



WESTMINSTER
COLORADO

APRIL 9, 2001
7:00 P.M.
AGENDA

Please turn OFF cell phones and pagers during meetings

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. Certificate of Achievement for Excellence in Financial Reporting
 - B. Police Department Service Awards
 - C. Proclamation re Arbor Day/Earth Day/Tree City USA Activities
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Street Sweeper Purchase to McDonald Equipment Co for \$124,909
 - B. Asphalt Roller Purchase to Power Equipment Co, in the amount of \$33,388
 - C. Water Treatment Chemicals Ferric Chloride to PVS Tech for \$113,010, Caustic Soda to Interstate Chemical for \$26,038, and Chlorine to DPC Industries for \$36,284
 - D. Traffic Calming Project Engineering Design Contract with Bucher, Willis & Ratliff for \$49,619
 - E. Westminster Boulevard Extension project amendment with SEMA Construction, Inc. for \$375,000
 - F. CB No. 7 re appropriating \$125,833 for Leyden Reservoir Dam Improvements (Hicks-Merkel)
 - G. CB No. 8 re Harlan Street Annexation (Kauffman-Merkel)
 - H. CB No. 9 re Harlan Street Zoning to O-1 (Kauffman-Merkel)
 - I. CB No. 10 re CSG Systems Inc Business Assistance Package (Hicks-Atchison)
 - J. CB No. 11 re Bus Passenger Shelters (Merkel-Moss)
 - K. CB No. 13 re Promenade Development Lease at Sun Microsystem Ice Centre (Hicks-Atchison)
 - L. CB No. 14 re JeffCo Joint Venture Grant Supplemental Appropriation (Moss-Hicks)
9. Appointments and Resignations
 - A. TABLED Resolution No. 20 Appointment to Planning Commission
10. Public Hearings and Other New Business
 - A. TABLED Councillor's Bill No. 12 re Vacation of ROW in Lexington Subdivision
 - B. Authorization to Sign McKay Lake Annexation petition
 - C. Resolution No. 22 re McKay Lake Annexation
 - D. Public Hearing re Victory Church CLUP Amend, 5th Amended PDP at 118th Ave & Sheridan Blvd
 - E. Councillor's Bill No. 15 Comprehensive Land Use Plan Amendment to Public/Quasi-Public Office
 - F. Fifth Amended Docheff Preliminary Development Plan
 - G. Victory Church Official Development Plan

10. Public Hearings and Other New Business (continued)

- H. Councillor's Bill No 16 re CDBG 2001 Fund Appropriation
- I. 104th Ave & Sheridan Blvd Engineering Design Services Burns McDonnell for \$47,300
- J. Councillor's Bill No. 17 104th & Sheridan 2000 General Fund Carryover of \$52,300
- K. Resolution No. 23 re Council Rules and Procedures Travel Policy Amendment

11. Old Business and Passage of Ordinances on Second Reading

- A. Councillor's Bill No. 4 re Sign Code Amendments

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

- A. City Council
- B. Request for Executive Session
 - 1. Real Estate Matter

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B. Any person wishing to speak other than the applicant will be required to fill out a "Request to Speak or Request to have Name Entered into the Record" form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F. City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J. Final comments/rebuttal received from property owner;
- K. Final comments from City Staff and Staff recommendation.
- L. Public hearing is closed.
- M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 9, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Hicks to accept the minutes of the meeting of March 26, 2001 with no additions or corrections. Mayor Heil requested to abstain as she was not present at the meeting. The motion carried with Mayor Heil abstaining.

PRESENTATIONS

Mayor Heil presented the Government Finance Officer's Certificate of Achievement for Excellence in Financial Reporting in 1999 to Karen Creager, Tammy Hitchens, Vicky Adams, Ron Lay and Cherie Sanchez of the City's Finance Department.

Mayor Heil, Chief Dan Montgomery, and Bill Christopher presented Police Department Service Awards for Purple Heart to Officers Rance Okada and Chris Mace, Meritorious Service to Officers Brent Earhart, Dean Villano, and Tim Read, Distinguished Service to Officer Matt Trenka, and Valorous Service and Purple Heart to Officer Thomas Bunten.

