative time has been reduced by sixty percent when comparing maintaining individual bid leases to maintaining the master lease.

The recommended leases to be refinanced include the following:

<u>Original Lease Date</u>	<u>Description</u>	<u>Principal</u>
6/23/98	Quantum Fire Truck	\$ 162,187
7/28/98	Heritage Golf Course Equipment: Including tractors, aerators, mowers, trailers, and various attachments.	\$ 306,750
3/1/99	50 Self Contained Breathing Units for the Fire Dept	\$ 97,669
5/14/99	135 Golf Carts for Legacy and Heritage Golf Courses	\$ 146,712
6/21/99	Legacy Golf Course Equipment: Including tractors, aerators, mowers, trailers, and various attachments.	\$ 353,343
6/30/00	Passenger Bus for Senior Center	\$ 55,943
12/22/00	Financial Management System	\$ 144,045
1/15/02	Total Refinanced	\$1,266,650

Given the current low interest rate environment, it is possible to wrap the seven lease purchases made prior to 2001 into the master lease. Currently, the range on the leases is 6.30% to 4.58%. Under the current rates the range would be 3.93% to 3.65%. Net savings realized will be approximately \$25,940. The added simplification of making payments plus reality of administrative improvements are also reasons for approving this re-financing. Therefore, Staff recommends the lease purchases made prior to the implementation of the master lease be refinanced and rolled into the master lease.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Federal Heights Wholesale Water Contract Amendment for 2002

**Prepared by:** Bob Eichem, Treasury Manager

**Summary Statement**

Each year the City of Westminster and the City of Federal Heights negotiate and confirm an amendment to the distributor's contract to set the rate for water sold by the City and delivered to Federal Heights for the next year.

Based on the contract, audited figures from 2000 must be used to determine the 2002 rate. Based on these calculations, the rate proposed is \$1.99 per thousand gallons (PTG) for the period of January 1, 2002 through December 31, 2002.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Recommended City Council Action**

Approve the 2002 Amendment to the Amended and Restated Distributor's Contract with the City of Federal Heights establishing the rate for treated water on a wholesale basis at \$1.99 per thousand gallons (PTG) for calendar year 2002 and authorize the Mayor and City Clerk to sign the amendment on behalf of the City.

**Policy Issue**

Should the rate for Federal Heights be set at \$1.99 for 2002?

**Alternative**

Without violating the current contract, there is no alternative that can be legally proposed. As related in background information, Staff is discussing a new contract with Federal Heights.

**Background Information**

Since 1997, City Staff and Federal Heights representatives have been discussing several areas of mutual interest regarding how wholesale water rate charges could be calculated for treated water sold to the City of Federal Heights. Both cities agree that the current contract, signed in 1968 and amended in 1985 and again in 1992, is cumbersome and burdensome to administer. In addition, because of the formula in the contract, Federal Heights has experienced significant fluctuations in rates at various times (see attached chart).

The contract requires costs to be allocated by the amount of water used by Federal Heights to total water produced by Westminster treatment plants. In 2000, Federal Heights' usage increased 4% while total water produced rose by 14%. The increase in water production was due to the extremely dry weather in 2000. The heavier concentration of commercial business in Westminster requires greater amounts of water for irrigation. Thus, Westminster used a greater percentage of the water produced in 2000. Due to this, the rate for Federal Heights will decline from \$2.066 in 2001 to \$1.99 in 2002 (if Council approves the rate). The proposed rate includes Federal Heights' portion of the first \$15 million of debt issued to build the Northwest Water Treatment Plant.

At this time, it appears total water production will decrease in 2001, when compared to 2000. It is possible Federal Heights could incur a significant increase in 2003 if the methodology used to compute the rates does not change. Therefore, alternatives are being reviewed and discussed to "smooth out" the fluctuations. Lastly, if a simplified formula could be agreed upon, Staff time would be saved, both in annual recalculations as well as follow-up administration. The calculations and research required to calculate the 2002 rate took over fifty hours of Staff time.

Federal Heights will continue to read, bill, and collect all of their accounts as well as perform water distribution maintenance/repairs at their own expense.

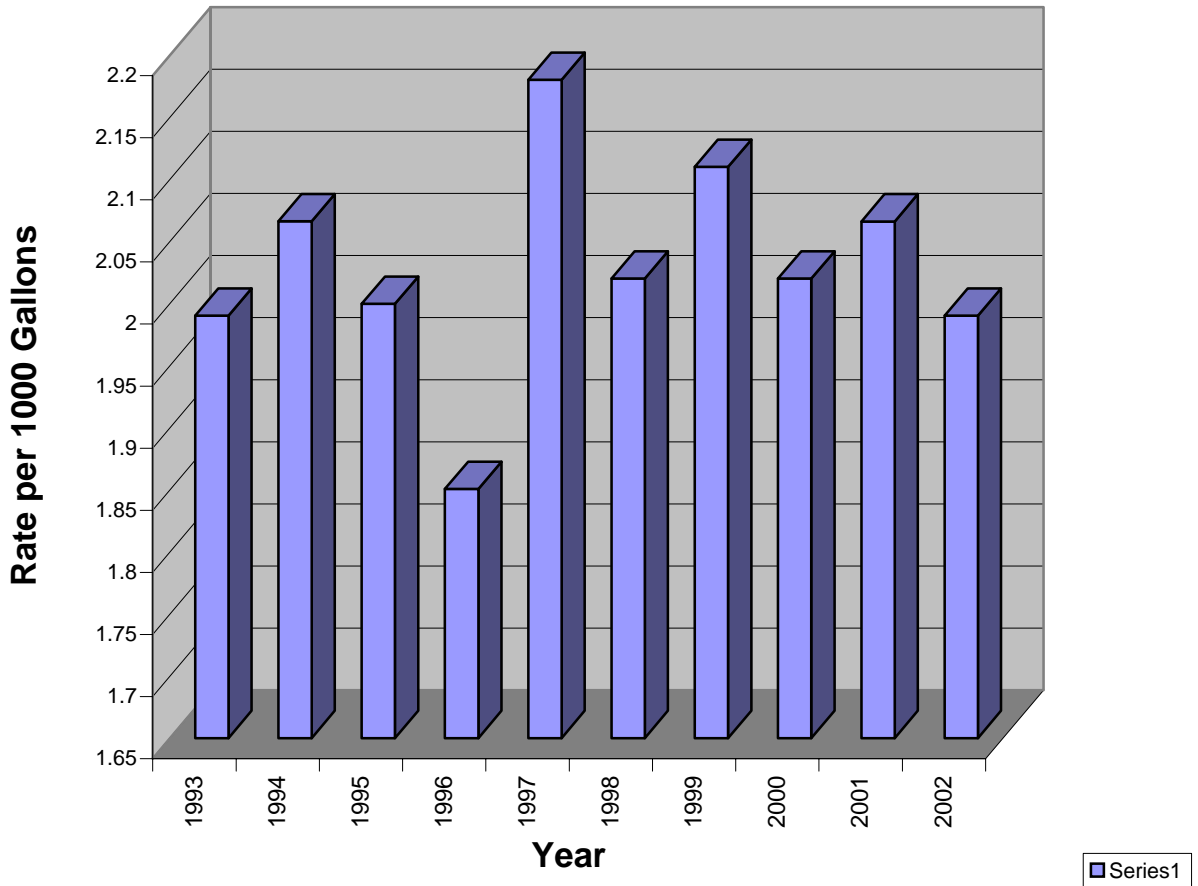
In summary, Staff believes the \$1.99 PTG rate recommended for January-December 2002 is fair based on the current methodology set forth by contract.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## Historic Federal Heights Wholesale Water Rates



## 2002 AMENDMENT

### TO "AMENDED AND RESTATED DISTRIBUTOR'S CONTRACT"

This 2002 Amendment (the "Agreement") to Amended and Restated Distributor's Contract between the CITY OF WESTMINSTER, COLORADO ("Westminster") and the CITY OF FEDERAL HEIGHTS, COLORADO ("Federal Heights") is dated December 10, 2001

#### RECITALS

- A. Westminster and Federal Heights entered into a contract entitled "Distributor's contract" dated February 12, 1968, which provided for the sale of treated water by Westminster to Federal Heights. That contract was amended by the parties by a document entitled "Distributor's Contract Amendment", dated November 1, 1982.
- B. In 1985, Westminster and Federal Heights executed an "Amended and Restated Distributor's Contract," which contract amended, restated and superseded the 1968 Contract. The 1985 Contract was amended on December 26, 1989, by a document entitled "1989 Amendment to Amended and Restated Distributor's contract."
- C. In 1992, the Contract was again amended by a document entitled "1992 Amendment to Amended and Restated Distributor's Contract." The Amended and Restated Distributor's Contract as amended in 1989 and 1992 is the operative contract under which Westminster has been selling treated water to Federal Heights (the "Contract").
- D. In October 1996, Westminster and Federal Heights began discussions for a revised contract because of difficulties in establishing a rate from year to year. Westminster and Federal Heights reached agreement for the rate to be charged from February 3, 1997 to December 31, 1997; from January 1, 1998 to June 30, 1998, later extended to December 31, 1998; January 1, 1999 to December 31, 1999, from January 1, 2000 to December 31, 2000, and from January 1, 2001 to December 31, 2001.
- E. Westminster and Federal Heights have agreed that further discussions are necessary to achieve a revised contract addressing all the issues between the parties, especially a restructuring of the method of calculating the rate to be charged Federal Heights. The parties agree to continue such negotiations in good faith, and in a timely manner.
- F. Until the parties agree on more extensive changes to the contract, the parties have reached an interim agreement on a rate for the year 2002. The parties therefore agree as follows:

#### INTERIM AGREEMENT FOR CALENDAR YEAR 2002

- 1. For the period beginning January 1, 2002, and continuing until December 31, 2002, the rate shall be \$1.99 per thousand gallons.
- 2. The parties agree to continue good faith discussions for the rate for the period beginning January 1, 2002.
- 3. The parties agree to continue good faith discussions on the method of calculating the rate and related issues, for possible amendment or restatement of the Contract.
- 4. This Agreement supersedes and replaces the method of rate calculation of the base rate contained in the Contract, as amended, for calendar year 2002 only.

