



# WESTMINSTER

## Staff Report

TO: The Mayor and Members of the City Council

DATE: January 25, 2006

SUBJECT: Study Session Agenda for January 30, 2006

PREPARED BY: J. Brent McFall, City Manager

*Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.*

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

*A light dinner will be served in the Council Family Room* 6:00 P.M.

### CONSENT AGENDA

None at this time.

### CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

### PRESENTATIONS

6:30 P.M.

1. Municipal Court 2005 Year-End Report
2. Prairie Dog Management Policy Update
3. Rocky Flats Update on Closure, Transition and Wildlife Refuge
4. Individual Lot Grading

### EXECUTIVE SESSION

None at this time.

### INFORMATION ONLY

1. 2005 Residential Development Report
2. 2005 Residential Development Report Attachment
3. Arbor Day, Earth Day and Volunteer Programs Open House Date

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall  
City Manager

## MEMORANDUM

TO: Mayor and City Council

FROM: John A. Stipech, Presiding Judge

DATE: January 30, 2006

SUBJECT: Municipal Court 2005 Year-End Report

**INTRODUCTION:** This report is a summary of the Court's activities from January 1 through December 31, 2005.

### I. Court Workload

COURT	YTD	YTD	Difference
	Dec-05	Dec-04	
Municipal Ord (aka Criminal)	3,224	3,255	-1%
Domestic Violence	350	366	-4%
<b>Total Criminal</b>	<b>3,574</b>	<b>3,621</b>	<b>-1%</b>
No Proof of Insurance	1,337	2,946	-55%
Traffic Mandatory (aka Criminal)	518	511	1%
Traffic Payable (aka Infraction)	12,439	9,606	29%
<b>Total Traffic without parking</b>	<b>14,294</b>	<b>13,063</b>	<b>9%</b>
<b>Total Criminal &amp; Traffic w/o parking</b>	<b>17,868</b>	<b>16,684</b>	<b>7%</b>
<b>Parking</b>	<b>1,978</b>	<b>1,992</b>	<b>-1%</b>
<b>Court Grand Total</b>	<b>19,846</b>	<b>18,676</b>	<b>6%</b>

In regard to the traffic and criminal matters, the above chart indicates a 7 percent increase in case filings for the 2005 year. We began receiving No Proof of Insurance violations not involving an accident in August and received 1,337 filings through December. We anticipate that next year we will receive over 3,000 No Proof of Insurance violations. With the Police Department adding a significant number of new officers in recent years, we are anticipating a marked increase in the traffic citations that will be issued in 2006.

### II. Probation Section

The Probation Section is supervised by Probation Services Coordinator Brian Poggenklass. During part of 2005, in addition to his responsibilities with the Probation Section, Mr.

Poggenklass assumed additional supervisory duties as a result of a vacancy in the Deputy Court Administrator position. We are currently in the process of hiring a new Probation Officer to fill the juvenile position that was vacated in October of 2005. Probation Services Coordinator Brian Poggenklass and Probation Officer Tracy Cutshaw assumed additional caseload responsibilities while this position was vacant.

<b>PROBATION</b>	<b>MTD Dec-05</b>	<b>MTD Dec-04</b>	<b>Difference</b>
Total active caseload in probation	654	606	8%
Total active DV on probation	287	263	9%
Number of active VIPs (Volunteers in Probation)	8	9	-11%
Cases currently supervised by VIPs	7	10	-30%
Supervised probation caseload	215	206	4%
Unsupervised probation caseload	432	390	11%
Total adult caseload	512	484	6%
Total juvenile caseload	142	122	16%
Total PSI completed for the year	121	112	8%

### **III. Programs**

#### **Mock Trial and Moot Court**

We obtain mock trial and moot Court information from the American Bar Association and make this information available for elementary, secondary and high school students. Our courtrooms are available for various school programs, if requested. Field trips are encouraged and the Court welcomes students from our community to attend Court and see how the system works.

#### **Jury Shadowing Program**

The program will be designed to educate high school and possibly middle school students regarding jury service and the how the judicial system operates. The teachers will instruct the students in the classroom and Judge Paul Basso and I will conduct seminars prior to the actual trials. The students will be given the factual situations before the trials begin and then will observe the proceedings as the trial occurs. We anticipate that the students can be broken up into five or six groups. When the actual jury begins its deliberations, then the student groups will begin their deliberations and reach their own independent verdicts. The student juries will give the students actual Courtroom experience. After the jury reaches its verdict, the students will be able to compare their verdicts with the real verdict and the verdicts of their fellow students. I think it will be a valuable tool in teaching the students about our judicial system and specifically, how the jury system operates.

### **Mediation-Dispute Resolution**

We are continuing to encourage dispute resolution through the City's mediation services. These services are available to present a non-court intervention for minor disputes between our citizens as an alternative to filing a court action to resolve local or neighborhood issues. The mediation process works best when individuals from a neighborhood get a chance to communicate and hopefully see the other side's point of view. The Court has experienced enough success with the City's program to continue implementing it whenever possible.