Mayor Heil presented a proclamation to Open Space Supervisor Rod Larsen proclaiming April 20 as Arbor Day and accepted the City's 16th year Tree City USA Award as presented by Ralph Campbell from the Colorado State Forest Service.

CITY COUNCIL COMMENTS:

Councillor Hicks commented that the City of Westminster will be 90 years old in two days. Councillor Moss commented that there are over 12,000 trees in City of Westminster parks, open space, and City facilities. Councillor Moss congratulated the department of Community Development for their efforts on the Westminster Boulevard Extension project.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Street Sweeper Purchase to McDonald Equipment Co for \$124,909; Asphalt Roller Purchase to Power Equipment Co in the amount of \$33,388; Water Treatment Chemicals Ferric Chloride to PVS Tech for \$113,010, Caustic Soda to Interstate Chemical for \$26,038, and Chlorine to DPC Industries for \$36,284; Traffic Calming Project Engineering Design Contract with Bucher, Willis & Ratliff for \$49,619; Westminster Boulevard Extension project amendment with SEMA Construction Inc for \$375,000; CB No. 7 re appropriating \$125,833 for Leyden Reservoir Dam Improvements; CB No. 8 re Harlan Street Annexation; CB No. 9 re Harlan Street Zoning to O-1; CB No. 10 re CSG Systems Inc Business Assistance Package; CB No. 11 re Bus Passenger Shelters; CB No. 13 re Promenade Lease at Sun Microsystems Ice Centre; CB No. 14 re JeffCo Joint Venture Grant Supplemental Appropriation.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote.

Greg Jacyszyn Jr., 10250 Benton St., requested that Council remove item 8E, Westminster Boulevard Extension project amendment from the consent agenda for discussion.

Councillor Atchison requested items 8A, Street Sweeper purchase and 8F, CB No. 7 appropriating \$125,833 for Leyden Reservoir Dam Improvements be removed from the consent agenda for discussion.

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to adopt Asphalt Roller Purchase to Power Equipment Co. in the amount of \$33,388; Water Treatment Chemical purchases to PVS Tech for \$113,110, Interstate Chemical for \$26,038, and DPC Industries for \$36,284; Traffic Calming Project Engineering Design Contract with Bucher, Willis & Ratliff for \$49,619; CB No. 8 re Harlan Street Annexation; CB No. 9 re Harlan Street Zoning to O-1; CB No. 10 re CSG Systems Inc Business Assistance Package; CB No. 11 re Bus Passenger Shelters; CB No. 13 re Promenade Development Lease at Sun Microsystems Ice Centre; CB No. 14 re JeffCo Venture Grant Supplemental Appropriation. The motion carried unanimously.

WESTMINSTER BOULEVARD EXTENSION PROJECT AMENDMENT

Councillor Atchison moved, seconded by Councillor Hicks to authorize the City Manager to execute a contract change order with SEMA Construction, Inc. in the amount of \$375,000 for construction of additional street improvements in the Westminster Boulevard Extension project where they adjoin City property, and charge the expense to the appropriate capital project account. Greg Jacyszyn Jr., 10250 Benton St., requested clarification from Council on the specific area of this project. The motion carried unanimously.

STREET SWEEPER PURCHASE TO MCDONALD EQUIPMENT

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to table this item for further review by City Staff. The motion carried unanimously.

CB NO. 7 RE APPROPRIATING \$125,833 FOR LEYDEN RESERVOIR DAM IMPROVEMENTS

Councillor Hicks moved, seconded by Mayor Pro-Tem Dixon to adopt Councillor's Bill No. 7 on second reading appropriating \$125,833 in funds from the 2000 carryover funds from the General Fund for improvements to Leyden Dam Reservoir. Upon roll call vote, the motion carried, with a dissenting vote from Councillor Atchison.

TABLED RESOLUTION NO. 20 APPOINTMENT TO PLANNING COMMISSION

Councillor Atchison moved, seconded by Councillor Hicks to remove this item from the table. The motion carried unanimously.

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 20 making an appointment of Donald Anderson to the Planning Commission with term of office to expire December 31, 2001. Upon roll call vote, the motion carried unanimously.

TABLED – COUNCILLOR'S BILL NO. 12 RE LEXINGTON SUBDIVISION VACATION ROW

Councillor Kauffman moved, seconded by Councillor Hicks to remove this item from the table. The motion carried unanimously.

