



**WESTMINSTER
COLORADO**

**DECEMBER 20, 1999
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**
 - A. Proclamation re Craig Cogswell Colorado Teacher of the Year
- 5. Citizen Communication**
- 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. Councillor's Bill No. 78 on second reading re Service Commitments for new residential projects in South Westminster (Hicks-Atchison)
 - B. Councillor's Bill No. 79 on second reading re Traffic Signal Funding of \$220,000 (Merkel-Atchison)
 - C. Councillor's Bill No. 80 on second reading re Supplemental Appropriation for Libraries (Smith-Merkel)
 - D. Councillor's Bill No. 81 re Appropriation of \$2.5 million from Catellus Development into the General Capital Improvements Fund (Atchison-Smith)
- 9. Appointments and Resignations**

None
- 10. Public Hearings and Other New Business**
 - A. TABLED – Westminster Boulevard Extension – Relocation Policy and expenditure of \$150,000 for eligible relocation expenses
 - B. Household Hazardous Waste Collection Services for 2000
 - C. Adams County Special Transit Services Intergovernmental Agreement
- 11. Old Business and Passage of Ordinances on Second Reading**

None
- 12. Citizen Presentations and Miscellaneous Business**
 - A. Financial Report for November, 1999
 - B. City Council
 - C. Request for Executive Session
- 13. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 20, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, and Moss. Also present were Matt Lutkus, Acting City Manager; Vicky Bunsen, Assistant City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Smith and Mayor Heil is on an extended medical absence.

CONSIDERATION OF MINUTES:

A motion was made by Hicks and seconded by Atchison to accept the minutes of the meeting of December 13, 1999 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Pro Tem Dixon presented a proclamation to Westminster High School teacher Craig Cogswell in recognition of his being named Colorado Teacher of the Year 2000 by the Colorado Department of Education.

CITIZEN COMMUNICATION:

John Hazel, 5702 W. 98th Avenue, addressed Council concerning the bike path through the Hahn property along US 36 and requested a fence be installed.

REPORT OF CITY OFFICIALS:

Acting City Manager Matt Lutkus wished everyone present a Happy Holiday season.

CITY COUNCIL COMMENTS:

Councillor Hicks introduced Jeff Sack, a student from Ranum High School.

Mayor Pro Tem Dixon wished a Merry Holiday to everyone.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Councillor's Bill No. 78 re Service Commitments for South Westminster Projects; Councillor's Bill No. 79 re Traffic Signal Funding; Councillor's Bill No. 80 re Libraries Supplemental Appropriation; and Councillor's Bill No. 81 re Catellus Development Appropriation. The Mayor Pro Tem asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

WESTMINSTER BOULEVARD EXTENSION RELOCATION POLICY:

A motion was made by Atchison and seconded by Moss to remove the Westminster Boulevard Extension Relocation Policy from the Table. The motion carried unanimously.

A motion was made by Moss and seconded by Atchison to authorize, as modified, the Relocation Policy for the Westminster Boulevard Extension project and authorize the expenditure of up to \$150,000 for eligible relocation expenses which shall be charged to the appropriate capital project account in the General Capital Improvement Fund. Duane Valentine, 9920 Harlan Street, addressed Council with questions regarding the relocation policy. The motion carried with 5 aye votes and 1 nay vote by Mayor Pro Tem Dixon.

CONTRACT FOR HOUSEHOLD HAZARDOUS WASTE PICK-UP SERVICES:

A motion was made by Merkel and seconded by Atchison to authorize the City Manager to execute a contract with Curbside Inc. and authorize an expenditure of no more than \$36,272 for this service to be charged to the appropriate General Fund Central Charges account to provide a home household hazardous waste collection for Westminster residents. The motion carried unanimously.

INTERGOVERNMENTAL AGREEMENT FOR SPECIAL TRANSIT SERVICES:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to enter into an Intergovernmental Agreement with Adams County and other Adams County cities, in substantially the same form as the draft agreement, for the purpose of providing special transit services in Adams County; and authorize the expenditure of \$34,943 as the City's 2000 contribution to Adams County for transportation services for senior and disabled citizens living in the Adams County portion of Westminster, and charge the expense to the appropriate 2000 General Fund Central Charges Budget Account.

A friendly amendment was made by Hicks and approved by the maker and second to eliminate the wording "in substantially the same form as the draft agreement" since Council has reviewed the final agreement. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for November, 1999.

Mayor Pro Tem Dixon stated there would be an Executive Session to discuss a Real Estate negotiation and the Semper Clearwell project.

ADJOURNMENT:

The meeting was adjourned at 8:05 P.M.

ATTEST:

Mayor Pro Tem

City Clerk



Agenda Item 4 A

WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 20, 1999

Subject: Proclamation re Colorado Teacher of the Year, Craig Cogswell

Prepared by: Michele Kelley, City Clerk

City Council is requested to present the attached proclamation to Craig Cogswell in recognition of his recent honor being named the Colorado Teacher of the Year 2000.

Summary

Craig Cogswell, a social studies teacher at Westminster High School was recently named Colorado Teacher of the Year 2000 by the Colorado Department of Education, last Tuesday evening. The award is the state's oldest statewide education award.

Mr. Cogswell was credited with lesson plans that encourage students to think critically and use hands on activities such as creating 3-D topographical maps.