5. Federal Heights hereby waives the requirement of notice from Westminster for the year 2002 rate to become effective on January 1, 2002.
6. All other provisions of the Contract shall remain in full force and effect.
7. This Interim Agreement for rates for calendar year 2002 only shall be valid until December 31, 2002.

CITY OF WESTMINSTER

CITY OF FEDERAL HEIGHTS

\_\_\_\_\_  
**Nancy M. Heil**  
Mayor

\_\_\_\_\_  
**Mayor**

Attest:

Attest:

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

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

Approved as to form:

Approved as to form:

\_\_\_\_\_  
**City Attorney**

\_\_\_\_\_  
**City Attorney**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Resolution No. 69 re Board and Commission Resignations and Appointments

**Prepared by:** Michele Kelley, City Clerk

**Summary Statement**

City Council set the deadline of September 30, 2001 for citizens to apply for the Board and Commission pool for 2002. On November 27<sup>th</sup> and 28<sup>th</sup> and December 1<sup>st</sup>, the City Council interview team consisting of Councillors Herb Atchison, Sam Dixon, Tim Kauffman and Nancy McNally interviewed the 29 citizens who submitted applications.

City Council reviewed the recommendations from the interview team on Monday, December 3<sup>rd</sup>.

Council action is now requested to adopt the resolution formally accepting the resignation of several Board members and making appointment of new members to several of the Boards and Commissions.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Recommended City Council Action**

Adopt Resolution No. 69 formally accepting the resignation of Mary Lindsey and :Leisa Shievelbein from the Board of Adjustment, Chuck Lortie from the Environmental Advisory Board, Jeff Van Meigham from the Election Commission, Dick Fregosi from the Human Services Board, Bob Tschudy from the Open Space Advisory Board, and Bob June and Dottie Urban from the Transportation Commission and appointing new members to these Boards and Commissions.



**Policy Issue**

Should City Council appoint new members to the various Boards and Commissions where vacancies currently exist?

**Alternative(s)**

Council could decide not to appoint members to the various Boards and Commissions at this time.

**Background Information**

Leisa Shivelbein has recently resigned from the Board of Adjustment since she moved out of the City of Westminster. Leisa was appointed to the Board of Adjustment on January 31, 2000, and has served continually since that time.

Mary Lindsey has recently resigned from the Board of Adjustment due to job conflicts on the same evening as Board of Adjustment meetings (see attached letter). Mary was appointed to the Board of Adjustment on November 27, 2000, and has served continually since that time.

Jeff Van Meighem has recently resigned from the Election Commission due to a company transfer out of state (see attached e-mail). Jeff was appointed to the Election Commission on February 9, 1998 and has served continually since that time.

Chuck Lortie has recently resigned from the Environmental Advisory Board due to other commitments (see attached e-mail). Chuck was appointed to the Environmental Advisory Board on September 28, 1998 and has served continually since that time.

The following people are currently serving on Boards and Commissions and have indicated that they are not interested in being reappointed. Dick Fregosi of the Human Services Board, and Bob June and Dottie Urban of the Transportation Commission. Since their term of office will expire December 31, 2001 the new appointees will become effective January 1, 2002.

Bob Tschudy, who served on the Open Space Advisory Board passed away in July. Bob had been appointed to the Open Space Advisory Board on August 10, 1992 and served continually until his death.

Currently two other vacancies exist where City Council previously accepted the resignation but have not appointed a new member to fill the vacancy as yet. These vacancies are Steve Johnson of the Environmental Advisory Board and Brian Barngrover of the Board of Building Code Appeals.

Per standard Council practice, the current alternate member of the Open Space Advisory Board will be moved to regular member status and a new alternate member will be appointed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **69**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, Resignations have been received from Mary Lindsey and :Leisa Shievelbein from the Board of Adjustment, Chuck Lortie from the Environmental Advisory Board, Jeff Van Meigham from the Election Commission, Dick Fregosi from the Human Services Board, and Bob June and Dottie Urban from the Transportation Commission; and.

WHEREAS, Currently there are vacancies on the Board of Adjustment; Environmental Advisory Board; Election Commission, Human Services Board, Open Space Advisory Board and Transportation Commission; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Mary Lindsey and :Leisa Shievelbein from the Board of Adjustment, Chuck Lortie from the Environmental Advisory Board, Jeff Van Meigham from the Election Commission, Dick Fregosi from the Human Services Board, and Bob June and Dottie Urban from the Transportation Commission; and appoint the following individuals to the City of Westminster Board and Commission vacancies as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Ted Knapp (Regular member)	Board of Adjustment	December, 2003
Jim Hall (Alternate member)	Board of Adjustment	December, 2003
Maryann Maher (Regular member)	Election Commission	December, 2003
Kathy Reynolds (Alternate member)	Environmental Advisory Board	December, 2003
Susan Aldridge (Regular member)	Environmental Advisory Board	December, 2002
Lisa Bressler (Regular member)	Environmental Advisory Board	December, 2003
Jerry Hersey (Alternate member)	Human Services Board	December, 2003
Teresa Valerio Parrot (regular member)	Human Services Board	December, 2002
Ken Eichel (Moved from alternate to regular member)	Open Space Advisory Board	December, 2002
Ben Beaty (Moved from Environmental Advisory Board to Alternate member)	Open Space Advisory Board	December, 2003
Susan Smith (Moved from alternate to regular member)	Transportation Commission	December, 2003
Bruce Vezina (Moved from Human Services Board to Alternate member)	Transportation Commission	December, 2003
Glenda Salter (Regular member)	Transportation Commission	December, 2003

Passed and adopted this 10<sup>th</sup> day of December, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Resolution No. 70 re: Growth Management Program Service Commitment Allocations

**Prepared By:** Shannon Sweeney, Planning Coordinator

**Summary Statement**

- In the November 19, 2001 City Council Staff Report, City Staff outlined recommendations for 2002 regarding the City's Growth Management Program. Based on City Council direction, Staff has prepared the necessary Growth Management Program resolution (attached) for City Council consideration.
- The attached resolution allocates Service Commitments (SCs) in the year 2002 to the various Growth Management Program categories as detailed in the November 19, 2001 Staff Report and as shown in Table I in the Background section. These allocations include a total of 69 SCs to be awarded on a competitive basis to new residential projects as follows:
  - 30 SCs (30 new units in 2002) for one or two new single-family detached (SFD) project(s).
  - 28 SCs (40 new units in 2002) for one or two new single-family attached (SFA) project(s).
  - 11 SCs (30 new units in 2002) for one new senior housing project.

**Expenditure Required:** \$0  
**Source of Funds:** Not applicable

**Recommended City Council Action**

Adopt Resolution No. 70 allocating Service Commitments for the year 2002 to the various categories of the Growth Management Program and authorize competitions to be held in the year 2002 for single-family detached, single-family attached, and senior housing.

**Policy Issues**

- Should the City conduct residential competitions in the recommended categories in 2002.
- Should the City allocate Service Commitments to the various categories as shown.

**Alternative**

Deny the attached resolution allocating Service Commitments for the year 2002 to the various categories of the Growth Management Program and do not authorize any new residential competitions to be held in the year 2002. Because the current Service Commitment allocations approved by City Council last year at this time will expire on December 31, 2001, if Council were to choose not to allocate Service Commitments next year, no Service Commitments would be available for any new or active development in 2002.

**Background Information**

The City’s Growth Management Program was established in 1978 to aid the City in balancing growth with the City’s service capabilities including existing and future water supply and treatment capacities. On an annual basis, City Council allocates Service Commitments (SCs) to the various residential and non-residential categories established within the Program. The current SC supply and projected demand are evaluated prior to determining allocations for the upcoming year.

Each year, in preparation for recommending Service Commitment allocations to City Council, Staff lists the number of SCs needed for active residential projects, each of the projects currently in the City’s review process, and those expected to begin the process in the near future. In addition to Service Commitment allocation recommendations, Staff also makes recommendations regarding the City’s new residential competitions for the upcoming year. This information was detailed in the November 19, 2001 Staff Report to City Council and reviewed at the November 19 City Council Study Session.

Table I below reflects the recommended Service Commitment allocations for 2002 for the various categories within the City’s Growth Management Program as reflected in the November 19, 2001 Staff Report.

**TABLE I. 2002 Recommended Service Commitment Allocations**

<u>Category</u>	<u>Category Description</u>	<u># SCs</u>	<u># Dwelling Units</u>
A and L	Active and Legacy Ridge Residential	1189	1686
E	Senior Housing (active and new)	77	218
B-1	New Single-Family Detached (SFD)	30	30
B-2	New Single-Family Attached (SFA)	28	40
B-3	New Multi-Family (MF)	0	0
B-4	New Traditional Mixed Use (residential portion)	0	0
C	Non-Residential	524	n/a
D	Outside City Contracts	30	n/a
F	Public and Contingency	<u>120</u>	<u>n/a</u>
<b>Total Treated Water Service Commitment Allocations</b>		<b>1998</b>	<b>1974</b>
R	Reclaimed Water Projects	<u>237</u>	<u>n/a</u>
<b>TOTAL SERVICE COMMITMENT ALLOCATIONS</b>		<b>2235</b>	<b>1974</b>

Also as detailed in the November 19 Staff Report, Staff is not recommending competitions in 2002 for new Multi-Family (MF) or Traditional Mixed Use Neighborhood projects. Staff estimates that a large number of new MF units (820) will be built in 2002. This total already exceeds the estimated unit projections for all of the other active single-family detached, single-family attached, and senior housing developments next year. Additionally, because MF projects (particularly apartments) tend to be completed very quickly, and the developers typically receive all building permits for all buildings at once, MF development is typically more immediate and significant than other types of residential development. Larger, single-family detached developments, for instance, tend to build out over a period of years. No competition for Traditional Mixed Use Neighborhoods is recommended since the City's first "test" project in this category, Bradburn (awarded SCs in 1999) has not yet been completed nor have any other projects been proposed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)

RESOLUTION

RESOLUTION NO. **70**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

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ALLOCATING SERVICE COMMITMENTS FOR THE YEAR 2002 PUSUANT TO THE CITY'S GROWTH MANAGEMENT PROGRAM AS SET FORTH IN CHAPTER 3, TITLE XI OF THE WESTMINSTER MUNICIPAL CODE