Councillor Kauffman moved, seconded by Councillor Hicks to pass Councillor's Bill No. 12 on first reading vacating the unnecessary right-of-way between Lots 68 and 69 within the Lexington Subdivision. Upon roll call vote, the motion carried unanimously.

MCKAY LAKE ANNEXATION PETITION

Councillor Hicks moved, seconded by Mayor Pro-Tem Dixon to authorize the City Manager to sign the annexation petition for the McKay Lake property. The motion carried unanimously.

RESOLUTION NO. 22 RE MCKAY LAKE ANNEXATION

Councillor Hicks moved, seconded by Councillor Atchison to adopt Resolution No. 22 accepting the annexation petitions submitted by the City of Westminster and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of May 21, 2001 for the annexation hearing. The motion carried unanimously.

PUBLIC HEARING RE VICTORY CHURCH CLUP AMEND, 5TH AMENDED PDP, ODP

At 7:58 P.M. the public hearing was opened on the Victory Church Comprehensive Land Use Plan Amendment, 5th Amended Preliminary Development Plan for Docheff Planned Unit Development, and Victory Church Official Development Plan located at the nwc of 118th Avenue and Sheridan Boulevard. Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation, e-mail messages from David & Pam Bayliff, 5858 West 118th Avenue; Catherine Payne, President Torrey Peaks Homeowners Assn; Lorraine Gmitter; Dan Beach, Joel Leege, Sara Nan Montgomery, 5786 W 115th Pl, Robert & Kori Miller, 5545 W 118th Ave, Steve & Vickie Sellars, 5640 W 118th Ave, and other related items as exhibits. Pastor Michael Ware, Jim Morgan, Architect, and Alex Ariniello of LSC Transportation Consultants presented their proposal to Council. The following persons spoke in opposition of this project: Robert Miller, 5545 W 118th Ave, who submitted a petition with 183 signatures in opposition; David Sharpe, 5695 W 118th Cir; Chuck Davis, 11750 Fenton St; Koreen Miller, 5545 W 118th Ave; Jeff Langan, 11788 Eaton Ct; Tom Adkins, 5302 W 116th Cir; Steve and Vickie Sellars, 5640 W 118th Ave; Connie Nicoletti, 11719 Chase Ct; Allen Campbell, 5521 W 117th Pl; Mike Rogers, 5506 W 118th Ave; Martha Clark, 9130 Osceola St; Tom Sutter, 5505 W 118th Ave; and Ishmael Moreno, 5403 W 116th Cir. Phyllis Simoneau, 7450 Knox Pl, spoke in favor of the issue. The following persons wish to have their names entered into the record in opposition of this project: Jeni Latham, 11718 Chase Ct; Kristen Loesel, 5724 W 118th Pl; Terry Kinney, 11713 Gray Way; Louise Gutierrez, 5474 W 116th Ave; Michael and Jennifer Welk, 5382 W 116th Cir; James Menees, 5383 W 116th Cir; Gary Lindgren, 5525 W 118th Ave; Sharon Sutter, 5505 W 118th Ave; Maryann and Steve Croff, 5546 W 118th Ave; Eric Everson, 11787 Eaton Ct; Ramiz Basic, 5343 W 116th Cir; Mikkel Hultin, 5282 W 116th Cir; and Dean Hubbeck, 5857 W 117th Pl. The following persons wish to have their names entered into the record in favor of this project: Darrel Smith, 1214 W 132nd Pl; Lauri Lundie, 11743 Fenton St; Roy Kinett, 10798 Murray Dr, Northglenn; Denise Fischer, 5628 W 117th Pl; Bonnie Averill, 5776 W 117th Pl; Debra Zimmerman, 5411 W 101st Ave; and Arthur Zimmerman, 5411 W 101st Ave. Mary Clark, 9130 Osceola St, wishes to have her name entered into the record.

Councillor Atchison moved, seconded by Councillor Hicks to continue the Public Hearing to the April 23, 2001 City Council meeting in order for negotiations to be conducted between the church and neighboring community, with the City providing a mediator. The motion carried unanimously. At 9:20 P.M. the public hearing was closed.

Mayor Heil called a recess at 9:20 P.M., Council reconvened at 9:35 P.M.