Mr. Cogswell has been a teacher with School District 50 for 26 years, and is also a leader in education reform. He helped develop the curriculum framework for the Colorado geography standards and is involved in the Colorado Geographic Alliance.

Staff Recommendation

Mayor Pro Tem present proclamation to Craig Cogswell in recognition of his being named Colorado Teacher of the Year 2000 by the Colorado Department of Education.

Background Information

Mr. Cogswell will now take on duties as a spokesperson for Colorado education issues and represent the state in the National Teacher of the Year competition.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, Craig Cogswell has been a dedicated, enthusiastic teacher for the past twenty-six years in Adams County School District 50 and teaching at Westminster High School; and

WHEREAS, Craig Cogswell is credited with lesson plans that encourage students to think critically and use hands on activities such as 3-D topographical maps and inspires confidence in young people; and

WHEREAS, Craig Cogswell is also a leader in education reform, having helped develop the curriculum framework for the Colorado geography standards; and

WHEREAS, Mr. Cogswell is also involved in the Colorado Geographic Alliance; and

WHEREAS, Craig Cogswell has recently been named the Colorado Teacher of the Year 2000 by the Colorado Department of Education; and

WHEREAS, Craig Cogswell will now take on duties as a spokesperson for Colorado education issues and represent the State of Colorado in the National Teacher of the Year competition; and

WHEREAS, The City of Westminster and the Westminster Community are proud of his accomplishments and the recognition that he has justly received.

NOW, THEREFORE, I, Sam Dixon, Mayor Pro Tem of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim Tuesday, December 21, 1999 as

CRAIG COGSWELL DAY

In the City of Westminster in recognition of his prestigious Colorado Teacher of the Year 2000 Award from the Colorado Department of Education.

Signed this 20th day of December, 1999.

Sam Dixon, Mayor Pro Tem



WESTMINSTER COLORADO

Agenda Memorandum

Date: December 20, 1999

Subject: TABLED - Westminster Boulevard Extension Relocation Policy

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to remove from the Table and adopt, as modified, the attached Relocation Policy and authorize funds for relocation benefits to assist business and persons displaced by the Westminster Boulevard Extension project. Funds for the estimated expenditures are available in the appropriate project account in the General Capital Improvement Fund.

Summary

The Westminster Boulevard Extension connects two of the City's major activity centers – the Westminster Center and the Westminster Promenade. Acquisition of right-of-way for the project was recently authorized by City Council with the goal to begin construction in the summer of year 2000. Eight ownerships are affected by the project and there is potential for displacing up to three businesses and four residential tenants.

While not required by law, a relocation policy and program has been developed by City Staff as a consideration for those displaced by the project. In general, the program will offset select relocation expenses including moving expenses and the cost of temporary storage, printing and advertising costs necessary for re-establishing a business in a new location, and certain rental income from residential tenants that is lost due to the project. The Policy is attached.

The Policy is designed to set limits on the expenditures while still addressing any unique needs and circumstances. An estimated budget of \$150,000 is being recommended for the relocation program.

At the December 13th meeting, City Council asked staff to clarify that a landowner's relocation benefits may be forfeited if the owner-occupant will not consent to immediate possession of the City.

Staff Recommendation

Remove from the table and authorize, as modified, the attached Relocation Policy for the Westminster Boulevard Extension project and authorize the expenditure of up to \$150,000 for eligible relocation expenses, which shall be charged to the appropriate capital project account in the General Capital Improvement Fund.

Background

The Westminster Boulevard Extension will link 104th Avenue/Westminster Boulevard to Harlan Street at approximately 95th Avenue. As the attached vicinity map shows, the project will require acquisition of approximately 22 acres of right-of-way from eight ownerships. Several businesses and residences will be directly displaced by the project, including those on Parcel 1800 (as shown on the map) and Parcel 4432.

Because some of the properties have remainder parcels where the remainder value will be reduced as a result of the project, the City may elect to acquire those parcels also. Several residential rentals would also be affected in that circumstance. Under the most conservative approach, three businesses and up to four residential tenants may be displaced.

The payment of relocation benefits to persons or businesses displaced by public projects is not required by Colorado Law or the City's own ordinances. That benefit is discretionary. In general, a relocation program seeks to assist persons displaced by projects which are being implemented to benefit the public as a whole. The approach is to cover or reimburse expenses such as moving and temporary storage costs, expenses incurred to re-establish a business at a new address such as reprinting business cards, and rental income replacement due to preemption of a lease.

Using the Relocation Policy developed for the Westminster Urban Renewal Authority, Staff has developed a project-specific relocation program for the Westminster Boulevard Extension. In summary, it provides the following relocation benefits:

1. Relocation assistance and advisory services using the City's acquisition agent.
2. The eligible cost of professional services, moving expenses, temporary storage and changes to stationery and advertising material for a displaced business up to a limit of \$30,000.
3. The eligible cost of moving, transportation and temporary storage for residential owners displaced by the project up to a limit of \$25,000.
4. A one-time stipend of \$1000 to each residential tenant displaced by the project and replacement of up to three months rental income to the landlord when a tenant is required to move out ahead of time.

The relocation program includes an appeals process and the provision for mediation when disputes cannot be resolved through negotiation. The Policy is attached to this Memorandum. An estimated total expenditure for the several relocations is approximately \$150,000. Funds for this program are available in the Westminster Boulevard Extension project budget for which Certificates of Participation were issued in August of this year.