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program through 2010; and

WHEREAS, The City's Growth Management Program as set forth in Chapter 3, Title XI of the Westminster City Code calls for the periodic determination of the availability of Service Commitments and allocation of such Service Commitments among various categories of potential users; and

WHEREAS, The City Council of the City of Westminster has, with the aid of detailed factual reports and expert opinions from its Staff and consultants, examined the raw water supply, the sewage treatment capacity, the water treatment capacity, and other factors affecting the availability of Service Commitments; and

WHEREAS, The City Council of the City of Westminster has previously determined, in connection with its adoption of Chapter 3 of Title XI of the Westminster Municipal Code, that the City's ability to award Service Commitments is restricted; and

WHEREAS, the demand of different land uses on the City's ability to provide utilities and other services vary due to density and intensity of the particular use; and

WHEREAS, City Council has previously determined that the Comprehensive Land Use Plan adopted in 1997 shall assist the City in making future decisions concerning the desired mix of land uses at build-out of the City; and

WHEREAS, it is the intent of City Council to recognize the many factors influencing demand for new water and sewer service, while remaining cognizant of the large capital investments in land and public improvements made by developers with projects that are already started, and recognizing the efficiencies inherent in encouraging the completion of existing development projects which can use existing public capital facilities before approving new ones.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that in accordance with Sections 11-3-4, and 11-3-5 of the Official Code of the City of Westminster, the City Council hereby determines that:

1. Based on all of the information available to the City Council on this date, for the period beginning January 1, 2002 through December 31, 2002, the City can make available 1,189 Service Commitments ("SCs") to Categories A (A-1, A-2, A-3) and L (L-1, L-2, and L-3), 30 SCs to Category B-1, 28 SCs to Category B-2, 524 SCs to Category C, 30 SCs to

Category D, 77 SCs to Category E, 120 SCs to Category F, and 237 SCs to Category R without adverse effect on existing water users and without in any way endangering the health, safety, and welfare of the citizens of Westminster and of other persons dependent upon the operation of a safe and efficient public water and sanitation system by the City.

2. This Resolution supersedes and replaces all previous allocation Resolutions by City Council.

3. No Service Commitments will be allocated for new multi-family (Category B-3) and traditional mixed use neighborhood developments (Category B-4) at this time.

Passed and adopted this 10<sup>th</sup> day of December, 2001

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
December 10, 2001

**SUBJECT:** Councillor's Bill No. 73 re Revisions to the City Personnel Policies Ordinance

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

### Summary Statement

City Staff is proposing a number of changes to three chapters in the Westminster Municipal Code. These changes are necessary to make the City's Personnel Rules consistent with the pay system changes that City Council approved as part of the 2002 Pay Plan and Budget. In addition, a change is requested to comply with an agreement with the Federal Equal Employment Opportunity Commission (EEOC) and several other changes are recommended as a result of a thorough review of the current document.

All of the changes, both those in the proposed Councillor's Bill and the administratively approved Personnel Policies and Rules have been reviewed with the City's department head group and the Employee Advisory Committee. Both of these groups are in agreement with the changes being proposed. In addition, all City employees were sent a description of the substantive changes.

The following changes are being proposed in the Westminster Municipal Code:

#### Pay System

1. A change in a section of the Code that identifies the Administrative Officers of the City. Currently Administrative Officers are identified as Unclassified Employees. The new Pay Plan lists all Administrative Officers and includes all City Department Heads and Division Managers.
2. A series of changes related to the replacement of the Classified/Unclassified pay plans with Non-exempt, Exempt, and Administrative Officer Pay Plans.
3. Elimination of longevity pay as a separate factor in base pay.

#### EEOC Agreement

1. A revision eliminating the requirement for non-safety sensitive employees to report use of prescription or non-prescription drugs that may impact their ability to perform essential functions of their job.
2. Removal of a reference to "mental or physical infirmity" in one of the reasons listed for disciplinary action or dismissal.

#### Other Changes:

1. Clarification on definitions for "instructor" and "substitute" employees
2. Authorization for the division manager to dismiss any temporary employee
3. Clarification on the City's policy related to on the job or off the job injury or illness
4. Jury pay for non-benefitted employees
5. Leave with pay status

**Expenditure Required:** None beyond what has already been authorized as part of Council's previous approval of the City Pay Plan.

#### **Recommended City Council Action:**

Pass Councillor's Bill No. 73 on first reading amending Title 1, Chapters 13, 16 and 24 of the Westminster Municipal Code to implement several changes to the City's personnel management system.



**Policy Issue(s)**

The issues related to the change in the pay system were addressed previously with Council and incorporated into the 2002 pay system approved by Council resolution.

The issues related to the agreement with the Equal Employment Opportunity Commission were reviewed with Council previously in executive session.

Other policy issues in the proposed amendments include division manager authority in disciplinary actions and the addition of a leave with pay status at department head discretion.

**Alternative(s)**

No alternatives were identified.

**Background Information**

On October 8, City Council gave formal approval to a revised City Pay System that replaced the Classified and Unclassified Pay Plans with three pay plans, Non-exempt, Exempt, and Administrative Officers; eliminated the separate longevity pay component into the pay ranges, and adopted open ranges versus automatic step pay ranges for all Exempt employees similar to what had previously been in place for just Unclassified personnel. The latter change allows for the use of a pay-for-performance type system for all of the City's Exempt personnel. In addition, under the new pay system hour-for-hour compensatory time for the employees who were previously in the Classified Exempt category was eliminated and additional benefits, such as administrative leave, that had previously been provided only to employees in the Unclassified pay plan were granted.

There are a number of provisions in the City's personnel management section of the Municipal Code that relate directly to the City's pay system and several of these need to be amended to coincide with the changes that have been approved in the City's pay system for 2002. These Code amendments address the three pay plan changes described above. The other change required in the Code is in Chapter XIII relates to Appointive Officers. The current wording in the Code identifies Administrative Officers of the City as follows:

“The Administrative Officers of the City shall be the City Manager, City Attorney, City Clerk and Finance Director and such additional Administrative Officers as may be created by City Council. The designated Administrative Officers shall be those employees listed as ‘Unclassified’ in the City Pay and Classification Plan approved by City Council resolution.”

The change to this section would identify the Administrative Officers identified in the City Pay Plan, rather than the Unclassified Employees in the City Pay Plan, as the designated Administrative Officers referenced in the City Charter. In addition, references to classified and unclassified employees have been changed in Chapter XVI related to the City Attorney responsibilities to reflect the new pay system terminology.

As Council is aware, the Equal Employment Opportunity Commission (EEOC) recently reviewed the City Personnel Policies in Rules in response to a complaint submitted by an employee. Based on that review, there are only two changes required in the personnel management chapter of the City Code. There is currently a requirement that employees notify their supervisor if they are taking prescription or non-prescription medication that will affect their job performance. Based on the guidance provided by EEOC, this section needs to be limited only to those employees who are in safety sensitive positions. Another change included in the agreement with the EEOC is the elimination of references to mental or physical infirmity that renders the employee incapable of satisfactorily performing their duties. This section is being revised to state that the “Inability to perform the essential functions of the employee's position with or without reasonable accommodations” would be cause for disciplinary action or dismissal without any reference to physical or mental infirmity.

The third and final set of changes reflect the number of issues that have arisen since the Personnel Policies and Rules were last amended in April, 2000. The additional recommended changes in the personnel management chapter of the Code are as follows:

1. A clarification on the descriptions of instructor and substitute positions that will eliminate having these positions subject to the same restrictions placed on temporary employees - For example, currently placement in the temporary position is limited to 18 months, where such a restriction may not be appropriate for substitute employees who are hired on a sporadic basis and appropriately be employed on as-needed basis over a period of years. Instructors are currently defined as working on an "occasional" basis and a change is recommended by our City Attorney's Office to state the work as "scheduled."
2. Changes to ensure consistency in the provisions related to the authority to administer disciplinary action - This rule would be modified to clarify that a division manager can dismiss any temporary employee including those in seasonal, instructor, substitute or temporary benefitted classifications.
3. A change in the on-the-job injury leave section states employees who have exhausted their injury leave and cannot return to work may receive a lay-off for medical reasons - Although this situation is a rare occurrence, this is the City's current practice and the amendment simply changes the rules to reflect this.
4. The addition of jury duty pay for non-benefitted employees - The current rules provide that benefitted employees will receive their regular pay when called for jury duty and do not address the pay for non-benefitted employees. This change simply will allow for the State-mandated compensation for non-benefitted employees.
5. Leave with pay status - This change will officially give department heads the authority to grant leave with pay status if circumstances warrant. An example could be leave for a police officer involved in a shooting situation where an investigation is pending and the employee is required by department practice to not report for work.

The addition of a section related to leave time for voting purposes has been deleted from the recommended changes mentioned in the staff report of December 3, 2001. This section has been added to the Personnel Policies and Rules document but is not necessary in the Ordinance since it is merely a statement reiterating Colorado State Statutes related to employer requirements to provide ample time to vote in elections.

The personnel management chapter of the Code reflects just a portion of the total Personnel Policies and Rules for City employees. The other sections of the Rules not included in the Code are those that are implemented by the City Manager in accordance with the City Charter. As stated above, all of the changes including those that would be incorporated in amendments to the City Code were reviewed with the City's department head group and with the City's Employee Advisory Committee. In addition, all employees have received a memorandum that describes all of the changes in the Personnel Policies and Rules and were provided with access to the entire draft document. Both the department head group and the Employee Advisory Committee were in agreement with the changes being proposed. To date, the General Services Department has not had any feedback from other employees.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **73**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING TITLE 1, CHAPTERS 13, 16 AND 24 PERTAINING TO PERSONNEL POLICIES

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title I, Chapter 13 of the Westminster Municipal Code is hereby amended as follows:

**1-13-1: ADMINISTRATIVE OFFICERS:** The administrative officers of the City shall be the City Manager, City Attorney, City Clerk and Finance Director, and such additional administrative officers as may be created by City Council. The ~~designated~~ ADDITIONAL administrative officers shall be those employees SERVING IN CLASSIFICATIONS listed as "~~unclassified~~ ADMINISTRATIVE OFFICERS" in the pay and classification plan approved by City Council resolution.