### **Generous Juror Program**

The program has been in effect since July 5, 2002. In 2005, jurors donated \$2,331 to the Westminster Firefighters Burn Fund. The charity selected for 2006 is the Light for Life Foundation/Yellow Ribbon Suicide Prevention Program.

### **IV. Security**

Our customer service includes a security screening process conducted by Wackenhut Security Officers. The guards track the number of citizens coming into the Court facility through the front check point as well as the items they are attempting to bring into the Court.

In 2005, the Wackenhut Security Officers screened 42,391 citizens. The following items were confiscated or ordered returned to the customer's vehicle.

Knives	842	Handcuffs	16
Scissors	164	Handcuff keys	79
Screwdrivers	149	Firearms	1
Razors	31	Ammunition	1
Mace	80	Cameras	215
Tools or clubs	273	Audio / Video Recorders	45
Chains	72	Other prohibited items	228

### **V. Jail Space**

The Court continues to receive excellent support from both Adams County and Jefferson County Sheriff's Offices in housing our prisoners. I am hopeful that we will have continued bed space available in the future. Clear Creek County is still available as an alternative if we are denied space in either Adams or Jefferson Counties, however, using Clear Creek would require a per diem payment for prisoner housing. The Juvenile Detention Center in Jefferson County has been very cooperative and will house our juvenile offenders if we notify them in advance and they have bed space available. The threat of a possible jail sentence to a minor is essential to our probation program's effectiveness. We are continuing to work with the detention officials to meet their requests. Adams County Detention facilities will not accept juveniles from the Municipal Court. I do not anticipate that their policy will change in the very near future.

## **VI. Diversion Programs-Assessment Centers**

The North Metropolitan Diversion Center has been a valuable resource to the Police Department and the Court since its inception. We continue to rely on their services to deal with the Adams County defendants, especially the juvenile offenders. The Jefferson County Program is fully implemented taking both drug and alcohol offenders. The officers are pleased with the cooperation and assistance these programs provide and the Court is relieved of handling hearings or trials that would be coming to us in absence of these programs. We will offer continued support to these programs and hopefully, they will receive the funding necessary to conduct a very valuable service to the community.

The North Metro Community Diversion and Youth Diversion Programs and the Jefferson County Youth Alcohol Intervention Program are providing assistance to both the Police Department and the Court in dealing with the juvenile offender. The Adams County Diversion Program utilizes the services of the Institute for Substance Abuse Education (I.S.A.E) provider. The Jefferson County Diversion group is currently using Counseling Evaluation and Treatment Program (C.E.T.P.) provider to facilitate their program.

## **VII. Customer Service**

With the installation of the Records Management System we are able to more efficiently process the case filings. The system's capability to process and record extensive information is invaluable in tracking court cases and storing information. We are able to produce accurate financial information for Finance and provide a breakdown of filings by category. The staff and administration have done an excellent job in implementing and learning the system.

The Court utilizes four arraignment sessions on Thursday, which is our high volume traffic day. The arraignments are held at 8:30 a.m., 9:30 a.m., 1:30 p.m., and 2:30 p.m. Defendants are assigned arraignment times by utilizing the first letter of their last name. The Court staff can change arraignment times and dates telephonically if the times or dates are inconvenient to the defendants. We try to be sensitive to the work schedules and conflicts individuals have especially in traffic cases.

The Court implemented procedures to make the Court experience less onerous and time consuming. Examples are:

- The Probation Section continues to offer both morning and afternoon appointments in an effort to accommodate the defendants' schedules. Additionally, evening appointments are offered one day per week. Probation review hearings and revocation hearings are scheduled in the mornings. Hearings for juvenile offenders are scheduled one Wednesday evening per month to accommodate juvenile defendant parents who are working during the day.
- Interpreters are provided for all non-English speaking defendants or victims. The Court utilizes an organization that has access to 165 interpreters to facilitate telephone advisements and dispositions. The telephonic interpreters are only utilized when live interpreters are not

available. We utilize Spanish speaking interpreters to meet the needs of our growing Hispanic population. Interpreters for Vietnamese, Hmong, Chinese, Russian, and various Eastern bloc countries are available and provided upon request.