As discussed above, a Relocation Program for the project is discretionary and not required by law. City Council could choose not to make relocation benefits available to displacees or could adjust any of the payments specified in this Policy to free up funds for other project needs. City Staff believes that the provision of relocation benefits meets the real needs of businesses and residents who are displaced by the project in a fair manner. It can also be expected to ease the task of negotiating settlement of right-of-way acquisitions with property owners by isolating the tenant's need from the property owner's settlement demands. The negotiations are kept as a two-party process instead of a three-party process involving a tenant. Staff is therefore recommending approval of the Relocation Policy and authorization of \$150,000 in funding to cover those expenses.

Respectfully submitted,

William M. Christopher
City Manager

Attachments – Project Map, Relocation Policy

CITY OF WESTMINSTER
WESTMINSTER BOULEVARD EXTENSION
RELOCATION POLICY

1. PURPOSE.

The City of Westminster (the "City") adopts this Policy which describes the requirements governing the provision of relocation payments and other relocation assistance to persons displaced as a result of acquisition of property required as part of the Westminster Boulevard Extension Project.

2. SCOPE.

B. Nature of Payments. Relocation payments are administrative in nature and are not required by law. Therefore, it is the intention of the City that the determinations of the City regarding eligibility for and the amount of relocation payments made pursuant to this Policy shall be wholly a matter of discretion of the City. No federal or state funds are being utilized by the City to make relocation payments.

C. No Contract. Nothing in this Policy shall be construed as an entitlement or a contractual or promissory obligation to make relocation payments. All payments made pursuant to this Policy are at the discretion of the City.

3. DEFINITIONS.

The following definitions shall be used by the City in interpreting the payments and benefits available under this Policy.

Action by the City. Any lawful activity undertaken by the City, its agents or assigns, or one operating under the aegis of the City.

Business. A non-profit organization or any lawful activity that is conducted primarily for the purchase, sale, lease or rental of personal or real property; or for the manufacture, processing or marketing of products, commodities, or any other personal property; or is conducted primarily for the sale of services to the public. This definition shall not include: (1) outdoor advertising displays which are intended to be acquired as part of the real property purchased by the City; and (2) owners and operators of public utilities such as cable, electrical, gas and telephone lines and related service facilities.

Displaced Business. Any business that moves its personal property from real property which is acquired as a result of the action of the City within the Project Area, if such business is occupying such real property on the date of the City's Notice of Intent and Offer to Acquire such property and otherwise is eligible for relocation expense benefits and complies with this Policy.

Displaced Resident. Any resident who moves his or her personal property from a dwelling which is acquired as a result of the City's Project within the Project Area, if such resident is occupying such dwelling on the date of the City's Notice of Intent and Offer to Acquire the dwelling.

Dwelling. The place of permanent or customary and usual residence of a person including a single family house or a single family unit in a multifamily structure.

Notice of Intent and Offer to Acquire Real Property. The initial written offer by the City to the real property owner to purchase real property within the Project Area.

Notice to Relocate. The written notice from the City to a resident or business that it must move from its current location in the Project Area. Relocation shall not be required upon less than thirty days notice and shall not be required until the City either owns or has legal possession pursuant to contract or court order of the real property from which the resident or business must move. A Notice to Relocate and relocation activities may occur at any time prior to the City taking title to or possession of real property. Relocation benefits may be contingent on vacating the property by a particular deadline specified by the City, regardless of whether the City owns or has legal possession of the property.

Owner. Any person who owns fee simple title or a life estate in real property to be acquired within the Project Area or who holds any other interest which in the judgment of the City warrants consideration as ownership.

Person. A displaced business or displaced resident.

Personal Property. Tangible property which is classified by the City as personalty under Colorado law, is located on real property to be acquired by the City, and is not purchased by the City in the acquisition of such real property.

Project Area. The land within the legal descriptions of all parcels intended for fee simple or easement acquisitions by the City for the construction of the Westminster Boulevard Extension and Harlan Street Flyover Project.

Real Property. Property which is classified by the City as realty under Colorado law, for example, fixtures which cannot be moved at a reasonable cost. Relocation expenses shall not be reimbursed for fixtures and other items of real property which have been purchased by the City in connection with its acquisition of the realty from which a displaced resident or business is moving.

Resident. A person or family whose principal residence, whether owned or rented, is located within the Project Area. All persons within a single residence shall be considered a single resident for purposes of this Policy and shall be eligible for only one set of payments.

4. RELOCATION ASSISTANCE ADVISORY SERVICES.

A. General. The City will provide a relocation assistance advisory program which offers the services described below. The purpose of the advisory services program is to minimize inconvenience to persons who must be relocated and to provide an information program to advise these persons of relocation activities and benefits on a continuing basis.

B. Services to be Provided. The City, through its staff, will provide the following services.

1. Assistance with identifying real estate brokers and others who may help locate replacement site alternatives.
2. Assistance in identifying services for moving, packing, storage and insurance.
3. Assistance with the City's relocation expense procedures and submittals for relocation expenses.

5. GENERAL RELOCATION ASSISTANCE REQUIREMENTS.

The relocation payments provided in this policy are not required by law and are being provided to displaced persons in consideration of the inconvenience and expense incurred as a result of the relocation requirement. These payments may be forfeited by the displaced person unless all of the City's requirements are met, including removal of all personal property by the deadline established by the City and, in the case of landowners, consent to the City's use and possession of the real property in order to remove existing improvements and begin the construction project. A landowner's consent to possession

shall not limit the owner's right to pursue just compensation for the property acquired by the City.