Section 2: Title I, Chapter 16 of the Westminster Municipal Code is hereby amended as follows:

**1-16-3: EMPLOYEES IN THE OFFICE OF THE CITY ATTORNEY:**

(A) Except for the City Attorney, employees in the Office of the City Attorney shall be either ~~classified or unclassified~~ NONEXEMPT OR EXEMPT employees and shall be subject to the provisions of Chapter 24 of this Title I.

Recruitment and selection of employees in the Office of the City Attorney shall be conducted through the Department of General Services pursuant to Chapter 24 of this Title I.

(B) All unclassified employees in the Office of the City Attorney shall be responsible to the City Attorney.

Section 3: Title I, Chapter 24 of the Westminster Municipal Code is hereby amended as follows:

1-24-1: Demotion: The movement of an employee from a position in one class to a position in another class, having a lower maximum salary rate than the original class, or the movement of an employee to a lower salary in the same class ~~and pay range~~.

Employee: A person who receives monetary compensation from the City in return for present services or work performed on a non-contractual basis, or who is on a leave of absence without pay which has been approved by the Human Resources Manager. This definition shall include all full-time AND part-time REGULAR, ADMINISTRATIVE OFFICERS, temporary, provisional, seasonal, SUBSTITUTE, instructor, indexed, intern, special project, short-term disability and emergency employees. This definition shall exclude elected municipal officials, volunteer firefighters, all other volunteer personnel, and retirees from the City.

~~Employee classified: All probationary, part time, temporary, provisional, emergency and regular employees with the exception of those specifically excluded by the Charter or the City Code.~~

EMPLOYEE--ADMINISTRATIVE OFFICER: A FULL-TIME OR PART-TIME EMPLOYEE HOLDING A POSITION THAT IS SPECIFICALLY DESIGNATED AS A DEPARTMENT HEAD OR DIVISION MANAGER IN THE CITY'S ADMINISTRATIVE OFFICER PAY PLAN. EMPLOYEES IN THIS CATEGORY ARE AT-WILL EMPLOYEES.

EMPLOYEE—EXEMPT: AN EMPLOYEE WHO IS EXEMPT FROM THE OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT. REFERENCE TO EXEMPT EMPLOYEES IN UPPER CASE REFERS TO THOSE EMPLOYEES WHOSE POSITIONS ARE LISTED IN THE EXEMPT EMPLOYEE PAY SCHEDULE IN THE CITY PAY PLAN. ALL EMPLOYEES IN THE EXEMPT EMPLOYEE PAY SCHEDULE ARE EXEMPT FROM OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT WITH THE EXCEPTION OF THE CLASSIFICATION OF ADMINISTRATIVE SECRETARY AND LEGAL SECRETARY. THESE TWO CLASSIFICATIONS ARE ELIGIBLE FOR OVERTIME AFTER THEY HAVE UTILIZED THE ADMINISTRATIVE LEAVE THEY RECEIVE AS PART OF THE EXEMPT EMPLOYEE BENEFIT PACKAGE.

Employee--Instructor: An employee who has received an appointment for specific instructional activities conducted on behalf of the City. Instructor's work is part-time, ~~occasional~~ SCHEDULED work and there is no time limit to the amount of time an employee may hold a position in this capacity.

EMPLOYEE—NONEXEMPT: AN EMPLOYEE WHO IS ENTITLED TO OVERTIME PAY OR COMPENSATORY LEAVE TIME UNDER CIRCUMSTANCES SPECIFIED BY THE FAIR LABOR STANDARDS ACT. REFERENCE TO NONEXEMPT EMPLOYEES IN UPPERCASE REFERS TO THOSE EMPLOYEES WHOSE POSITIONS ARE LISTED IN THE NONEXEMPT EMPLOYEE PAY SCHEDULE IN THE CITY PAY PLAN.

Employee--Part-Time Regular: An employee who has been appointed to a part-time authorized ~~classified~~ NONEXEMPT OR EXEMPT position to work less than forty (40) hours during a seven day period on a regular basis, and who has successfully completed the initial probationary period.

Employee--Regular: An employee who has been appointed to a full-time authorized ~~classified~~ NONEXEMPT OR EXEMPT position in the municipal service, and who has successfully completed the initial probationary period.

EMPLOYEE—SUBSTITUTE: AN EMPLOYEE WHO HAS RECEIVED AN APPOINTMENT TO A POSITION TO WORK PART-TIME, OCCASIONAL WORK ON A "SUBSTITUTE" AS NEEDED, OR ON-CALL BASIS, TO FILL IN FOR ABSENCES AND STAFFING SHORTAGES. THERE IS NO LIMIT TO THE LENGTH OF TIME AN EMPLOYEE MAY HOLD A POSITION IN THIS CAPACITY.

~~Employee Unclassified: A full time or part time employee holding a position, which is specifically designated as unclassified in the City's pay plan. Employees in this category are at will employees.~~

~~Longevity Pay: That portion of a classified employee's base pay that is provided for uninterrupted length of service according to the formula established in this Chapter.~~

## **1-24-2: GENERAL PROVISIONS**

(B) Persons Covered by Chapter: This Chapter applies to all positions and employees in the civil service system as instituted by the City Charter. In addition, unless specifically noted otherwise, it shall also apply to ~~unclassified~~ ADMINISTRATIVE OFFICERS and other categories of municipal employment where not inconsistent with provisions of the Charter or other ordinances.

### 1-24-3: ADMINISTRATION

(F) Announcements: All authorized, benefited position openings in the municipal service with the exception of those noted in this paragraph shall be advertised by posting announcements on bulletin boards and in such places and through such media as the Human Resources Manager deems advisable. The announcement shall specify the title, salary range, basic duties of the class, a summary of qualifications, place and manner of making applications, and any other pertinent information. It shall not be necessary to advertise position openings that are to be filled through lateral transfer, reclassifications, REEMPLOYMENT, or demotion.

(G) Selection: The City reserves the right to limit the number of applicants examined for any full-time or part-time ~~classified~~ NONEXEMPT position to a number that is practical in terms of physical facilities and staffing available to administer examinations, as determined by the Human Resources Manager. The methods to determine which applicants are best to examine shall be accomplished through comparative evaluation of applications.

(K) ~~Unclassified~~ ADMINISTRATIVE OFFICERS AND EXEMPT Positions: Recruitment, selection and appointment for ~~unclassified~~ ADMINISTRATIVE OFFICERS AND EXEMPT positions shall be based on merit as determined by such factors as experience, education and past performance. Selection procedures for each individual position will be established by the Human Resources Manager and approved by the affected department head.

(M) Categories of Appointment: All appointments by an appointing authority shall be made into one of the following categories: probationary, part-time regular, temporary, temporary benefited indexed, special projects, seasonal, SUBSTITUTE, instructor, provisional, emergency, regular and ~~unclassified~~ ADMINISTRATIVE OFFICER. A description of these follows:

1. Probationary: All ~~classified~~ NONEXEMPT AND EXEMPT employees new to a regular or part-time position shall be considered probationary until they have up to one year of satisfactory service in their position or as otherwise provided in rules promulgated by the City Manager. Probationary employees are subject to termination after a hearing at any time in accordance with the procedures specified by the City Manager.

2. Part-time Regular: An employee who has been appointed to a part-time authorized, ~~classified~~ NONEXEMPT OR EXEMPT position to work less than forty (40) hours during a seven day period on a regular basis. Part-time employees shall be paid at an hourly rate. PART-TIME EXEMPT EMPLOYEES WILL BE PAID ON A SALARIED BASIS, PRORATED BASED ON THEIR FULL-TIME EQUIVALENCY. Employees in positions authorized at twenty (20) or more hours per week are eligible for City fringe benefits and some benefits may be prorated. Authorized hours are determined by the full-time equivalency (FTE) assigned to the position. An employee may work beyond the authorized FTE, however, only the authorized FTE will be considered in determining an employee's level of benefits. After a part-time ~~classified~~ NONEXEMPT OR EXEMPT employee has successfully completed the probationary period, the employee shall receive a regular part-time appointment with the City. Employees of this category are subject to termination for cause pursuant to the provisions of this Chapter.

3. Special Project: Employees in this category do not receive benefits except that the City Manager may determine that medical and dental benefits be provided. Special project employees are subject to termination by the ~~department head or the City Attorney~~ DIVISION MANAGER at any time without cause. A special project employee may be terminated due to cessation of funds for the project for which the employee was hired.

4. Temporary: Employees in this category are appointed to other than a temporary benefited position for a temporary period of time not to exceed one year. Temporary employees shall be paid at an hourly rate and are not eligible for any City fringe benefits. Employees in this category are subject to termination by the ~~Department Head~~ DIVISION MANAGER at any time without cause. After one year, a temporary employee shall be terminated.

5. Temporary Benefited: Employees in this category serve as interns or are indexed to a predetermined workload. When the workload falls below the indexed level, the employee must be terminated subject to such notice provisions as may be established by the City Manager. Medical and dental insurance shall be provided and such other benefits as may be granted in the discretion of the City Manager. Temporary benefited employees are subject to termination by the ~~department head~~ DIVISION MANAGER at any time without cause.

6. Seasonal: Employees in this category are those appointed for a specified period of time, normally a designated season. Seasonal classifications are listed in the seasonal section of the annual pay plan. Seasonal employees shall be paid at an hourly rate and are not eligible for any City fringe benefits. Employees in this category are subject to termination by the ~~department head~~ or division manager at any time without cause. Seasonal employees will be terminated at the end of each season.

7. Instructor: Employees in this category are those appointed to provide instruction in City programs on a periodic or occasional basis. INSTRUCTOR CLASSIFICATIONS ARE LISTED ON THE INSTRUCTOR SECTION OF THE ANNUAL PAY PLAN. SUPERVISORS MAY LIMIT THE TIME FRAME FOR THE INSTRUCTOR EMPLOYMENT BASED ON CLASS SCHEDULES OR RECREATION PROGRAM PERIODS. Employees in this category shall be paid on an hourly basis and are subject to termination by the division manager at any time without cause.