### **VIII. 2005 Projects and Accomplishments**

- **Building Structural Study** – The Court Administrator and the Facilities Manager are working with Borne Engineering on this project. Borne Engineering visited the Court premises December 15 to begin the mechanical and structural aspects of the evaluation.
- **Card Key Project** – Throughout this year, the Court Administrator and Probation Services Coordinator worked with various City staff on this project. As of December 7, 2005, the Court building has been changed from a physical key system to a card key access only system. This is the same system used by City Hall.
- **Colorado Bureau of Investigation (CBI) Coordinator** – In July, the Court CBI Coordinator left City employment. In August, the Court Administrator worked with the Police Records Supervisor who volunteered to be the Coordinator for the Court.
- **Court Computer Server** – In July, the Court Administrator met with various IT staff regarding moving the Court server to a different location within the Court Building for security reasons. Ultimately, the server was taken to City Hall and put in the controlled environment of the IT department.
- **Court Procedures Manuals** – In July Court staff began working on developing procedure manuals for the desks they are assigned to. The manuals will contain explicit instructions on how to perform the various tasks and duties assigned to the desks. This is an on-going project.
- **Emergency Procedures** – This project started in May 2003 when the Court's safety representative asked that the existing Evacuation Plan be reviewed since it was outdated. Meetings began in June 2003 with Court Administrator Carol Barnhardt, Deputy Court Clerk Colleen Evans, Risk Manager Martee Erichson, Emergency Manager Mike Reddy, Deputy Fire Marshall Doug Hall and Fire Captain Derik Minard. Meetings continued through 2005. A template was developed and became the model to be used by all City Departments and Divisions. The Court project was completed in October 2005.
- **FACTS on the Web** – The Court Administrator worked with Internet Software Engineer Dannie Moore on the conversion of the Court's old FACTS Records Management System information to be converted into a web based format. This project started in February of 2005 and was implemented and access made available to staff in September 2005.
- **Imaging** – The Court Administrator is working with Senior Management Analyst Michele Kelley and IT staff on implementing the LaserFische imaging system in the Court.

- **Jury Trial Time Limit Changes** – Legislation regarding the time to request a Jury Trial was amended and took affect August 1, 2005. The Court Administrator worked with the City Attorney’s staff regarding the changes to the City’s Ordinance.
- **Office Redesigns** – Based on an ergonomic study completed by Risk Manager Martee Erichson and Wellness Coordinator Nicki Leo in 2004, the Court Administrator, Deputy Court Administrator and Collection Supervisor offices all needed updated desks, chairs and furnishings. Carryover funds were requested and approved. The project was completed in October 2005.
- **Performance Measures** – The Court Administrator, the Probation Supervisor Coordinator and Environmental and the Administrative Services Officer met in July to discuss revision of the Court’s Performance Measures.
- **Rights Advisal Video** – With the changes in the time limits to demand a Jury Trial, Judge John Stipech and the Probation Services Coordinator made a new Rights Advisal Video that is played daily to the defendants.
- **Warrant Audit** – In July it came to the attention of the Court Administrator and the Police Records Supervisor that there were possibly old open warrants that had not been cancelled in the Colorado Crime Information Center (CCIC) system. Through a coordinated effort of both divisions and within 60 days, Police Staff Vinchenza Burney and Sharon Day and Deputy Court Clerks Tara Plamowski and Vanessa Hamilton completed an audit of approximately 2,500 open warrants. The audit reduced the likelihood that defendants would be taken into custody on outdated warrants thereby saving inconvenience to citizens and potential liability to the City.

## **IX. Staffing**

The Court is fully staffed with the exception of one Probation Officer. The position became vacant in October 2005 and is anticipated to be filled on February 6, 2006. Once the new employee begins, the pressure on the Probation Section will be alleviated. Mr. Poggenklass and Ms. Cutshaw have exhibited yeoman efforts in covering for the vacated Probation Officer position duties. All the Court dates were met and the Pre-Sentence and Motion Hearings were held on time and with great expediency and efficiency.

During the last quarter the Court staff demonstrated outstanding spirit and cooperation in covering all duties of the unfilled positions. The staff came together as a unit and under the leadership of the Court Administrator the system was held together and provided excellent service to our customers and the community. We had no disruptions in service and the general public was unaware of our under-staffed employee situation.

We are fortunate to have two supervisory positions filled by highly qualified individuals. Susan Wooster came to us from Arvada Municipal Court to fill the Collection Supervisor position. She brings enthusiasm and competence to the position and has been a valuable addition to the staff.

The Deputy Court Administrator position was filled by Nevada Torres who formerly was a Court Administrator for the State of New Mexico. Along with her vast experience, she has a very charming and warm personality which enabled her to fit in with the staff immediately. We were also fortunate to secure the employment of Mary Leicester, Art Gomez, Valerie Cox and Gerilyn Nichols.

With our three supervisors in place and with the anticipated filling of the Probation Officer position, the Court is prepared to meet the demands the New Year may bring.

## **X. Summation**

2005 was a very busy year. The Court processed nearly 20,000 case filings. We have received continued support from the other Departments and would like to acknowledge the assistance of the City Manger's Office and our Department Head Matt Lutkus. We continue to be available for any suggestions or directives City Council wish the Court to address.

cc: Brent McFall  
City Manager





# WESTMINSTER

## Staff Report

City Council Study Session Meeting  
January 30, 2006



SUBJECT: Prairie Dog Management Policy Update

PREPARED BY: Richard Dahl, Park Services Manager

### Recommended City Council Action:

Review the following staff report that outlines the process the Department of Parks, Recreation and Libraries uses to manage the prairie dog populations on City-owned properties. Staff will attend the Study Session to make a presentation regarding this policy, provide additional information, and will be available to answer questions.