A. No Duplication of Payments. No person shall receive any compensation for relocation which, in the opinion of the City, would substantially duplicate the compensation which was received or which an owner or displaced resident or business is eligible to receive under the state law of eminent domain or under any other law or regulation. Under no circumstances will there be a duplication of payments for acquisition and for relocation.

B. Least Cost Approach. The amount of payment for an eligible relocation expense shall not exceed the least costly method, as determined by the City, of accomplishing the objective of the payment without causing undue hardship to the displaced resident or business.

C. Determination of Eligibility. The City has designated the Director of Community Development as the person who shall have primary responsibility for establishing eligibility for and the amount of relocation payments claimed in accordance with this Policy. Appeals from the Director's decisions shall be determined in accordance with Section 11 hereof.

D. Documentation. If requested, any claim for a relocation payment shall be supported by such documentation as may reasonably be required by the City to establish accurately expenses incurred, such as bills, statements, certified prices, appraisals, or other evidence of such expenses.

E. Set Off for Claims. The City may withhold any part or all of a relocation payment to a person to satisfy an obligation of the person to the City.

F. Burden of Proof. Claimants shall have the burden of proof to establish eligibility for and amount of any relocation payment claimed hereunder.

G. Time for Moving. All claimants must complete any relocation from their current sites by the date specified in the settlement agreement with the City or, if no settlement is achieved, within thirty days of receiving written notification from the City to relocate or within such additional time as the City may determine and specify in writing. **Relocation benefits pursuant to this Policy may be forfeited if a person fails to vacate the premises and grant possession of the land, including removal of all unwanted items, by the deadline specified by the City.**

H. Ineligible Persons.

1. Owner's Obligation to Notify New Tenants. No owner within the Project Area shall lease premises to a tenant after the owner's receipt of the City's Notice of Intent and Offer to Acquire the property, without giving prior written notice to such tenant that the property is being acquired by the City and that such tenant shall not be eligible for relocation benefits from the City. A copy of the owner's notice to the tenant shall be delivered to the City.

2. Categories of Ineligibility. The following residents and businesses shall not be eligible for relocation assistance:

a. One which does not occupy real property in the project on the date of the City's Notice of Intent and Offer to Acquire the property.

b. Any resident or business which moves before receiving a notice to relocate from the City, if such property is for any reason not required for the Project.

c. A subtenant of a tenant, unless such subtenant demonstrates, with documentation satisfactory to the City, that it is a separate legal entity from the tenant and otherwise satisfies the eligibility requirements of this Policy.

d. Any resident or business which the City determines had prior plans to relocate for reasons independent of the project for which the City is acquiring the property.

e. Expenses of relocating outdoor advertising displays and public utilities are not eligible for relocation payments hereunder.

f. Multiple lease agreements for different leasehold areas shall not be considered multiple tenancies if the City determines, in its sole discretion, that the areas are operated as a single residence or business.

g. Any displaced business which is operating in violation of applicable law or person who is living in an uninhabitable shelter shall not be eligible for relocation expenses pursuant to this Policy. This shall include, but not be limited to businesses operating without required licenses or in violation of applicable land use laws and regulations.

h. Any person who is not asked to relocate by the City.

6. ELIGIBLE EXPENSES - BUSINESSES.

Settlement of business relocation expenses shall include the following eligible expenses.

A. Professional Services, Insurance and Transportation. Displaced business shall receive a lump sum of \$3,000 to cover miscellaneous relocation-related expenses, such as:

1. Professional services, including, but not limited to, architects, brokers, planners, engineers, and consultants hired for such activities as finding a new location, negotiating a new lease or purchase of the new location, and planning the move of the personal property.

2. Liability or casualty insurance in connection with the move and any temporary storage.

3. Transportation expenses in connection with relocation such as visiting potential relocation sites, attending meetings and driving vehicles to the final relocation site.

B. Moving. Packing, crating, moving, unpacking, and uncrating personal property, based on moving industry customary and standard moving costs as established by the City.

C. Temporary Storage. Storage of personal property as the City determines to be necessary, based on customary and standard rates as established by the City. The period of storage shall not exceed six (6) months. The storage space shall not exceed 50% of the area from which the person is relocating.

D. Reinstallations. Disconnecting, dismantling, removing, reassembling, and installing relocated and any substitute machinery, equipment and other personal property, based on customary and standard costs as established by the City. This includes connection to utilities available at the new site and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property. A person shall be eligible for payment of these expenses only if he or she provides a list of property that is to be disconnected and reinstalled at the replacement location to the City by the date set for submission of the list by the City. The City will not reimburse utility tap fees at the new location.

E. Licenses, Printing and Advertising. Businesses may receive the sum of \$1,000.00 for businesses occupying up to 4,000 square feet, \$2,000.00 for businesses occupying from 4,001 to 12,000 square feet, and \$4,000.00 for businesses occupying space in excess of 12,000 square feet to cover any expenses incurred in the following categories:

1. Any license, permit or certification required by the displaced business at the replacement location.

Advertising, relettering signs and printing materials such as stationary and business cards made obsolete as a result of the move.