8. SUBSTITUTE: EMPLOYEES IN THIS CATEGORY ARE THOSE APPOINTED TO PROVIDE SERVICES WORKING PART TIME, OCCASIONAL WORK ON A "SUBSTITUTE" AS NEEDED, OR ON-CALL BASIS, TO FILL IN FOR ABSENCES AND STAFFING SHORTAGES. THERE IS NO LIMIT TO THE LENGTH OF TIME AN EMPLOYEE MAY HOLD A POSITION IN THIS CAPACITY. SUBSTITUTE EMPLOYEES SHALL BE PAID ON AN HOURLY BASIS AND ARE NOT ELIGIBLE FOR ANY CITY FRINGE BENEFITS. EMPLOYEES IN THIS CATEGORY ARE SUBJECT TO TERMINATION BY THE DIVISION MANAGER AT ANY TIME WITHOUT CAUSE.

9. Provisional: A department head or division manager may make a provisional appointment when a critical position vacancy occurs and, due to the length of time required to fill it or because of an extended leave of absence, it becomes necessary to appoint a replacement on a "provisional" basis. An appointment shall be considered provisional if the individual serving in the temporarily vacant position having a higher pay classification is required to do so for a period of more than 80 consecutive work hours. Should a temporary appointment, originally intended not to exceed 80 consecutive hours, extend beyond 80 hours, payment for the provisional status shall be made retroactively. An employee serving in provisional status for less than 80 hours shall not receive provisional pay.

Provisional pay for ~~classified~~ NONEXEMPT employees serving in ~~classified~~ NONEXEMPT positions on a provisional basis shall be moved to the first step of the range of the vacant position or a 5% increase over current salary, whichever is higher as long as the 5% increase does not exceed the last step of the range for the vacancy. ~~Classified and unclassified employees~~ EMPLOYEES serving on a provisional basis in an ~~unclassified~~ EXEMPT OR ADMINISTRATIVE OFFICER position shall receive the level of compensation determined by the Human Resources Manager. The employee may be allowed by the Human Resources Manager to credit the time served in a provisional status toward completion of the probationary period, should a probationary appointment to the position occur immediately subsequent to the provisional appointment.

10. Emergency: In an emergency, to prevent undue delay or serious interference with the provision of necessary public services, a division manager may make emergency appointments for a period not to exceed ninety (90) calendar days. Successive emergency appointments involving the same employee shall not be made. Emergency appointments may be made without regard to the formal selection provisions of this Chapter. Approval of the Human Resources Manager must be obtained prior to an emergency appointment. Emergency appointed employees are not eligible for any City fringe benefits.

1140. Regular: After a full-time ~~classified~~ NONEXEMPT OR EXEMPT employee has successfully completed the probationary period, the employee shall receive a regular appointment with the City. Regular ~~classified~~ NONEXEMPT OR EXEMPT employees can only be terminated pursuant to the provisions of this Chapter.

1244. Unclassified ADMINISTRATIVE OFFICER Service: ~~Unclassified positions are designated into management/administrative and secretarial.~~ Unclassified ADMINISTRATIVE OFFICER positions receive salaries within the parameters of the existing pay plan as determined by department heads. PART-TIME ADMINISTRATIVE OFFICERS WILL BE PAID ON A SALARIED BASIS, PRORATED BASED ON THEIR FULL-TIME EQUIVALANCY. Individuals holding ADMINISTRATIVE OFFICER positions are entitled to the fringe benefits ~~granted to classified employees as well as other benefits~~ approved by City Council. ~~Unclassified employees~~ ADMINISTRATIVE OFFICERS shall be subject to termination at the discretion of the City Manager. ~~or with regard to the City Attorney's Office, the City Attorney.~~ Such employees who are involuntarily separated shall be eligible for up to thirty (30) days severance pay as determined by length of service and position as follows:

(a) Department Heads AND City Clerk: ~~and Executive Secretary to the City Manager~~ Those employees employed in ~~unclassified service~~ AS ADMINISTRATIVE OFFICERS more than six (6) months, but less than two (2) consecutive years shall be granted full pay and benefits for fifteen (15) working days following involuntary separation. Employees with two (2) years service in these classifications, but less than five (5) years service, shall receive twenty (20) working days of full pay and benefits. Employees with service of five (5) or more years shall receive thirty (30) working days of pay and benefits upon involuntary separation.

(b) All Other ~~Unclassified Employees~~ ADMINISTRATIVE OFFICERS: Those employees employed more than six (6) months, but less than two (2) years in these classifications shall be granted full pay and benefits for ten (10) working days following involuntary separation. After two (2) years, but less than five (5) years of ~~unclassified~~ ADMINISTRATIVE OFFICER service, the employee shall receive fifteen (15) working days of full pay and benefits as severance pay. Employees with five (5) or more years of ~~unclassified~~ ADMINISTRATIVE OFFICER service shall receive twenty (20) working days of pay and benefits upon involuntary separation.

1342. Short Term Disability: An employee who is appointed to this category is receiving short term disability pay and has an authorized medical professional certification that they are unable to return to work.

#### **1-24-4: COMPENSATION AND BENEFITS:**

(A) Preparation, Adoption and Amendment of Pay Plan: The Human Resources Manager, as the representative of the City Manager, shall be responsible for the development and maintenance of a citywide compensation plan, which shall consist of minimum and maximum rates of pay for each class or position ~~and may include longevity pay, and any such intermediate rates as deemed necessary.~~ Salary ranges shall be related directly to the position classification plan, and shall be determined with due regard to range of pay for other classes, requisite qualifications, prevailing rate of pay for like work in other public and private organizations, recruiting experience, working conditions, suggestions of department heads, maintenance of other benefits received by employees, the financial policy of the City, and other economic considerations. In addition, the Human Resources Manager shall develop, maintain and update a set of salary complements which shall be designed to assist in attracting and retaining qualified employees. The pay plan shall be submitted to Council by the City Manager for adoption on an annual basis in order to maintain the competitive nature of the City's personnel program.

(B) Longevity Pay: ~~When provided, longevity pay for classified employees shall be included as part of the City's pay and classification plan.~~

Section 1-24-4 Sections C through K as hereby renumbered B - J

(G) (F) Payment for Unused General Leave: Upon separation, ADMINISTRATIVE OFFICERS, regular and part-time REGULAR employees shall receive full payment for general leave that could have been used for vacation according to the maximum allowable vacation schedule for the calendar year in which the employee terminates minus the leave hours that have already been used for vacation, and receive one-half (1/2) payment for any additional accumulated general leave hours. Probationary employees in the first year of municipal service are eligible to receive only one-half (1/2) pay for all unused general leave hours. If the separation is grieved and appealed to the Board, the employee has the option of requesting that payment be withheld pending the Board's decision.

(H) (H) Injury Leave AND OTHER WORKERS' COMPENSATION BENEFITS: All employees receiving fringe benefits shall be granted leave with pay in the event of an injury incurred on the job which renders them incapable of performing their normal duties unless it can be shown that said injury occurred as the result of the carelessness or negligence of the injured employee. Injury leave shall be provided for a period not to exceed 480 hours per injury. Firefighters and emergency medical personnel who work on an average of 112 hours in a two-week period are granted 672 hours of injury leave per injury. Injury leave may terminate prior to the end of 480/672 hours if any of the following occurs:

1. A ruling is made of permanent disability.
2. The employee's licensed health care provider releases the employee to return to work in a limited duty capacity.
3. The employee is declared capable of performing the normal duties of the employee's position by a licensed health care provider.

If, prior to release for normal duties, it is determined by the licensed health care provider that the employee is capable of performing limited work assignments, the employee shall immediately report for duty under the conditions set forth in the licensed health care provider's certificate if the City is able to provide a suitable work assignment.

If a holiday occurs during the time an employee is under approved injury leave, the hours will be charged to injury leave and will not be charged to general leave. In the event that an employee has exhausted 480/672 hours of injury leave for a work-related injury, and is still unable to return to work in either a normal duty or limited assignment capacity in a regular position, the employee becomes eligible for compensation in accordance with the Colorado Workers' Compensation Act, C.R.S. Section 8-42-105 ~~and the City's short term disability benefits as described herein~~. THE EMPLOYEE SHALL BE ELIGIBLE TO RECEIVE THE FOLLOWING BENEFITS WHILE RECEIVING WORKERS' COMPENSATION SALARY REPLACEMENT BENEFITS: EMPLOYER PORTION OF MEDICAL AND DENTAL PREMIUMS, LIFE INSURANCE, SURVIVOR'S INCOME INSURANCE AND LONG-TERM DISABILITY INSURANCE AND CONTINUATION OF MUNICIPAL SERVICE. Employees may supplement workers' compensation AND ANY OTHER DISABILITY PAY with general leave to bring pay to 100% of the employee's base salary. IN THE EVENT THAT AN EMPLOYEE IS NOT ABLE TO WORK DUE TO AN ON-THE-JOB INJURY, THE PROVISIONS RELATED TO A LAYOFF FOR MEDICAL REASONS SHALL APPLY.

(J) (I) Jury Duty: All ~~regular and probationary employees and part time~~ employees who receive FRINGE benefits shall be given time off, with pay, when performing jury duty in any municipal, county, state, or federal court. TEMPORARY, INSTRUCTOR, SUBSTITUTE OR SEASONAL EMPLOYEES WILL BE COMPENSATED FOR JURY DUTY TIME IN COMPLIANCE WITH ARTICLE 71, TITLE 13 OF THE COLORADO REVISED STATUTES. THIS STATUTE PROVIDES FOR EMPLOYERS TO PAY REGULAR WAGES NOT TO EXCEED FIFTY (50) DOLLARS PER DAY FOR UP TO THREE DAYS OF JUROR SERVICE. Any regular or daily compensation except for mileage reimbursement received from the court by the employee shall be reimbursed to the City.