### Summary Statement:

- On February 11, 2002, City Council adopted Resolution No. 8 re: Prairie Dog Management on City Property (attached), which outlines the process under which prairie dogs will be managed within the City of Westminster.
- Over the last 10 years, the City has relocated approximately 1,500 prairie dogs to various City Open Space lands.
- Currently, there are no prairie dog relocation sites available in Adams County or on City-owned property in Jefferson County.
- Colorado State Law defines prairie dogs as small game and destructive rodent pests.
- Colorado State Law prohibits the transport and release of prairie dogs between counties unless the board of county commissioners of such county approves, by resolution, the cross-county transfer.
- For the past three years, Jefferson County has not approved any requests for cross-county prairie dog relocations.
- Between July 2003 and September 2005, the Parks, Recreation and Libraries Department completed three separate prairie dog extermination measures due to concerns for public health and safety, environmental impacts, and the unavailability of suitable relocation sites.
- In July 2004, the City commissioned a prairie dog impact study conducted by ROE Ecological Services, LLC, a wildlife biologist consulting firm, to survey and make recommendations regarding the prairie dog population on City-owned properties in Westminster.
- Between October 2001 and December 2005, the Department of Parks, Recreation and Libraries expended \$183,870 on prairie dog management measures.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

## **Policy Issue**

Does City Council wish to continue with the existing Prairie Dog Management Policy as outlined in Resolution NO. 8 Prairie Dog Management on City Property.

## **Alternatives**

1. City Council could direct staff to modify the existing management policy.
2. City Council could direct staff to draft a new prairie dog management policy.
3. City Council could choose to not allow any management or control of prairie dogs on City property.

## **Background Information**

Resolution NO. 8 gives authority for prairie dog management on City-owned lands to the Department of Parks, Recreation and Libraries (PR&L) and “to work toward a balanced wildlife environment on City Open Space property where wildlife habitat is preserved and enhanced for predator and prey alike.” Although the Department of PR&L always looks at relocation as its first option, it is also given the authority under Resolution NO. 8 to “consider other alternatives to prairie dog relocation if relocation is 1) not fiscally reasonable, 2) not environmentally sound, 3) not timely to achieve, or 4) if it poses a health threat.”

For the past several years, the Department of PR&L has observed an increasing prairie dog population and management problem on both developed and undeveloped park sites and on some Open Space properties. Relocation has been complicated by the lack of prairie dog relocation sites in Adams County and a State Regulation that does not permit cross-county relocation without permission of the affected County Commissioners. Since 2002 the Jefferson County Board of Commissioners has refused to grant cross-county permits to the City of Westminster even though the City owns open space in Jefferson County.

Due to health and safety issues for adjacent property owners and environmental degradation of City-owned park and Open Space land, Staff has been forced to reduce the expanding prairie dog populations at the following properties:

- Windsor Park (2003)
- Cobblestone Park (2004)
- Westfield Village-new park construction (2005)
- Waverly Acres Park/Hyland Ponds Open Space (2005)

Control measures at Windsor Park and Waverly Acres were done at the request of homeowners who were fearful of potential plague outbreaks, as well as prairie dogs invading their yards and concerned over the damage being done to the landscaping of the parks. These control measures were done only after all viable options for relocation, as outlined in Resolution NO. 8, had been explored.

Since 2001, the Department of PRL has expended \$183,870 on the following prairie dog management programs and projects including the following:

- \$32,166 - Prairie dog fencing and visual barriers
- \$24,329 - Prairie dog relocation
- \$11,700 - Prairie dog extermination
- \$14,543 - Prairie dog management study (ROE Ecological Services)

The Westfield Village Park located at 1150 Wolff Street, which is nearing completion, had the following prairie dog management costs:

- \$37,580 - Prairie dog capture, euthanize and transfer to the Raptor Program in Ft. Collins
- \$ 8,046 - Prairie dog visual barrier
- \$ 364 - Prairie dog extermination
- \$53,872 - Cost to construct barriers including below-ground netting, visual block fencing, tall shrubbery, wetlands and related infrastructure to keep the prairie dogs from invading Westfield Village Park from the adjacent Community College Open Space.

Parks, Recreation and Library Staff continue to follow Resolution No. 8, as adopted by Council on February 11, 2002, (attached). In addition, the consulting firm, Roe Ecological Services, LLC has been hired to provide scientific wildlife management recommendations for all of the properties currently under the stewardship of the Department of Parks, Recreation and Libraries.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



## WESTMINSTER

### Staff Report

City Council Study Session Meeting  
January 30, 2006



**SUBJECT:** Rocky Flats Update on Closure, Transition and Wildlife Refuge

**PREPARED BY:** Al Nelson, Rocky Flats Coordinator  
Ron Hellbusch, Special Projects Coordinator

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

Listen to the presentation and provide feedback to Staff. Appropriate actions will be recommended for City Council consideration at the February 13, 2006 City Council meeting.