VICTORY CHURCH

Councillor Atchison moved, seconded by Councillor Hicks to table Councillor's Bill No. 15, Fifth Amended Docheff Preliminary Development Plan, and Victory Church Official Development Plan until negotiations have been completed between interested parties. The motion carried unanimously.

COUNCILLOR'S BILL NO. 16 RE 2001 CDBG FUND APPROPRIATION

Mayor Pro-Tem Dixon moved, seconded by Councillor Moss to pass Councillor's Bill No. 16 on first reading to appropriate 2001 CDBG funds in the amount of \$692,000 to be used for community development projects, which primarily benefit the City's low to moderate-income populations and address blight conditions in the City. Upon roll call vote, the motion carried unanimously.

104TH AVENUE & SHERIDAN BLVD ENGINEERING DESIGN CONTRACT

Councillor Atchison moved, seconded by Councillor Hicks authorizing the City Manager to execute an Engineering Design Services Contract with Burns and McDonnell in an amount not to exceed \$47,300; establish a design contingency of \$5,000; and charge the expense to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

COUNCILLORS BILL NO. 17 RE 2000 GENERAL FUND CARRYOVER FUNDS

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillor's Bill No. 17 on first reading, authorizing the supplemental appropriation of 2000 General Fund Carryover funds in the amount of \$52,300 for the preparation of preliminary and final engineering plans and construction bid documents for the 104th Avenue and Sheridan Boulevard Intersection Improvements Project. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 23 RE REVISIONS TO COUNCIL RULES AND PROCEDURES

Councillor Atchison moved, seconded by Councillor Kauffman to adopt Resolution No. 23 revising the Council Rules and Procedures Travel Policy to require trip expense reports to be filed within one week. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 4 RE SIGN CODE REVISIONS

Councillor Atchison moved to adopt Councillor's Bill No. 4 with the following amendments: delete 11-11-5(c), 11-11-7(A)(6)(c), and 11-11-7(a)(6). After discussion by the City Attorney, the motion was withdrawn.

Councillor Atchison moved, seconded by Councillor Hicks to adopt Councillor's Bill No. 4 on second reading. Councillor Hicks moved, seconded by Councillor Moss to amend the main motion by deleting 11-11-5(c), 11-11-7(A)(6)(c), and 11-11-7(a)(6) pertaining to church signs. The amendment carried unanimously.

The following persons addressed Council opposing the revisions to the sign code: Larry Dean Valente, 3755 W 81st Ave; Ed Bulkley, 11500 Sheridan Blvd; Paul Nilles, 4104 W 111th Cir; Allen Campbell, 5521 W 117th Pl; Richard Anderson, 9071 Tennyson St; Gary Dickerson, 3455 W 83rd; Vi June, 7500 Wilson Ct; Bob June, 7500 Wilson Ct; Lois Tochtrop, 10452 Dale Cir; Jim Phillips, 7857 W 110th Dr; Penelope Swanson, 7630 Hooker St; Linda Lease, Fast Signs, Northglenn; Carl Walzak, 3725 W 78th Ave; and Keith Swyers, 6880 W 91st Ct.

The following persons wish to have their name entered into the record in opposition of the revisions to the sign code: Juan Hernandez, 7271 Utica St; Deb Lockwood, 8236 Fox St, Denver; Jan Raymond, 5910 W 108th Cir; Ethel Steward, 7700 Depew #15-1514, Arvada; Janet Barenberg, 8891 Yukon St; Luke Lockwood, 8236 Fox St, Denver; Jeni Latham, 11718 Chase Ct; Connie Nicoletti, 11719 Chase Ct; Vicki Barringer, 9190 Tennyson St; Craig Barringer, 9190 Tennyson St; Ken Mohr, 276 Hemlock St, Broomfield; and Dena Mohr, 276 Hemlock St, Broomfield.

Councillor Hicks moved to have a separate vote on Section 11-11-6(c) pertaining to election signs. The motion failed for lack of a second.

Councillor Moss moved, seconded by Councillor Hicks to amend 11-11-6(C)(7)(a) that political signs shall not be erected more than FORTY-FIVE (45) days before an election. The amendment carried unanimously.

Councillor Hicks moved to change 11-11-6(C)(8) from 50 feet to 100-ft. between signs. The motion failed for lack of a second.