F. Substitute Personal Property. Displaced residents shall not receive a payment for substitute personal property. If a displaced business chooses to promptly replace personal property which is used as part of the business and is not moved, with a comparable substitute item at the replacement site, the displaced business is entitled to payment of the lesser of:

1. The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade in of the replaced item, if any; or
2. The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate by the City for eligible moving and related expenses, but with no allowance for storage.
3. Limitation. The cost of replacing or moving personal property which must be upgraded to comply with health or building codes or other applicable regulations or which has no or minimal value, as determined by the City, shall not be paid pursuant to this Policy

G. Real Property Fixtures. A displaced tenant business shall not be compensated for loss of real property fixtures installed on the premises to be vacated unless the business provides evidence satisfactory to the City that the business installed the fixtures and that the business, not the owner of the premises, owns the fixtures. If such evidence is provided, the value of the fixtures will be established by the City's appraiser, subject to reduction for depreciation calculated by the appraiser. The value reimbursed to the business shall be only for the business's remaining lease term in the premises.

H. Notification to the City and Inspection. To be eligible for payment under this section, a person shall permit the City to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

I. Cessation of Business, Unspecified Relocation Site and Moving Out of the Area. If a displaced business decides to cease doing business or delays a decision on a relocation site, the City will assume that the business is moving 25 miles and pay moving costs pursuant to this Policy based on such assumption. If a person chooses to relocate to a site that requires a move in excess of 25 miles, the City will pay moving costs pursuant to this Policy based on the assumption that the person is moving 25 miles away.

7. ELIGIBLE EXPENSES – RESIDENTIAL OWNER-OCCUPIED PROPERTY

Settlement of relocation expenses for an owner-occupied home shall include the following eligible expenses.

A. Transportation. The cost of moving the Displaced Resident's personal property for a distance up to 25 miles based on moving industry customary and standard rates, as established by the City.

B. Moving. Packing, crating, moving, unpacking, and uncrating personal property, based on moving industry customary and standard rates, as established by the City.

C. Temporary Storage. Storage of personal property as the City determines to be necessary, based on customary and standard rates, as established by the City. The period of storage shall not exceed six (6) months. The storage space shall not exceed 50% of the floor space of the Dwelling from which the Displaced Resident is moving.

D. Reinstallations. The cost of disconnecting, dismantling, removing, reassembling, and reinstalling household appliances and utility service, but not including utility tap fees.

E. Insurance. The cost of insurance for the replacement value of personal property in

connection with the move or necessary storage.

F. Notification of the City and Inspection. To be eligible for payment under this section, the Displaced Resident shall:

1. Permit the City to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

2. Remove all personal property, including items no longer wanted by the resident, from the displacement site.

8. ELIGIBLE EXPENSES – RESIDENTIAL TENANT-OCCUPIED PROPERTY

Displaced residential tenants shall not be reimbursed for actual expenses, but shall receive a payment of \$1,000 in relocation benefits providing that the tenant moves from the premises by the deadline specified by the City. The payment shall not be made if the City inspects the premises and finds that the tenant has not removed all personal property, both inside and outside of the structure, that belongs to the tenant.

9. RELOCATION SETTLEMENTS.

A. Total Settlement. It is the intent of the City to arrive at lump-sum settlements with all displaced persons covering the eligible expenses contained herein. Claimants will receive one-half of the payment amount following approval of the person's settlement agreement by the City. The remaining one-half will be paid no later than thirty days following proof the claimant has vacated the property. If a settlement is not reached, payments shall be made as outlined in section 11, Appeals, below.

B. Security Deposits. If a tenant has paid a security deposit to a landlord or property manager for a lease on property to which the City is taking title or possession, the City shall request the holder of the security deposit to refund the deposit to the tenant or to turn over the deposit to City for refund to the tenant. The City shall not be responsible for payment of a security deposit to a tenant unless the deposit is turned over to the City by the landlord.

C. Rent Payment and Abatement. Upon settlement, a residential or business tenant shall assign its lease to the City, which will assume all payments due under the lease from the date the tenant vacates the premises until the City takes possession of or title to the property and such payments are no longer due to the landowner or its agent. If the City has possession of or title to the property, a tenant may elect to have its rent abated from the date of execution of a settlement agreement with the City until the tenant's agreed-upon date of vacating the premises. If the tenant fails to move out by the agreed-upon date, the tenant shall resume paying rent to the City. Any unpaid or abated rent owed by the tenant to the City shall be deducted by the City from the final settlement payment to the tenant.

D. Final Date for Settlement of Benefits. All requests for relocation benefits shall be paid by the first anniversary date of the City's written relocation notice to the requesting person. If final resolution of the request for benefits has not been made by that date, the City's determination of eligibility and amount of benefits shall be final.

E. Benefit Cap. The aggregate sum of the benefits paid pursuant to this Policy shall not exceed:

1. **Residential Tenant** - \$1,000
2. **Residential Owner** - \$25,000
3. **Business** - \$30,000

In the event that a person does business on the property where the person resides, then relocation benefits for moving both business and residential personal property may be aggregated and the cap for a business relocation shall apply.

10. INELIGIBLE MOVING AND RELATED EXPENSES.

A displaced person is not entitled to payment for:

A. Cost of moving any structure or other real property improvement in which the displaced person reserved ownership. Nothing herein will obligate the City to allow a displaced person to reserve ownership in any fixture or item of real property.