#### **Summary Statement**

- Elected officials and Staff representing the Rocky Flats Coalition of Local Governments (RFCLOG) have been working on an Intergovernmental Agreement (IGA) in order to officially establish the new post-closure oversight organization to be known as the Rocky Flats Stewardship Council (RFSC).
- A Resolution and the IGA will be prepared for City Council consideration at the February 13, 2006 City Council meeting to terminate the RFCLOG and establish the new RFSC and authorize the expenditure of \$1,000 annually to supplement the Department of Energy's (DOE) funds for the RFSC. In addition, Council will be requested to make City appointments to the RFSC.

**Expenditure Required:** \$1,000/year

**Source of Funds:** Utility Fund – Rocky Flats Budget

## **Background Information**

### Rocky Flats Coalition of Local Governments

An Intergovernmental Agreement dated February 9, 1999 established the RFCLOG. Effective October 13, 2005, the Rocky Flats Site was declared to be “physically cleaned up” and closed down, with the DOE’s acceptance of the clean up on December 8, 2005. Regulatory approval of the closure is anticipated to be concluded in late 2006.

Kaiser-Hill and DOE completed the site cleanup in mid-October. The EPA certification of official clean up and closure was announced November 1. The work task during at least the first half of 2006 will be "regulatory closure," a process of finalizing the drafting, review and approval of agreements for long-term stewardship and site monitoring. City staff will focus on the task of document review and submitting comments when appropriate. It is anticipated this process will be concluded by mid-summer, 2006.

### Rocky Flats Stewardship Council (Local Stakeholder Organization)

The DOE Office of Legacy Management must establish a “local stakeholder organization” (LSO) at the Rocky Flats Site. The DOE Office of Legacy Management has provided the Coalition with certain guidance in the establishment of the LSO, based upon the language of the 2005 National Defense Authorization Act. The new RFSC will be the LSO for Rocky Flats.

The Agreement to form the LSO must be reviewed every third calendar year. Any party may withdraw from participation in this Agreement upon 30-day’s written notice to the Board of its intent to withdraw.

The new RFSC will provide: (1) continuing local oversight at the Rocky Flats site; (2) a forum to address issues facing former site employees; (3) an ongoing mechanism to maintain public knowledge of Rocky Flats; and (4) support Fish and Wildlife Service in developing the National Wildlife Refuge.

The Board of Directors of the RFSC will consist of twelve members. Each local government will designate a Director and two alternates. Councilor Jo Ann Price and Special Projects Coordinator Ron Hellbusch had been serving as the elected and alternate representatives for the City of Westminster on RFCLOG. Staff is requesting that new appointments be made at the City Council meeting.

Once the RFSC is formed, the Board will determine an annual budget. There will be a carry-over of approximately \$500,000 from RFCLOG to the RFSC. A local Government contribution of \$1,000 per year is being requested from each member of the RFSC.

### National Wildlife Refuge

Dean Rundle, US Fish & Wildlife Service Manager of the Rocky Flats National Wildlife Refuge and the Rocky Mountain Arsenal National Wildlife Refuge will be present to update City Council on the plans and schedule for development of the Rocky Flats National Wildlife Refuge. Rundle and City staff will also report on opportunities for community involvement in the development and oversight process.

Staff Report – Rocky Flats Update on Closure, Transition and Wildlife Refuge  
January 30, 2006  
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Respectfully submitted,

J. Brent McFall  
City Manager

Attachments: Weapons Complex Monitor Vol. 16 No. 42



## Staff Report

Study Session Meeting  
January 30, 2006



SUBJECT: Individual Lot Grading

PREPARED BY: Dave Downing, City Engineer

### Recommended City Council Action:

Direct City Staff to prepare a resolution to amend the building permit fee schedule to include a \$400 per lot plan review and inspection fee for individual lot grading.

### Summary Statement

- Due to a lack of available resources, City Staff has previously performed very little inspection of the manner in which individual residential lots are graded prior to the issuance of Certificates of Occupancy (CO) for the houses on those lots. On the relatively few occasions in which home owners later complained to the City about poor drainage on their lots, Staff has referred these residents to their respective home builders for resolution of the matter.
- With the current trend toward smaller lots and reduced building setbacks from property lines, the opportunity for inadvertent drainage problems on individual lots has increased and the severity of these problems has heightened. City Staff now recognizes the need to perform enhanced review and inspection services for appropriate lot grading.
- Staff has identified a Westminster-based engineering and surveying firm that is capable of providing the desired services in a competent, timely and cost-effective manner. It is proposed that the City contract with this firm to perform lot grading review and inspection services on all new residential subdivisions in the City.
- It is further recommended that the \$400 per lot charge for a “normal” review and inspection of the grading on an individual lot as well as additional charges for any re-inspections necessitated by the builders failure to comply with City requirements be passed on to the home builders.
- Appropriate City Staff will attend the January 30 City Council Study Session to discuss this proposal with City Council.