(K) (J) Short-Term Disability Pay: If an employee exhausts the major illness leave available pursuant to this Code due to non-work-related illness or injury that continues to prevent the employee from returning to work, the employee will receive short-term disability pay. The employee shall receive payment for up to the same number of hours of leave as was available to the employee in the form of major illness leave at sixty percent (60%) of the employee's base pay. An employee may supplement the Short Term Disability benefit AND ANY OTHER DISABILITY PAY with General Leave as long as the total compensation does not exceed 100% of base pay. Short Term Disability pay shall not continue past the time that the employee becomes eligible for long-term disability compensation. Short-term disability pay due to non-work-related illness or injury is subject to the same medical qualifications and verification as Major Illness Leave. Employees will continue to receive all employee benefits while on short-term disability with the exception of general leave accrual. Employees may be placed in a short-term disability category of appointment if a duly appointed health care provider has provided a statement that the employee will not be able to return to work. This category will be utilized to allow employees to receive short-term disability benefits until they are eligible for long-term disability coverage. Divisions may fill the vacated position once an employee is placed in the short-term disability category of appointment. The employee placed on Short Term Disability pay is expected to return to normal duty in the employee's regular position within the 480/672 hour time period. If an employee cannot perform the essential functions of the position after that period and the City is unable to provide suitable employment based on the medical restrictions, then the employee may be terminated.

(K) PAID LEAVE: THE DEPARTMENT HEAD MAY PLACE AN EMPLOYEE ON LEAVE WITH PAY STATUS WHEN WARRANTED BY EXTRAORDINARY WORK-RELATED CIRCUMSTANCES.

#### **1-24-5: EMPLOYEE CONDUCT AND DISCIPLINE:**

(C) Reasons for Dismissal or Disciplinary Action: ~~Classified~~ NONEXEMPT AND EXEMPT employees are subject to disciplinary action up to and including immediate dismissal for any of, but not limited to, the following reasons:

1. Violation of the provisions of this Chapter, the Charter, City Code, rules promulgated administratively by the City Manager and other written City or department policies and regulations;
2. Failure to demonstrate reasonable competence to the supervisor;
3. Inefficiency;
4. Insubordination;
5. Tardiness;
6. Acting so as to endanger the health and safety of others;
7. Negligence;
8. Dishonesty
9. Submission of a misleading or incorrect application form or resume;
10. Damaging or wasting public property or theft of City property;
11. Substandard job performance;
12. Offensive conduct toward the public or other City employees;
13. Absence from duty without properly approved leave;
14. Providing false information or a misstatement of a material fact relating to the individual's employment with the City;
15. Refusal or inability to follow directions;
16. Improper or unauthorized use of City facilities, equipment, or vehicles;
17. ~~Mental or physical infirmity or defect which renders the employee incapable of satisfactorily performing the essential duties of the employee's position.~~ INABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF THE EMPLOYEE'S POSITION WITH OR WITHOUT REASONABLE ACCOMMODATION;

18. Possession, sale, use or distribution of illegal controlled substances while on duty or during lunch or other breaks or while otherwise at a City work site or during City work time, or inability to complete assigned duties safely and competently during work hours due to use of chemical substances or consumption of alcoholic beverages;
19. Engaging in off duty conduct which reflects the employee's lack of fitness for employment in the City;
20. Failure to fully cooperate in any investigation involving employee conduct;
21. Sexual harassment of another employee;
22. Knowingly making false accusations regarding the behavior of another employee;
23. Loss of required license or other prerequisite for employment when such prerequisite is required for carrying out the duties of the employee's position; ~~or~~
24. Engaging in conduct that is deemed by the City Manager or a department head to be clearly not in the best interest of the City;
25. Discrimination or harassment of another employee or the public based on disability, age, race, gender, religion or ethnic background; OR
26. Physical fighting or horseplay between employees.

The exclusive remedy for an employee who believes that good reason for his disciplinary action did not exist shall be the grievance procedure specified in Section 1-24-6.

(D) Disciplinary Actions: Supervisory and administrative personnel shall have the authority to take whatever disciplinary actions that they deem necessary, provided that provisions on suspension, demotion, or dismissal are closely adhered to and that any action taken is not inconsistent with the provisions of this Chapter or departmental policies and regulations. Employees shall be required to cooperate ~~with administrative staff~~ in any investigation involving questionable employee conduct. When information received by the appointing authority indicates the possible need to administer a suspension, demotion or dismissal, the appointing authority shall initiate such discipline by notifying the employee of a summary of the information. No sooner than twenty-four (24) hours after the employee has received notification, the appointing authority shall meet with the employee involved, present the information that has come to the appointing authority's attention, and give the employee an opportunity to admit or deny the charge or present information regarding mitigating circumstances.

It is not intended that this meeting constitute a formal hearing but only provide the employee notice of the charges and give the employee an opportunity to meet and exchange information with the appointing authority. No other formal procedural requirements shall be required for this meeting including employee representation, meeting recordation, or witness examination. If the employee wishes, the employee may submit a written explanatory statement to the appointing authority which shall be attached to and kept with a copy of any disciplinary action. The appointing authority's determination of the action to be taken shall be based upon the information obtained from circumstances of the case. While ~~unclassified employees~~ ADMINISTRATIVE OFFICERS shall have the opportunity to participate in a pre-disciplinary meeting, their employment remains at-will.

When the appointing authority authorizes a disciplinary action, official notification of such action shall be provided to the employee in writing by the immediate supervisor or the person taking the disciplinary action, and a copy thereof shall be provided to the affected department head and the Human Resources Manager. This notification shall describe the specific reasons and circumstances surrounding the disciplinary action. The employee may pursue the grievance procedure on any disciplinary action not specifically excluded by the personnel rules promulgated by the City Manager. The record of a written reprimand or more severe disciplinary action shall be filed with the employee's personnel records. The Human Resources Manager may investigate and review any disciplinary action to assure compliance with the provisions of this Chapter and the rules promulgated by the City Manager.

(E) Suspension: A division manager may suspend an employee under that division manager's jurisdiction without pay as a disciplinary measure when the division manager deems a suspension to be appropriate. Prior to initiating a suspension, the division manager shall consult with the Human Resources Manager and the City Attorney's Office. A written notification of the suspension shall be given to the employee and a copy shall be submitted to the department head, Human Resources Manager with a copy for the personnel files, describing the circumstances preceding and specific reasons for the suspension. The actual day(s) of the suspension shall be set by the employee's supervisor. An employee who receives a suspension for disciplinary purposes, does not have the option of working on a day off in lieu of receiving a suspension day without pay. Exempt employees AND ADMINISTRATIVE OFFICERS will be required to use general leave during suspension and are not subject to a suspension without pay.

When, in the judgment of a supervisor, an employee's mental, emotional or physical condition or conduct is such that the employee's presence on the job or operation of equipment or a motor vehicle potentially endangers the employee, other employees or the public safety and welfare, the supervisor may suspend the employee immediately. The provisions specified in this Section shall then be followed as soon thereafter as practicable. The division manager may review the suspension. If the division manager determines that all or part of the suspension is unwarranted, the employee may receive pay for days previously suspended according to the final decision rendered.

(F) Demotion: A division manager may demote any ~~regular or part-time classified~~ NONEXEMPT OR EXEMPT employee under the division manager's jurisdiction for the good of the municipal service or as a disciplinary measure when the division manager deems it appropriate. The City Manager may authorize the demotion of an ~~unclassified employee~~ ADMINISTRATIVE OFFICER. Prior to initiating a demotion, the division manager shall consult with the Human Resources Manager and the City Attorney's Office. The division manager shall give written notification of the demotion to the employee and shall submit a copy to the department head and the ~~Employee Services~~ HUMAN RESOURCES Manager, describing the circumstances preceding and the specific reason for the demotion.

(G) Dismissal: A department head may, after consultation with the Human Resources Manager and the City Attorney's Office, dismiss a ~~classified~~ PROBATIONARY FULL-TIME OR PART-TIME EMPLOYEE OR REGULAR OR REGULAR PART-TIME employee in accordance with this Chapter and rules promulgated by the City Manager. A DIVISION MANAGER MAY DISMISS INSTRUCTORS, TEMPORARY, SUBSTITUTE AND SEASONAL EMPLOYEES. The department head OR DIVISION MANAGER shall give written notification of the dismissal to the employee and a copy to the Human Resources Manager AND THE CITY ATTORNEY'S OFFICE, describing the circumstances preceding and the specific reasons for the dismissal. Failure to follow these procedures is grounds for disciplinary action of supervisory or administrative personnel but does not affect the validity of the underlying dismissal action. Dismissal of ~~unclassified employees~~ ADMINISTRATIVE OFFICERS shall be at the discretion of the City Manager ~~except that, dismissal of unclassified employees in the Office of the City Attorney shall be at the discretion of the City Attorney.~~ All ~~Unclassified employees~~ ADMINISTRATIVE OFFICERS are at-will employees. An ~~unclassified employee~~, ADMINISTRATIVE OFFICER or the City, may terminate the employment at any time, with or without notice, warning, procedure or formality, for any reason or no reason, with the City's only obligation being payment of wages earned and benefits vested through out the last day worked AND ANY SEVERANCE PAY IN ACCORDANCE WITH 1-24-3(M)11.

#### **1-24-6: GRIEVANCES AND APPEALS:**

(C) Appeal: Only suspensions, demotions, or dismissals for disciplinary reasons can be appealed to the Personnel Board and only after all administrative remedies through the grievance procedure have been exhausted. Only regular full time employees AND REGULAR PART-TIME BENEFITTED EMPLOYEES in authorized positions ~~in the classified service~~ are eligible to appeal to the Board. ~~Unclassified employees~~ ADMINISTRATIVE OFFICERS have no appeal rights beyond the grievance process to the City Manager.