B. Interest on a loan to cover moving or storage expenses.

C. Loss of good will.

D. Loss of profits.

E. Loss of trained employees.

F. Configuration or physical changes at the replacement location of residence or business.

G. Any additional expense of a person which was incurred because of operating or living in a new location.

H. Personal injury.

I. Any legal fee or other cost for preparing a claim for a relocation payment or for representing claimant before the City or any other body or court.

J. Taxes.

K. Any expense or payment for which the person receives reimbursement or compensation from another source or pursuant to any other law, rule or regulation.

L. Any expenses not specifically listed as eligible for payment in this Policy.

11. APPEALS.

A. Dispute Resolution. It is the intent of the City to provide an efficient, mutually fair process for settlement of eligible relocation expenses. In order to achieve this result, the City prefers that impasses be resolved through mediation and will arrange for a mediation process at any time at the request of a displaced person. Mediation shall be a prerequisite to filing an appeal under this Section unless the City waives mediation.

B. Selection of Mediator. If the City determines that a settlement of eligible relocation expenses with a displaced person cannot be reached due to an impasse, the City shall schedule a session with a mediator within thirty days of a written notice to the person that an impasse exists, or within such time period as the City and the person may mutually agree. The mediator shall be selected by mutual consent of the City and the person. The costs of mediation will be shared between the City and the displaced person. If the person refuses to participate in the selection of a mediator or unreasonably withholds consent in the selection of a mediator, the City shall make a final determination of benefits, which shall be payable upon the person's completion of the move from the project area. The person shall have no right of appeal or judicial review of such determination.

C. Unsuccessful Mediation. If the mediation fails to result in a settlement agreement

between the City and the displaced person, the City shall make a final determination of benefits, and shall pay one-half of such determination immediately. The final payment shall be made at the conclusion of the appeal period or upon conclusion of the appeal if one is filed.

D. Scope and Timing of Appeal. If mediation is unsuccessful, the City shall request the mediator to provide a dated notice that the dispute could not be resolved to both the City and the displaced person. The person shall have fourteen days from the date of that notice to file an appeal with the City. The appeal shall be limited to a determination regarding eligibility for or the amount of payments set forth in this Policy and pursuant to any further resolutions or actions of the City establishing rates for eligible expenses.

E. Initiation of Appeal. An appeal is instituted by a written request for review by the claimant, which may include any documentation deemed relevant by the claimant. If a hearing is requested in the request for review, it shall be scheduled within thirty days before a hearing officer designated by the City. If no hearing is desired, the officer shall decide the appeal based on the documentation provided with the request for review. In either case, the officer's decision shall be subject to review and revision by the City. All supporting documentation shall be filed with the City at least seven days prior to the hearing. Information submitted thereafter need not be considered by the City.

F. Right to Representation. A claimant may be represented by legal counsel in connection with the appeal, but solely at its own expense.

G. Review of Files by Claimant. The City will permit a claimant to inspect and copy all files and records pertinent to such appeal pursuant to the Open Records Act, including the limitations contained therein, and at the expense of the claimant.

H. Scope of Review. In deciding the appeal, the hearing officer shall consider:

1. All applicable rules and regulations;
2. All pertinent justification and written materials submitted by the claimant;
3. All material upon which the City staff based the determination being appealed and any other available information that is needed to assure a fair and full review of the appeal.

I. Determination and Notification After Written Appeal. The hearing officer shall make a written determination within thirty days of the hearing, or if no hearing is requested, within thirty days of the receipt the request for review, and shall furnish the claimant with a copy. The written determination will include, but need not be limited to:

1. The factual and legal basis upon which the decision was based, including any pertinent explanation;
2. If any payment or other relief to the claimant is granted, a statement of how this will be provided.

J. Determinations Final. Determinations on appeals made by the hearing officer and the City shall be final and not subject to further review or appeal.

12. GENERAL PROVISIONS.

A. Time. Any deadline or time period in this Policy may be modified in a written agreement signed by the City and a displaced person.

B. Payments. In its sole discretion, the City may agree to a payment schedule in variance from this Policy upon a showing of necessity by the displaced person.



WESTMINSTER COLORADO

Agenda Memorandum

Date: December 20, 1999

Subject: Contract for Household Hazardous Waste Pick-up Services

Prepared by: Rachel Harlow-Schalk, Environmental Compliance Coordinator
Kathleen Hix, Organizational Support Services Manager

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Curbside, Inc., for a cost not to exceed \$36,272 for a home household hazardous waste pick-up program for Westminster residents. Funds have been allocated in the 2000 General Fund Central Charges budget for this expense.

Summary

Effective December 31, 1999, the City of Westminster will no longer be a participant in the Intergovernmental Agreement that established the Jefferson County Household Chemical Collection Center. As directed by City Council in July 1999, Staff initiated the steps necessary to withdraw from the Jefferson County Household Hazardous Waste Storage Authority (Authority) and implement a home household hazardous waste collection program. Concerns had been raised about the Authority with regard to the following items:

- the overall operation and management of the storage facility,
- cleanliness of the facility,
- closure of the facility periodically to correct compliance deficiencies and contain costs,
- requests for additional funding while the facility reduced services to citizens,
- distance of the facility for Westminster residents, and
- waiting lists as long as seven weeks to obtain a Saturday appointment.