**Expenditure Required:** The proposed fee would be borne by the home builders

**Source of Funds:** N/A

### **Policy Issue(s)**

Should the City impose a new fee on home builders to pay for the review and inspection of the grading of residential lots?

### **Alternative(s)**

- The City could absorb the costs associated with the services proposed to be provided by the private consultant. This alternative is not recommended due to the fact that the proposed review and inspection of individual lot grading represent valuable services to the future owners of these lots as well as a service to the home builders' industry. In addition, The City's general fund is not in a position to absorb these costs.
- The City Council could create new positions on Staff to perform the proposed review and inspection services. This alternative is not recommended because the cost of "out-sourcing" this work is very reasonable and much more economical than the cost of hiring new employees.
- Existing City Staff could attempt to provide the proposed new review and inspection services. This alternative is not recommended due to the ongoing high level of activity within the Building and Engineering Divisions of the Department of Community Development that would preclude Staff's ability to undertake these additional duties. Furthermore, some of the proposed inspection services would best be performed by a Professional Land Surveyor (PLS). While there is currently one PLS on Staff within the Engineering Division, this employee is fully occupied serving as the Senior Projects Engineer on such major endeavors as the 144<sup>th</sup> Avenue/I-25 Interchange construction.

### **Background Information**

One component of the construction plan package that is provided by all developers of property within the City of Westminster is an Overlot Grading Plan for their site. Personnel of the City's Engineering Division review the Overlot Grading Plan for general conformance with the approved Drainage Study for the development. But, this Plan is a big picture view of the entire development; it does not show the detail of drainage patterns on individual lots. Frequently, the developer of a subdivision will not know which model of house will be constructed on any given lot, so it is usually impossible for the Overlot Grading Plan to reflect the proposed grading on individual lots to any level of specificity.

Later in the development process, personnel of the City's Building Division check for adequate drainage away from the foundations of homes during the course of their inspection of the building construction. "Plot plans" of individual lots are also provided to the Building Division with building permit applications, but these plans typically only indicate the horizontal alignment of the structure on the lot. As a result, the final grading of each lot occurs in an independent fashion with attention paid to draining the one lot in question instead of consideration for how the grading of each lot will fit together in an integrated manner. As randomly spaced lots within a subdivision are fine graded, it is not unusual for last-minute revisions, such as the installation of unanticipated retaining walls, to be implemented to allow the last few lots to properly drain. Unfortunately, the home builders on some of the final remaining lots within developments will find themselves "boxed in" by the grading work that previously occurred on adjacent lots leaving little opportunity for appropriate drainage on those last lots.



The recent trend toward smaller lots with homes designed to the minimum setback lines and reduced setbacks from property lines has caused individual lot grading problems to increase in number and to intensify in severity. A larger lot with greater setbacks allows room for minor mistakes in the elevation or horizontal location of the foundation to be mitigated within the boundaries of that same lot. But, a small lot leaves little margin for error. Staff is now spending an extraordinary amount of time negotiating lot grading problems with home builders that sometimes result in undesirable solutions such as the installation of an inordinate number of retaining walls or marginally effective drainage swales. There is a need for greater scrutiny of the design and execution of individual lot grading that cannot be provided through current staffing.

In December of last year, Staff contacted Borne Engineering, a Westminster-based engineering and surveying firm that is experienced in private development, to explore the possibility of out-sourcing the services necessary to effectively inspect the grading of individual lots. Mr. Fred Hoyt, the President of Borne Engineering, responded with an attractive offer. Mr. Hoyt proposed to:

- 1) Review and provide comments to City Staff on the submitted plot plan for a residential lot;
- 2) Survey the forms before the foundation is poured to assure proper elevation and horizontal location within the lot, and
- 3) Perform a final onsite inspection of the lot grading for the total price of approximately \$400 per lot.

This charge would be exclusive of any costs for the re-inspection of the plot plan or re-survey of the foundation forms necessitated by the home builders' failure to meet City requirements. Furthermore, Mr. Hoyt committed to a maximum turnaround time of 48 hours for any of the three facets of his proposed scope of work. It is presumed that Borne Engineering is able to propose such a reasonable fee due to the close proximity of their office to all possible jobsites within the City. It is also likely that Mr. Hoyt realizes that exceptional performance by his company could result in a high volume of this type of work with the City. Because Borne's fee proposal was so reasonable, Staff did not contact any other firms.

Staff contracted with Borne Engineering on a very limited basis at the beginning of this year to test how the out-sourcing of these services would function. The consultant has been performing plot plan reviews for lots within Park Place Subdivision, a small lot, residential development located on the east side of Westminster Boulevard at 95<sup>th</sup> Avenue. To date, Staff has been pleased with the service that has been provided by Borne Engineering. Their comments on plot plans have been pertinent and timely and, in more than one case, major drainage problems have been avoided due to the consultant's diligent reviews. No foundations have been formed at Park Place, so that aspect of Borne's performance has not yet been tested.