Mayor Heil moved, seconded by Councillor Hicks to amend the sign code to prohibit any political signs in rights-of-way. The motion failed with dissenting votes from Atchison, Dixon, Kauffman and Moss.

Upon roll call vote on the main motion as amended, the motion carried with a dissenting vote from Councillor Hicks.

MISCELLANEOUS BUSINESS:

Anita Leslie, 11053 Northglenn Dr, Northglenn, addressed Council.

Mayor Heil stated there would be an Executive Session for discussion on possible real estate matter.

ADJOURNMENT:

The meeting was adjourned at 11:50 P.M.

ATTEST

City Clerk

Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 9, 2001

Subject: Certificate of Achievement for Excellence in Financial Reporting

Prepared by: Mary Ann Parrot, Finance Director

Introduction

The Mayor is asked to present, on behalf of the City Council, the Government Finance Officer's Certificate of Achievement for Excellence in Financial Reporting to Internal Auditor, Karen Creager, Accounting Manager Tammy Hitchens, Accountant Cherie Sanchez, Accountant Vicki Adams and Accountant Ron Lay.

Summary

The City of Westminster has earned the Certificate of Achievement for Financial Reporting for its 1999 Comprehensive Annual Financial Report (CAFR). This is the seventeenth consecutive year the City has received this prestigious award from the Government Finance Officers Association (GFOA).

Staff Recommendation

Mayor Heil will present the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting award to the Accounting Staff.

Background Information

The individual within the City who was most instrumental in achieving the Certificate for 1999 is Karen Creager, Internal Auditor. Karen was in charge of the audit last year and brought the project in with an unqualified opinion, on schedule and on budget. She did the same in 1997 as well, in spite of unexpected staff shortages. Other Finance Staff who provided vital assistance include: Tammy Hitchens, Cherie Sanchez, Vicki Adams, Ron Lay, Barb Cinkosky, Sherry Sparks, Kim McDaniel, and the rest of the Accounting Staff. Their efforts, under Karen's direction, insured that the 1999 CAFR clearly communicated Westminster's financial story. The City should be justifiably proud of this continuing achievement and recognition.

The Certificate is conferred by the GFOA of the United States and Canada. This Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management.

To satisfy the requirements of the Certificate program, a CAFR must be generally free of ambiguities and the potential for misleading inferences. In addition, the financial statements, supporting schedules, statistical tables and narrative explanations required for a Certificate help to assure the presentation of data necessary for analysis by the many user groups with an interest in the financial affairs of the City.

Certificate of Achievement for Excellence in Financial Reporting
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These groups include the City Council, the State Auditor's Office, investors and creditors, grant resource providers, taxpayers and others. Reports qualifying for a Certificate also provide a detailed vehicle by which market analysts, potential investors and others may assess the relative attractiveness of the City's securities compared to alternative investment opportunities. Westminster's report was evaluated by an impartial special review committee composed of government finance officers, independent CPAs, educators and others with particular expertise in governmental accounting and financial reporting from across the nation. The award acknowledges that Westminster fulfills the letter and the spirit of full disclosure of its financial records.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 9, 2001

Subject: Police Service Awards

Prepared by: Dan Montgomery, Chief of Police, Lee Birk, Police Captain

Introduction

Police Chief Dan Montgomery requests the assistance of Mayor Nancy Heil and City Manager Bill Christopher in presenting the Police Departments Service Awards to Sergeants Brent Earhart, Dean Villano, Senior Police Officers Rance Okada, Matt Trenka, Tim Read, Chris Mace and Police Officer Tom Buntten.

Summary

The nomination of these officers for awards were reviewed by the officers chain of command and were submitted to the Police Department's Award Review Board for review and recommendation. The Board concluded that the actions taken by these officers met the criteria established for the respective Police Service Awards. Their performance in many of these circumstances involved life saving efforts, exposed the officers to great personal risk and resulted in personal injuries to the officers.

Policy Issues

Police Department Directive 94-8, adopted on December 22, 1994, provides for the awarding of service medals for Meritorious, Distinguished and Valorous Police actions. In addition, it provides for the awarding of a Purple Heart award for officers who suffer bodily injury while performing official police actions. This particular City Council action is in sync with the basic tenants of the awards policy, and no policy issues exist, in staff's opinion, with regard to the policy or the recommended action.