Staff recommended that Curbside Inc. be awarded the contract to provide Westminster residents with a home pick-up service of household hazardous wastes. Currently, Curbside Inc. is the only company that provides this unique home pick-up service for residential customers in the Denver-Metro area.

As an alternative, City Council could decline to authorize the City Manager to sign the contract with Curbside, Inc. and choose not to provide this service to Westminster residents.

Staff Recommendation

Authorize the City Manager to execute a contract with Curbside Inc. and authorize an expenditure of no more than \$36,272 for this service to be charged to the appropriate General Fund Central Charges account to provide a home household hazardous waste collection for Westminster residents.

Background Information

In 1993, the City entered into an Intergovernmental Agreement establishing the Jefferson County Household Hazardous Waste Storage Authority. In July 1999, City Council reviewed three alternatives and, based on this review, directed Staff to contact the Management Committee of the Authority to formally propose the implementation of a home household hazardous waste collection service for Westminster residents.

After reviewing the City's proposal for a home household hazardous waste collection service, the Management Committee of the Authority responded to the City's request by recommending that the City of Westminster take the necessary steps to withdraw from the Intergovernmental Agreement.

On November 30, 1999, the City Staff, as directed by City Council, proceeded with the termination of the City's participation in the Intergovernmental Agreement establishing the Authority. This termination will be effective December 31, 1999. As Council recommended, Staff will implement a home household hazardous waste collection program to provide future household hazardous waste disposal options for Westminster residents through Curbside, Inc. Curbside, Inc. is able to recycle 90 percent of all the home household hazardous waste they collect through the home pick-up service.

Curbside, Inc. is offering the City a per home pick-up rate of \$95 per home. This household hazardous waste pick-up service is specifically designated for disposal of typical household wastes which include: fertilizer, pesticides, oil based paints, latex paint, oil, antifreeze, and batteries. It is not designated as a service for recycling hazardous materials from commercial businesses nor will it accept this type of material. The contract specifies that one household hazardous waste pick-up will be allowed per year, per Westminster address. If special or unique circumstances occur, the Environmental Compliance Coordinator may waive the once per year, per address restriction with prior approval to the pick-up of the household hazardous waste materials. The rate of \$95 per home is lower than the original estimates and includes the following services to the City:

- Program Administration
- Operation of Hotline for Scheduling Pick-ups
- Collection Kits
- Separation/Bulking/Lab Packing of Material
- Transportation of Material to Final Destinations
- Recycling/Fuel Blending/Destructive Incineration of Materials
- No-Cost Public Education Services
- Camera-ready Art from Curbside Archives
- Press Release Scripts
- Assistance to City Staff
- Postage Paid Survey Cards
- Creation of Reports
- Tracking of Survey Data
- Contractor's Time and Travel

In 1998, the cost of the household hazardous waste collection program through the Authority was \$36,272, which served 233 citizens at a cost of \$155 per household. The cost of the Curbside, Inc. household hazardous waste pick-up service funded at the same level of \$36, 272 will serve 381 citizens. This home pick-up service increases the City's ability to serve more citizens with increased convenience for the same cost. City Council's action is requested to provide this cost efficient, convenient program to residents in the year 2000.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 20, 1999

Subject: Intergovernmental Agreement for Special Transit Services

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to approve an Intergovernmental Agreement with Adams County and several other Adams County cities, related to providing special transit services for senior and disabled residents of the County. City Council is also requested to authorize funding in the amount of \$34,943 for the City's contribution to the County for these services. Funds for this expenditure are included in the 2000 City General Fund Budget.

Summary

City Council is asked to approve an intergovernmental agreement (IGA) with Adams County and several Adams County cities related to transportation services for senior citizens and disabled residents. Council previously adopted a resolution which expressed support of this special transit program and committed to provide funding in the 2000 General Fund Budget to fund the City's participation. The final changes have not yet been made to the draft IGA previously reviewed by Council. However, the Adams County Staff working on this project has assured City Staff that the final document will be substantially the same as the attached draft document.

Since the time that the Council adopted this resolution, Adams County, the Cities of Arvada and Broomfield (which have some areas located within Adams County), and the Cities of Commerce City, Federal Heights, and Thornton have made similar commitments. The City of Federal Heights has approved limited involvement in the program and thus, is participating at a lower cost per capita than the other jurisdictions.

Representatives from the above listed entities form the Adams County Special Transit Interim Policy Advisory Council. This council recently conducted a selection process for a firm that would provide the transportation brokerage services necessary for the operation of the program. Based on a review of the three proposals that were submitted and interviews with two of the brokerage firms, the council recommended the Senior Resource Center (SRC) to the Board of County Commissioners. The Commissioners have since authorized the County Staff to begin negotiations with the firm.

In anticipation of a January 1, 2000 implementation date, the Board of County Commissioners is asking that all the cities enter into an Intergovernmental Agreement (IGA) with the County for the purpose of addressing the transit needs of senior citizens and citizens with disabilities on a multi-jurisdictional basis.

Included in the Intergovernmental Agreement are provisions related to the initial contributions for this joint program. The City of Westminster's contribution would be \$34,943. This includes \$14,258 for the City's administrative share of the program and \$11,180 for the operational cost. Also included is \$9,505 to allow services to be offered to what has been referred to 5% of the unmet needs, the level which was previously approved by Council. Funds have been specifically allocated and are available in the 2000 Budget for this expense.