Staff has advised the members of the Home Builder's Association that this enhanced level of individual lot grading inspection is under consideration by the City. Written reactions have been received and, on January 6, 2006, appropriate City Staff met with interested builders to discuss the proposal in detail. The comments from the area home builders fall into two major categories:

- 1.) Apprehension over the consultant's ability to respond promptly to requests for inspections, and
- 2.) Concern that efforts are being duplicated due to the fact that home builders regularly employ their own consultants to survey foundation forms.

Individual Lot Grading

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No negative reaction to the amount of the additional fee, which will likely be passed on to the purchaser, was received.

City Staff is sensitive to the builders' concern about the timeliness of Borne's response to requests for inspections. Mr. Hoyt understands that time is of the essence to the builders, and he is firmly committed to the 48-hour turnaround schedule that he has proposed. Staff would closely monitor Borne's performance to assure that contractors are not unduly delayed in the course of their work.

With respect to the comments regarding a duplication of effort, Staff agrees that the system of foundation form inspection by independent surveyors should work in a desirable manner. Theoretically, any surveyor should be able to detect improper elevations or horizontal locations of forms. It is possible that contractors, in the interest of time, may occasionally proceed with foundation pours under the assumption that any errors in elevations can be mitigated elsewhere within the lots. Under the proposed system of inspection, foundation pours would not be permitted until the forms are set within allowable tolerances.

It is Staff's intent that, if approved by Council, the new fee would be implemented as soon as possible and Borne Engineering would begin providing these services on all new residential lots. Appropriate City Staff will be in attendance at the January 30 City Council Study Session to further address this issue.

Respectfully submitted,

J. Brent McFall  
City Manager



# WESTMINSTER

## Staff Report

Information Only Staff Report  
January 30, 2006

SUBJECT: 2005 Residential Development Report

PREPARED BY: Shannon Sweeney, Planning Coordinator

### Summary Statement:

This report is for City Council information only and requires no action by City Council.

- The following report updates 2005 residential development activity per subdivision (please see attachment) and compares 2005 year-end unit totals with 2004 year-end figures.
- The table below shows an overall decrease (-66.4%) in new residential construction for 2005 year-end compared to 2004 year-end totals.
- Residential development activity in 2005 reflects decreases in single-family detached (-53.4%), single-family attached (-78.9%), and multi-family (-100%), and no change in senior housing development when compared to the totals in 2004.

### NEW RESIDENTIAL UNITS (2004 AND 2005)

UNIT TYPE	DECEMBER		% CHG.	YEAR-END		% CHG.
	2004	2005		2004	2005	
Single-Family Detached	20	10	-50.0	354	165	-53.4
Single-Family Attached	0	7		247	52	-78.9
Multiple-Family	0	0	0.0	44	0	
Senior Housing	0	0	0.0	0	0	0.0
<b>TOTAL</b>	<b>20</b>	<b>17</b>	<b>-15.0</b>	<b>645</b>	<b>217</b>	<b>-66.4</b>

### **Background Information**

In December 2005, service commitments were issued for 17 new housing units within the subdivisions listed on the attached table. There were a total of 10 single-family detached, 7 single-family attached, and no multi-family or senior housing building permits issued in December.

As noted in the August Monthly Residential Development Report, with the implementation of the City's new permit-tracking software (Accela), service commitments for new residential units are now awarded as the utility permits are issued (at the end of the construction process) rather than at building permit issuance (before the start of construction) as in prior residential development reports. As this process is implemented, the monthly totals in these reports may indicate a smaller number of new residential units since the totals no longer reflect recently-issued building permits.

The column labeled “# Rem.” on the attached table shows the number of approved units remaining to be built in each subdivision.

Total numbers in this column increase as new residential projects (awarded service commitments in the new residential competitions), Legacy Ridge projects, build-out developments, etc. receive Official Development Plan (ODP) approval and are added to the list.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**ACTIVE RESIDENTIAL DEVELOPMENT**