Staff Recommendation

Present the respective Police Service Awards to Sergeants Brent Earhart, Dean Villano, Senior Police Officers Rance Okada, Matt Trenka, Tim Read, Chris Mace and Police Officer Tom Buntten.

Background

Purple Heart Award

On October 17, 1999, Senior Police Officer Rance Okada was following up on a report from a female driver who was reporting that she was the victim of road rage. Officer Okada attempted to contact the suspect in this case, at the suspect's residence. Officer Okada spoke with the suspect on the front porch of his residence. The suspect was uncooperative and appeared intoxicated. At one point, the suspect pushed Officer Okada backward down the stairs and landed on top off him and continued to assault him. The assault was violent and a citizen passer-by ran to the assistance of the officer and eventually the two of them were able to control and arrest the subject. Officer Okada suffered bruises, cuts and abrasions to his face, elbow, foot, neck and most significantly, torn ligaments to his knee. This required surgery and he was unable to return to duty for a number of weeks. The suspect in this case was charged with Second Degree Assault, DUI and other traffic related charges.

On May 24, 2000, Senior Police Officer Chris Mace stopped a motorist with an expired temporary permit. The motorist exited his vehicle and without warning or provocation approached and violently assaulted Officer Mace. After assaulting the officer the suspect re-entered his vehicle and fled to his residence located nearby. Other officers responding to assist later took the suspect into custody at his residence, where he physically resisted arrest. Officer Mace suffered bruises, cuts and a broken thumb, which required surgery. As a result of his injuries he was unable to return to work for a number of weeks. The suspect in this case was charged with Second Degree Assault and was recently sentenced to two years in prison.

Meritorious Service Award

On October 27, 2000 the Police Department was notified of a suicidal pedestrian who was standing on the Sheridan Blvd. Bridge, over U.S. 36, threatening to jump. Sergeants' Brent Earhart, Dean Villano and Senior Police officer Tim Read responded. Officer Read approached the individual from one direction and engaged him in conversation, to distract him, while the two Sergeants approached him from the opposite direction. As the two Sergeants reached the subject he jumped. Both Sergeants reached over the railing, risking themselves being pulled over by the weight of the subject, and falling to the roadway below. Officer Read then joined them and all three Officers successfully pulled the subject back over the railing to safety. The subject later confirmed he was despondent and trying to kill himself. The officers' actions, at great risk to themselves, undoubtedly saved the individual from death or serious injury.

Distinguished Service Award

On September 3, 2000, officers responded to the 3400 block of West 73rd Avenue on the report of a domestic disturbance. Shots had been fired and officers encountered an armed and suicidal subject standing in the middle of the street. He was holding a cocked and loaded handgun and was holding a small child. He had earlier discharged the gun and threatened and menaced his wife with it. Senior Police Officer Matt Trenka confronted the subject in the middle of the street and counseled him to release the child, lay down the weapon and surrender. Officer Trenka was without cover and totally exposed to the gunman. Eventually, Officer Trenka was able to convince the subject to lay down the weapon and peacefully surrender. Officer Trenka's actions put him at extreme risk yet he was able to safely bring resolution to this highly volatile situation, without injury to the child hostage, the suspect, officers or citizens.

On September 24, 2000, officers from Westminster, Thornton, Northglenn and Federal Heights were involved in the pursuit of a vehicle that had been involved in a shooting. An occupant of the vehicle was observed by an ambulance crew, to be firing a weapon out of the moving vehicle, possibly at the ambulance itself. The vehicle was finally stopped at 104th and Huron Street. The driver of the vehicle fled on foot, armed with a handgun, running through a parking lot. Senior Police Officer Matt Trenka pursued the subject through the parking lot in his vehicle. When the suspect turned his body and weapon in the direction of Officer Trenka and believing the suspect was preparing to use deadly force against him, Officer Trenka deliberately turned his vehicle toward and struck the suspect with his vehicle, knocking him down and knocking the gun from his hand. The suspect was not seriously injured. Officer Trenka's decisive actions probably saved himself and other officers, some of whom were unaware the suspect was armed with a gun, from serious injury or death.