An alternative to the recommended action would be for Council to delay taking formal action on the IGA until after Councillors have an opportunity to review the final draft. Because Council will not be meeting again in 1999, formal action would be delayed until January, which could prevent the anticipated January start date for the program.

Staff Recommendation

Authorize the City Manager to enter into an Intergovernmental Agreement with Adams County and other Adams County cities, in substantially the same form as the attached draft agreement, for the purpose of providing special transit services in Adams County; and authorize the expenditure of \$34,943 as the City's 2000 contribution to Adams County for transportation services for senior and disabled citizens living in the Adams County portion of Westminster, and charge the expense to the appropriate 2000 General Fund Central Charges Budget Account.

Background Information

In April 1999, Council expressed its interest in pursuing a joint effort with Adams County and Adams County cities to provide special transportation services for senior citizen and disabled persons. On June 28, Council adopted Resolution No. 42 in support of the City's participation in this transportation program.

Since the time that City Council adopted the Resolution, the Cities of Arvada, Broomfield, Commerce City, Federal Heights, and Thornton, as well as the County have also approved participation in this program. The City of Northglenn has opted not to participate because of the cost and Aurora is not participating because the City already provides comprehensive transit services to the senior and the disabled populations. Brighton and the rural portions of the County receive separate Government funding for this transit program and were, therefore, not included in this program.

Representatives from the remaining cities and the County along with representatives from the Denver Regional Council of Governments and the Colorado Department of Transportation participated in selection process for transit brokerage services. As a result of this process, the Senior Resource Center was selected and was recommended to the County Commissioners for approval. The County Staff is currently in the final stages of negotiating a contract with SRC.

The draft IGA describes the scope of the project and identifies the responsibilities for the Policy Advisory Council, the County, and the transportation broker. Other provisions contain language typical of IGAs related to the term of the agreement, insurance requirements, indemnification and termination. The agreement also lists the funding contributions for each of these entities. The figures are provided for program administration and the operational costs for the transit services. As Council may recall, during a discussion of the City's contributions last spring, the recommendation from the special consultant to the County and the city representatives was to fund the program to meet what is estimated to be 5% of the unmet needs of the County. After considerable discussion on this topic at the task force level, it was decided to fund the level of the program at a baseline level of 3% of the projected unmet need. This would allow cities with major budget constraints to still participate but at a lower level. At City Staff's recommendation, Council has agreed to fund Westminster's participation in the program at a 5% level. Using the figures provided in the IGA, this would mean that \$9,505 more than the 3% funding level of \$25,438 for a total of \$34,943 would be required for 2000. In anticipation of this expenditure, sufficient funds have been set aside in the 2000 budget for this level of participation.

At the 5% level, the cost per trip for the City will be \$13.65. Those using the service will be asked to contribute \$2, which is not included in the \$13.65 figure. It is anticipated that with the reduction in start-up capital costs after the first year of operation and the strong probability of additional outside funding, the per trip cost will decrease in subsequent years.

At this point, the IGA and proposed funding level would provide special transit services to eligible Westminster—Adams County residents. Especially since the Senior Resource Center is currently providing similar transit services in Jefferson County, Staff believes that there may be a possibility that the Special Transit Program could be expanded to include Westminster—Jefferson County residents in the future. City Staff will be pursuing this as an option in the coming year.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 20, 1999

Subject: Financial Report for November 1999

Prepared by: Mary Ann Parrot, Finance Director

Introduction

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 98% of the total budget estimate while General Fund expenditures and encumbrances represent 86% of the 1999 appropriation.

Utility Fund revenues represent 119% of the total budget estimate. Utility fund expenditures and encumbrances represent 70% of the 1999 appropriation. The City is receiving reimbursements from the Colorado Water Power Authority, which is reflected in the Inter-governmental line item. These funds were appropriated in prior years.

The Sales and Use Tax Fund revenues represent 98% of the total budget estimate, while expenditures and encumbrances in that fund represent 92% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 3% from the same period last year and increased 7% year-to-date.

The Open Space Fund revenues represent 97% of the total budget estimate while expenditures and encumbrances in that fund represent 70% of the 1999 appropriation. The revenues reflect the issuance of \$2,650,000 of POST bonds. The appropriation of the bond proceeds was completed in November.

The Legacy Ridge Golf Course Fund operating revenues represent 71% of the total budget estimate while operating expenditures and encumbrances represent 46% of the 1999 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 169% of the total budget estimate while operating expenditures and encumbrances represent 56% of the 1999 appropriation. The Heritage at Westmoor Golf Course operating revenues reflects a grant from Jefferson County that was appropriated in prior years. This financial activity is consistent with the seasonal nature of golf. The budget reflects appropriation of lease proceeds. The associated expenses will be recorded as part of the year-end audit.

Theoretically, 92% of revenues and expenditures should be realized after eleven months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, December 20, 1999.

Present at roll call were Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Mayor Heil is on an extended medical absence.

The minutes of the meeting of December 13, 1999 were approved with no additions or corrections.

Mayor Pro Tem Dixon presented a proclamation to Westminster High School teacher Craig Cogswell in recognition of his being named Teacher of the Year 2000.

Council approved the following: Westminster Boulevard Extension Relocation Policy; Contract for Household Hazardous Waste Pick-up Services; and an Intergovernmental Agreement for Special Transit Services.

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

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM.

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND.

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

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS.

At 8:05 P.M. the meeting was adjourned.

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk

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