**1-24-7: SUBSTANCE ABUSE POLICY:**

(C) PROHIBITED CONDUCT: An employee shall not:

1. Report for duty or remain on duty while performing regular or safety-sensitive functions having a blood alcohol concentration of .02 or higher or after using any controlled substance that they may test positive for, except for a legally prescribed drug if use of such drug will not adversely affect the employee's ability to perform ~~regular or~~ safety sensitive functions.
2. Possess alcohol or illegal drugs while on duty or driving a City vehicle except when the possession of alcohol or drugs is in the line of duty.
3. Use alcohol or prohibited drugs while on duty while performing regular or safety sensitive functions or after the employee is notified that he or she is "on call". The consumption of alcoholic beverages served in conjunction with an event on City premises authorized by the City Manager is permitted by this policy so long as the consumption of such alcohol is not inconsistent with the safe and efficient performance of an employee's duties.
4. Perform a safety-sensitive function within four hours after using alcohol.
5. Use alcohol within eight hours after an accident or until the employee takes any required post-accident alcohol test, whichever happens first.
- ~~6. Use a legally prescribed drug or non-prescription drug which may in any way impact the employee's job performance without notification to the employee's supervisor. The Division Manager may require a physician's statement if the employee indicates that there is a need to use the drug for an extended period. The use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate.~~

AN EMPLOYEE IN A SAFETY-SENSITIVE POSITION SHALL NOT USE A LEGALLY PRESCRIBED DRUG OR NON-PRESCRIPTION DRUG WHICH MAY IN ANY WAY AFFECT THE EMPLOYEE'S ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF THE POSITION SAFELY, UNLESS THE EMPLOYEE'S SUPERVISOR IS FIRST NOTIFIED THAT THE EMPLOYEE CANNOT SAFELY PERFORM THE SAFETY SENSITIVE FUNCTIONS. THE ON-DUTY USE BY AN EMPLOYEE IN A SAFETY SENSITIVE POSITION OF ANY SUBSTANCE WHICH CARRIES A WARNING LABEL THAT INDICATES THAT MENTAL FUNCTIONING, MOTOR SKILLS, OR JUDGMENT MAY BE ADVERSELY AFFECTED MUST BE REPORTED TO THE SUPERVISOR AND MEDICAL ADVICE MUST BE SOUGHT BY THE EMPLOYEE, AS APPROPRIATE. THIS PROVISION DOES NOT REQUIRE THE DISCLOSURE OF THE DRUG NAME OR THE CONDITION FOR WHICH IT IS TAKEN.

Section 4. This ordinance shall take effect on January 1, 2002. 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 10<sup>th</sup> day of December, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17<sup>th</sup> day of December, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Resolution No. 71 re Carter (a.k.a. Duggan) Annexation Petition (Harmony Park)

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

**Summary Statement**

The City has received a proposal to annex a .7-acre parcel in the proximity of 130<sup>th</sup> Avenue on the east side of Zuni Street. (See attached map) This parcel will be incorporated into the abutting Harmony Park residential development.

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

- An allegation that the annexation is desirable and necessary.
- An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
- Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, Gaye Lynne Carter (a.k.a. Gaye Lynne Duggan) signer of the petition, owns 100% of the property.)
- The legal description of the land to be annexed.
- The date of each signature.
- An attached map showing the boundaries of the area.

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

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

**Expenditure Required:** None

**Source of Funds:** n/a

**Recommended City Council Action**

Adopt Resolution No. 71 accepting the annexation petition submitted by Gaye Lynne Carter (a.k.a. Gaye Lynne Duggan) and make the findings required by State Statute on the sufficiency of the petition.

**SUBJECT:** Resolution re Carter (a.k.a. Duggan) Annexation Petition (Harmony Park) Page 2

**Policy Issue(s)**

Whether the City should annex the Carter property.

**Alternative(s)**

Do not annex the property.

**Background**

The .7-acre parcel is located immediately east of and adjacent to Zuni Street and approximately 500 feet north of 128<sup>th</sup> Avenue. It is in unincorporated Adams County and is used for residential purposes, consistent with its zoning in Adams County.

The Official Development Plan (ODP) for the Village at Harmony Park encompassed 109.54 acres and was approved for 309 single family detached residential units by the City Council on July 9, 2001. The ODP surrounds the parcel at the north, east and south. The City of Broomfield is immediately west across Zuni Street.

The proposed annexation was contemplated with the design of the Village at Harmony Park. Subsequent amendments to the plans for the Village at Harmony Park will incorporate the annexed parcel in a manner consistent with the development. If the parcel is not annexed it would remain an out parcel and would be out of character with the remainder of Harmony Park.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)

RESOLUTION

RESOLUTION NO. **71**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

WHEREAS, there has been filed with the City Clerk of the City of Westminster, petitions, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes January 28, 2002, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 10th day of December, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



## Agenda Item 10 D

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
December 10, 2001

**SUBJECT:** Resolution No. 72 re Contingency Transfer for Savory Farms  
Water Tower Renovation

**Prepared By:** David R. Downing, City Engineer

#### Summary Statement

- On October 22, 2001, the City Council authorized the City Manager to proceed with Phase I structural renovations to the Savory Farms Water Tower, which is located on the east side of Federal Boulevard at the approximate 110<sup>th</sup> Avenue alignment.
- The estimated cost of the Phase I work is \$22,200, and it is to be paid through a \$5000 developer contribution and a \$17,200 transfer from the General Fund contingency.
- The purpose of this agenda memorandum is to accomplish the transfer of the \$17,200 from the General Fund contingency to the New Development Participation Capital Improvement Project.

**Expenditure Required:** \$17,200

**Source of Funds:** General Fund Contingency

#### Recommended City Council Action

Adopt Resolution No. 72 authorizing the transfer of \$17,200 for the General Fund contingency account into the New Development Participation Capital Improvement Project.



**SUBJECT:** Resolution No. re Contingency Transfer for Savory Farms Water  
Tower Renovation Page 2

**Policy Issue(s)**

Should the City Council transfer funds from the General Fund contingency account in order to accomplish Phase I structural repairs to the Savory Farms Water Tower?

**Alternative(s)**

Delay the commencement of the restoration of the water tower by one year in order to provide the City Council the opportunity to budget funds within the General Capital Improvement Fund.

**Background Information**

The City Council previously authorized Staff to proceed with Phase I improvements to the Savory Farms Water Tower. The purpose of this proposed action is to accomplish the transfer of \$17,200 of the estimated \$22,200 cost of the Phase I work from the General Fund contingency account into a General Capital Improvement Project account for expenditure. The remaining \$5000 of the estimated cost of the work is to be received at a later date from the developer of the property that is adjacent to the tower.

The scope of the Phase I renovations includes the replacement of certain bracing rods and piers that provide support for the tower. Future phases of the restoration of the water tower will allow for the preparation and artistic painting of the tank as well as the caulking and painting of the supporting structure. Per City Council's previous direction, Staff will program the costs to complete these future phases of work into the City's budget over the next three years.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **72**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

\_\_\_\_\_

WHEREAS, the City Council supports the proposed renovation of the Savory Farms Water Tower, a historic landmark within the City of Westminster, and

WHEREAS, the Phase I work to repair the supporting structure of the water tower would require a \$17,200 transfer of funds from the General Fund contingency account into a General Capital Improvement Project Fund account for expenditure, and

WHEREAS, the General Fund contingency balance is \$1,293,738.00.

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

\$17,200 be transferred from the General Fund contingency to the New Development Participation Capital Improvement Project.

Passed and adopted this 10th day of December, 2001.

ATTEST:

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Resolution No. 73 re Year-End Contingency Transfers

**Prepared By:** Barbara Gadecki, Assistant to the City Manager

**Summary Statement**

- City Council action is requested to adopt the attached Resolution authorizing various transfers from the General Fund contingency account into three General Fund operating accounts.
- No contingency transfers are being requested into any other of the City's funds.
- These actions are part of the routine year-end housekeeping functions to address certain unanticipated expenses in various budget accounts that could not be absorbed within the operating budget.
- Each year, contingency funds are budgeted for unanticipated expenses that cannot be absorbed within the adopted operating budget such as the ones included in this agenda memorandum.
- Funds for these transfers are available in the General Fund contingency account.
- The balance in the contingency fund, prior to these transfers is \$1,276,538.

**Expenditure Required:** \$168,000

**Source of Funds:** General Fund contingency account

**Recommended City Council Action**

Adopt Resolution No. 73 authorizing the transfer of \$168,000 from the General Fund contingency account into the various operating budgets.

**Policy Issue(s)**

Should the City Council appropriate General Fund contingency money to offset the identified unanticipated costs explained within this agenda memorandum?

**Alternative(s)**

City Council could choose not to move any contingency funds to offset these additional expenses. Staff does not recommend this option as not appropriating these funds may cause some departments to end the year over budget.

**Background Information**

During the budget development each year, the City Council appropriates money in several of the City's operating funds designated as contingency funding. In 2001, contingency funding was budgeted in the General and Utility Funds. Contingency is funding set aside in the budget as a reserve for unanticipated expenditures. Over the course of a year, special projects, studies, weather impacts (dry summers, heavy snows, etc.) and other activities that cannot be anticipated occur, negatively impacting a department's budget. In these special occasions, City Council may authorize the use of contingency funds to cover such expenses.

At year-end, departments review their respective budgets to identify where they can absorb any unanticipated expenses, if applicable; it may be that a project came in under budget or that a purchase can be delayed until the next year. However, if, after reviewing all accounts within a department, the department finds that it cannot absorb additional costs for such unanticipated projects, the department forwards a request to the City Manager's Office to review and make recommendations to the City Council for the transfer of contingency funds to cover such expenses.

Staff has made a significant effort to minimize 2001 contingency transfer requests. The transfers requested from the General Fund contingency are outlined below:

- \$33,000      Needed in the City Council's budget due the unanticipated recruitment for a new City Manager. These funds are for the recruitment services provided by The Mercer Group (approved by City Council on November 20, 2000), travel expenses for candidates, travel expenses for finalists' site visits, and moving expenses of the new City Manager.
- \$100,000    Needed in the Building Division of Community Development for contracting out plan reviews for major commercial construction projects. During the year 2001, the number of building plan reviews exceeded original budget projections. Staff requests that \$100,000 be appropriated to offset associated expenses in the Building Division. This expenditure does have offsetting revenues that have already been built into the budget without increasing the matching expenditure amount.
- \$35,000      Needed in the Park Services Division of Parks, Recreation & Libraries for higher than expected water use during the summer and warm fall months. Irrigation Staff diligently worked to manage water usage via tracking specific water use for each park and monitoring consumption weekly.
- \$168,000    TOTAL

**SUBJECT:**

Resolution re Year-End Contingency Transfers

Page 3

Currently, the General Fund contingency account has \$1,276,538 available to fund these unanticipated expenses, leaving a balance of \$1,108,538 to be carried over to 2002 as an unappropriated revenue.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **73**

INTRODUCED BY COUNCILLORS:

SERIES OF 2001

WHEREAS, City Council supports year end transfers from the General Fund Contingency account to balance various expenditure accounts due to unanticipated or additional costs, and

WHEREAS, the General Fund Contingency balance is \$1,276,538.