On October 2, 2000 Officer Tom Bunten was driving on U.S. Highway 85, en-route to the Adams County Jail. At 120th Ave. he came across a serious injury accident that had just occurred. The female driver of one of the vehicles was unconscious and bleeding from the face. A fire was growing in the engine compartment of the vehicle. After radioing for assistance, Officer Bunten attempted to extract the victim from the vehicle. The front doors of the vehicle were jammed and the steering wheel was bent down, pinning the legs of the driver, thwarting rescue. Officer Bunten then entered the vehicle through the rear doors, and despite the growing fire, intense heat and a compartment area filled with smoke, he was able to maneuver the victim from the front seat, over the console, into the backseat and out the rear doors. It is highly probable that Officer Bunten's actions saved the drivers life.

Valorous Service and Purple Heart Award

On January 19, 2001 Officer Tom Bunten attempted to stop a suspicious vehicle, which was later determined to be stolen, in the 9800 Block of Federal Boulevard. The vehicle attempted to elude him and fled into a mobile home park in Federal Heights. The vehicle collided with a parked car but continued to flee until crashing into a fence at 96th Avenue and Zuni Street. The passenger and the driver exited the vehicle. The passenger complied with orders from Officer Bunten and lay prone on the ground. The driver, who had a gun, began firing at Officer Bunten, who was struck in the right arm, during the initial exchange of gunfire. The .45 caliber bullet entered the forearm and exited the upper arm of his gun hand. Officer Bunten, despite a severely injured arm, which made firing difficult, returned gunfire. During the ensuing gun battle Officer Bunten, despite a loss of considerable blood and problems utilizing his injured arm, returned fire, reloaded and eventually switched hands and engaged the suspect with his left hand. The suspect, who suffered a minor gunshot wound escaped from the area by stealing another car from a near-by residence. The suspect was later captured by the Lakewood Police Department SWAT team, in their jurisdiction and was charged with attempted First Degree Murder of a Police Officer and several counts of Auto Theft. After the suspect fled, a resident came to Officer Bunten's aid and offered assistance. Officer Bunten asked the resident the location, as he was unfamiliar with the area and was not sure where he was, and then told the citizen to get back in their residence, where it was safe. He was able to get on the radio and assist other officers with locating him in the unfamiliar location. Information he provided was critical in helping to identify and eventually apprehend the suspect. His actions in this case, went above and beyond the call of duty, involved extreme risk and resulted in the apprehension of a very dangerous criminal, while simultaneously taking steps to protect innocent citizens. Officer Bunten has been unable to return to work due to muscle and nerve damage to his arm, he has undergone and faces the prospect of additional surgeries, prior to his return to duty.

The actions of these officers reflect courage, professionalism and in many cases resulted in the saving of lives. Their actions reflect the highest standards of police excellence and professionalism.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: April 9, 2001
Subject: Proclamation re Arbor Day/Earth Day/Tree City USA Activities
Prepared by: Keith Wood, City Forester
Rachel Harlow-Schalk, Environmental Compliance Coordinator

Introduction

City Council is requested to proclaim Friday, April 20, as Arbor Day and Earth Day in the City of Westminster. In addition, the Mayor and Councillors are requested to accept the City's 16th consecutive Tree City USA award and a special Growth Award for the Urban Forestry Master Plan and Channel 8 tree care video developed in 2000.

Summary

The City's annual Tree City USA award presentation is scheduled for Monday, April 9, at the Westminster City Council Meeting. Ralph Campbell of the Colorado State Forest Service will present the Tree City USA award to the Mayor and City Council. Additionally, the Tree City USA Growth Award will be presented to City Council.

The Mayor will present the City's Arbor Day and Earth Day proclamation to Open Space Supervisor Rod Larsen. Mr. Larsen will be at the City Council meeting and will accept the proclamation on behalf of the citizens of Westminster.

Calendar of events scheduled for Arbor week is as follows:

Arbor Day School Program

Thursday, April 19 - 1:30 P.M. at Holy Trinity Elementary School, 3050 W. 76th Avenue

The presentation at the elementary school will include approximately 70 fourth and fifth graders and will cover the history of Arbor Day. Prizes for the poster contest will be awarded, with the first place winner will receive a potted evergreen tree, a t-shirt and a tote bag from the Environmental Advisory Board. Second through tenth place winners receive 2 to 3-foot Littleleaf Linden saplings and a tote bag from the Environmental Advisory Board. The fourth and fifth graders at the school will be shown how to properly plant and take care of their trees as well. Students will receive buttons, balloons, Colorado Tree Coalition champion tree posters, 101 Ways to Care for the Earth posters, and Douglas-fir seedlings.