<b><u>Single-Family Detached Projects:</u></b>	<b>Nov-05</b>	<b>Dec-05</b>	<b>2004 Total</b>	<b>2005 Total</b>	<b># Rem.*</b>
Asbury Park III (94th & Teller)	0	0	1	0	0
Asbury Acres (94th & Wadsworth Bl.)	0	0	2	4	0
Bradburn (120th & Tennyson)	0	1	51	22	128
CedarBridge (111th & Bryant)	0	0	4	0	6
Country Club Highlands (120th & Zuni)	0	0	0	0	118
Covenant (115th & Sheridan)	0	0	6	0	0
Hazelwood Annexation (147th & Huron)	0	0	1	0	0
Huntington Trails (144th & Huron)	0	0	0	0	210
Legacy Ridge West (104th & Leg. Ridge Pky.)	0	0	150	43	9
Lexington (140th & Huron)	0	0	0	0	5
Maple Place (75th & Stuart)	0	0	4	0	0
Meadow View (107th & Simms)	0	0	6	5	9
Park Place (95th & Westminster Blvd.)	1	0	0	1	99
Quail Crossing (136th & Kalamath)	0	0	9	0	0
Ranch Reserve (114th & Federal)	0	0	3	1	2
Ranch Reserve II (114th & Federal)	1	2	16	5	4
Ranch Reserve III (112th & Federal)	0	0	10	0	1
Savory Farm (112th & Federal)	0	0	4	0	0
Various Infill	0	0	3	2	13
Village at Harmony Park (128th & Zuni)	5	7	79	82	41
Wadsworth Estates (94th & Wads. Blvd.)	0	0	5	0	1
Winters Property (111th & Wads. Blvd.)	0	0	0	0	8
Winters Property South (110th & Wads. Blvd.)	0	0	0	0	10
<b><i>SUBTOTAL</i></b>	<b>7</b>	<b>10</b>	<b>354</b>	<b>165</b>	<b>664</b>
<b><u>Single-Family Attached Projects:</u></b>					
Alpine Vista (88th & Lowell)	0	0	0	0	84
Bradburn (120th & Tennyson)	0	7	92	25	48
CedarBridge (111th & Bryant)	0	0	0	0	2
Cottonwood Village (88th & Federal)	0	0	10	0	72
East Bradburn (120th & Lowell)	0	0	0	0	117
Highlands at Westbury (112th & Pecos)	0	0	75	25	71
Hollypark (96th & Federal)	0	0	0	0	20
Legacy Village (113th & Sheridan)	0	0	0	0	94
Ranch Creek Villas (120th & Federal)	0	0	32	0	0
Summit Pointe (W. of Zuni at 82nd Pl.)	0	0	4	0	58
Sunstream (93rd & Lark Bunting)	0	0	4	2	22
Walnut Grove (108th & Wadsworth)	0	0	30	0	0
<b><i>SUBTOTAL</i></b>	<b>0</b>	<b>7</b>	<b>247</b>	<b>52</b>	<b>588</b>
<b><u>Multiple-Family Projects:</u></b>					
Bradburn (120th & Tennyson)	0	0	0	0	54
Mountain Vista Village (87th & Yukon)	0	0	0	0	24
Prospector's Point (87th & Decatur)	0	0	17	0	29
South Westminster (East Bay)	0	0	0	0	64
South Westminster (Harris Park Sites I-IV)	0	0	27	0	12
<b><i>SUBTOTAL</i></b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>0</b>	<b>183</b>
<b><u>Senior Housing Projects:</u></b>					
Covenant Retirement Village	0	0	0	0	32
Crystal Lakes (San Marino)	0	0	0	0	7
<b><i>SUBTOTAL</i></b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>39</b>
<b>TOTAL (all housing types)</b>	<b>7</b>	<b>17</b>	<b>645</b>	<b>217</b>	<b>1474</b>

\* This column refers to the number of approved units remaining to be built in each subdivision.



# WESTMINSTER

## Staff Report

Information Only Staff Report  
January 30, 2006



SUBJECT: Arbor Day, Earth Day and Volunteer Programs Open House Date

PREPARED BY: Rachel Harlow-Schalk, Environmental and Administrative Services Officer  
Rob Davis, City Forester  
Pam Mayhew, Volunteer Coordinator  
Patti Wright, Open Space Volunteer Coordinator

### Summary Statement:

This report is for City Council information only and requires no action by City Council.

The Arbor Day, Earth Day and Volunteer Programs Open House events have been scheduled for Saturday, April 22, 2006, from 9 a.m. to 12 p.m. at the City Park Recreation Center, outside the south (main) entrance. Staff, members of the Environmental Advisory Board and metropolitan Denver volunteer agencies will be available to respond to questions on Earth Day, Arbor Day and volunteer opportunities. Citizens will be provided a free tree and a tote bag including handout information on this year's Earth Day theme of *Environmental Sustainability*. Westminster Forestry will bring free tree seedlings, and residents will be able to pick up information regarding the City's Limb Recycling, Plant a Street Tree, and Living Legacy tree programs. The Volunteer Programs Open House invites citizens to discover the many volunteer opportunities available in Westminster and the metropolitan Denver area.

### Background Information

Annually, the City hosts an Arbor Day and Earth Day event at the City Park Recreation Center to recognize these two national days of observance. Hosting this event is a necessary component of Westminster's status as a Tree City USA. Staff and members of the Environmental Advisory Board host this event to educate citizens on the importance of trees and environmental matters within the community. Free trees and tote bags are distributed to provide an ongoing reminder of these days of observance beyond the one-day event. Last year's event resulted in the distribution of over 200 tree saplings and nearly 250 tote bags.

In 2004, the City began hosting a Volunteer Programs Open House, in coordination with the Arbor Day and Earth Day events, to help citizens identify ways in which they can volunteer in Westminster. The City also invited other volunteer agencies to participate in the Open House providing citizens with diverse opportunities to support their community. In addition to City volunteer opportunities, ten additional agencies were present to provide information on volunteering within their organizations.

Respectfully submitted,

J. Brent McFall  
City Manager