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

\$168,000 be transferred from the General Fund Contingency to the appropriate Operating Budget accounts as follows:

10001010.61600.0000	City Council Recruitment Account	\$33,000
10030370.65100.0000	Building Division (Community Development) Contract Plan Review	100,000
10050550.67100.0000	Park Services (PR&L) Water account	35,000
	GENERAL FUND TOTAL	\$168,000

Passed and adopted this 10<sup>th</sup> day of December, 2001.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Resolution No. 74 re 2002 Jeffco Open Space Joint Venture Grants

**Prepared By:** Brad Chronowski, Landscape Architect II

**Summary Statement**

- The Parks, Recreation and Libraries Department recommends that the City apply for grants from the Jefferson County Open Space Joint Venture Program.
- Jefferson County Open Space provides grant money in Jefferson County to assist municipalities with park capital improvements.
- The projects recommended for this round of the grant program are Faversham Park and Walnut Creek Trail.
- Staff recommends requesting \$150,000 for Faversham Park and \$25,000 for the Walnut Creek Trail.
- Appropriate matching funds are available in the 2002 Capital Improvement Program.
- If awarded these grants, construction for the selected improvements will begin in 2002.
- Should the City be awarded one or both of the grants, Staff will return to City Council for approval of agreements with Jefferson County Open Space and again for fund appropriation.

**Expenditure Required:** \$ N/A

**Source of Funds:** Parks, Recreation and Libraries 2002 Capital Improvement Program

**Recommended City Council Action**

Adopt Resolution No. 74 authorizing the Department of Parks, Recreation and Libraries to pursue two Jefferson County Open Space Joint Venture grants for 2002.

**Policy Issue**

- Should the City increase the scope of the Faversham Park and Walnut Creek Trail improvements by pursuing grant monies from Jefferson County Open Space?
- Does City Council agree that Faversham Park improvements and Walnut Creek Trail construction are priorities for development in 2002?

**Alternatives**

1. Council could choose not to pursue additional funding for the projects and proceed with the improvements at the current budget level. Staff recommends, however, that the opportunity be taken to increase the project scope without increasing funding allocations. Receipt of grant money for these projects would significantly enhance the project scope and allow for an increase in service levels at both facilities.
2. Council could choose to pursue funding for only one of the projects mentioned above. Should this alternative be selected, Staff recommends that the Faversham Park grant be given priority.

**Background Information**

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from Jefferson County Open Space. In recent years, the City has been awarded \$675,000 from Jefferson County Open Space through the Joint Venture Program for recreation capital improvement projects. These projects include Promenade Terrace, City Park, West View Recreation Center and Countryside Little League Fields.

At Faversham Park, the Department of Parks, Recreation and Libraries intends to improve the park by including the following amenities: additional trails, expanded parking, picnic shelters, accessible fishing piers and landscaping. Receipt of a \$150,000 Jefferson County Open Space grant would increase the project budget to \$350,000 in 2002.

The Walnut Creek trail system is scheduled for improvements in two locations. A trail connection near Westmoor Drive and 108<sup>th</sup> Avenue will be completed as a part of this project. Also, beginning at Wadsworth Parkway, the trail will extend west, through City open space, and connect with the Westmoor Business Park. This improvement is reflected on the Trails Master Plan that was adopted by City Council in 2001. Receipt of a \$25,000 Jefferson County Open Space grant would increase the project budget to \$50,000 in 2002.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



RESOLUTION

RESOLUTION NO. **74**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

GRANT REQUESTS TO THE JEFFERSON COUNTY OPEN SPACE JOINT VENTURE PROGRAM

WHEREAS, Jefferson County has established an Open Space grant application process to assist municipalities and special districts within Jefferson County with the development of recreation capital improvements; and

WHEREAS, The City of Westminster has budgeted for improvements at Faversham Park; and

WHEREAS, The City of Westminster has budgeted for improvements for the Walnut Creek Trail system; and

WHEREAS, grant money received from Jefferson County Open Space would significantly enhance the improvements for the above mentioned park facilities.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit grant applications to the Jefferson County Open Space Joint Venture program for 2002, requesting funding to enhance improvements at Faversham Park and the Walnut Creek Trail.

Passed and adopted this 10th day of December, 2002.

Attest:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 10, 2001

**SUBJECT:** Resolution No. 74 re 2002 Jeffco Open Space Joint Venture Grants

**Prepared By:** Brad Chronowski, Landscape Architect II

**Summary Statement**

- The Parks, Recreation and Libraries Department recommends that the City apply for grants from the Jefferson County Open Space Joint Venture Program.
- Jefferson County Open Space provides grant money in Jefferson County to assist municipalities with park capital improvements.
- The projects recommended for this round of the grant program are Faversham Park and Walnut Creek Trail.
- Staff recommends requesting \$150,000 for Faversham Park and \$25,000 for the Walnut Creek Trail.
- Appropriate matching funds are available in the 2002 Capital Improvement Program.
- If awarded these grants, construction for the selected improvements will begin in 2002.
- Should the City be awarded one or both of the grants, Staff will return to City Council for approval of agreements with Jefferson County Open Space and again for fund appropriation.

**Expenditure Required:** \$ N/A

**Source of Funds:** Parks, Recreation and Libraries 2002 Capital Improvement Program

**Recommended City Council Action**

Adopt Resolution No. 74 authorizing the Department of Parks, Recreation and Libraries to pursue two Jefferson County Open Space Joint Venture grants for 2002.

**Policy Issue**

- Should the City increase the scope of the Faversham Park and Walnut Creek Trail improvements by pursuing grant monies from Jefferson County Open Space?
- Does City Council agree that Faversham Park improvements and Walnut Creek Trail construction are priorities for development in 2002?

**Alternatives**

1. Council could choose not to pursue additional funding for the projects and proceed with the improvements at the current budget level. Staff recommends, however, that the opportunity be taken to increase the project scope without increasing funding allocations. Receipt of grant money for these projects would significantly enhance the project scope and allow for an increase in service levels at both facilities.
2. Council could choose to pursue funding for only one of the projects mentioned above. Should this alternative be selected, Staff recommends that the Faversham Park grant be given priority.

**Background Information**

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from Jefferson County Open Space. In recent years, the City has been awarded \$675,000 from Jefferson County Open Space through the Joint Venture Program for recreation capital improvement projects. These projects include Promenade Terrace, City Park, West View Recreation Center and Countryside Little League Fields.

At Faversham Park, the Department of Parks, Recreation and Libraries intends to improve the park by including the following amenities: additional trails, expanded parking, picnic shelters, accessible fishing piers and landscaping. Receipt of a \$150,000 Jefferson County Open Space grant would increase the project budget to \$350,000 in 2002.

The Walnut Creek trail system is scheduled for improvements in two locations. A trail connection near Westmoor Drive and 108<sup>th</sup> Avenue will be completed as a part of this project. Also, beginning at Wadsworth Parkway, the trail will extend west, through City open space, and connect with the Westmoor Business Park. This improvement is reflected on the Trails Master Plan that was adopted by City Council in 2001. Receipt of a \$25,000 Jefferson County Open Space grant would increase the project budget to \$50,000 in 2002.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **74**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

GRANT REQUESTS TO THE JEFFERSON COUNTY OPEN SPACE JOINT VENTURE PROGRAM

WHEREAS, Jefferson County has established an Open Space grant application process to assist municipalities and special districts within Jefferson County with the development of recreation capital improvements; and

WHEREAS, The City of Westminster has budgeted for improvements at Faversham Park; and

WHEREAS, The City of Westminster has budgeted for improvements for the Walnut Creek Trail system; and

WHEREAS, grant money received from Jefferson County Open Space would significantly enhance the improvements for the above mentioned park facilities.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit grant applications to the Jefferson County Open Space Joint Venture program for 2002, requesting funding to enhance improvements at Faversham Park and the Walnut Creek Trail.

Passed and adopted this 10th day of December, 2002.

Attest:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, December 10, 2001, 7:00 P.M.

Those present at roll call were Mayor Heil, Mayor Pro Tem Moss, Councillors Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Absent Atchison.

Council approved the following: 2002 Capital Improvement Technical Staff Support Services; Agreement for Participation in Wattenberg Water Storage Project; Agreement with Ken Fellman for Telecommunication Ordinance Amendment; Design Contract for 2002 Traffic Calming; Refinancing of Equipment Leases; and Federal Heights Water Rate for 2002.

Council appointed Ted Knapp and Jim Hall to the Board of Adjustment; Maryann Maher to the Election Commission; Kathy Reynolds, Susan Aldridge, and Lisa Bressler to the Environmental Advisory Board; Jerry Hersey and Teresa Valeno Parrot to the Human Services Board, Ken Eichel and Ben Beaty to the Open Space Advisory Board; and Bruce Vezina and Glenda Salter to the Transportation Commission.

The following Councillor's Bill was passed on 1<sup>st</sup> reading:

A BILL FOR AN ORDINANCE AMENDING TITLE 1, CHAPTERS 13, 16 AND 24 PERTAINING TO PERSONNEL POLICIES purpose: making certain changes to the personnel management system

The following Resolutions were adopted:

Resolution No. 69 re Appointments to Boards and Commissions  
Resolution No. 70 re Growth Management Service Commitment Allocations for 2002  
Resolution No. 71 re Carter Annexation Petition near 130<sup>th</sup> Ave & Zuni Street was tabled.  
Resolution No. 72 re Contingency Transfer for Savory Farms Water Tower Renovation  
Resolution No. 73 re Year End Contingency Transfers  
Resolution No. 74 re 2002 Jefferson County Open Space Joint Venture Grants

At 7:20 P.M. the meeting was adjourned.

By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk  
Published in the Westminster Window December 13, 2001