Arbor Day and Earth Day Celebration

Saturday, April 21 - 9:00 A.M. - 3:00 P.M. at City Park Recreation Center, 10455 Sheridan Blvd

Parks Division Staff will distribute 2 to 3-foot Littleleaf Linden (bare root) saplings and 1-foot Douglas-fir seedlings (bare root), buttons, balloons, literature and wood chip mulch. A tree sale will be held and members of the Environmental Advisory Board will be on hand to distribute information on Earth Day, and give away a free T-shirt. Colorado Tree Coalition champion tree posters will be distributed for free. A drawing will be held for a 5-gallon, potted fruit tree. Children's entertainment will be available inside the recreation center at 10:00 A.M.

Policy Issue

The City's Arbor Day and Earth Day celebration has been held for 15 years, with much support for the programs from City Council. City policy issues have not been encountered with these programs.

Alternatives

City Council could choose not to proclaim April 20th as Arbor Day and Earth Day in the City of Westminster and choose not to accept the Tree City USA Award and Growth Award. This would effectively eliminate the City from being a Tree City USA in 2001.

Staff Recommendation

Present a proclamation to Open Space Supervisor Rod Larsen proclaiming April 20, 2001, as Arbor Day and Earth Day in the City of Westminster, and accept the Tree City USA Award, and special Growth Award as presented by Ralph Campbell from the Colorado State Forest Service.

Background Information

In 1872, J. Sterling Morton, the editor of Nebraska's first newspaper, proposed a tree-planting holiday to be called Arbor Day. Since that time, Arbor Day celebrations have spread to every state in the nation and to many foreign countries, as well.

The Tree City USA award is sponsored by the National Arbor Day Foundation and recognizes towns and cities across America that meet the standards of the Tree City USA program. It is designed to recognize those communities that effectively manage their public tree resources and to encourage the implementation of community tree management based on four Tree City USA standards:

1. A Tree Board or Department (the City's board consists of Keith Wood, Rich Dahl, Bill Walenczak, and Rod Larsen)
2. A community tree ordinance
3. A community forestry program with an annual budget of at least \$2/capita
4. An Arbor Day observance and proclamation

The Growth Award is also provided by the National Arbor Day Foundation to recognize environmental improvement and encourage higher levels of tree care throughout America. It is designed not only to recognize achievement, but also to communicate new ideas and help the leaders of all Tree City USA recipients plan for improving community tree care.

The recipient of the Growth Award must be a Tree City USA award winner in at least its second year, spend as much as the previous year on community forestry, and reach certain levels in the following categories:

- Education and public relations
- Partnerships
- Planning and management
- Tree planting and maintenance

In 1969, a man named John McConnell wrote a proclamation and presented it to the Mayor of San Francisco who then proclaimed Earth Day for San Francisco as March 1, 1970, in recognition of the beginning of Spring as well as the fragility of the Earth. Also in 1969, Mr. McConnell presented the concept of Earth Day to the United Nations Educational, Scientific, and Cultural Organization who later became a major sponsor of Earth Day celebrations at the United Nations.

Nationally, Earth Day is celebrated on April 22 to observe activities that sway the balance of life and the Earth. Each year, the national celebration chooses a theme and for 2001 the theme chosen is "Clean Energy and Climate Change."

The Environmental Advisory Board will be partnering with the Parks Division to provide information on Earth Day at the Arbor Day event. The Board will provide information on this year's theme, including the use of clean energy vehicles, and the Land and Water Fund of the Rockies may also be present to provide information on wind-powered energy.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, The holiday called Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Westminster has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

WHEREAS, In 1969, John McConnell wrote a Proclamation and presented it to the Mayor of San Francisco who then Proclaimed Earth Day for San Francisco March 1, 1970 in recognition of the beginning of Spring as well as the fragility of the Earth; and

WHEREAS, The holiday called Earth Day is now observed throughout the nation and world; and

WHEREAS, Annually a national theme is chosen for all to focus their attention on April 22nd; and

WHEREAS, The year 2001 Earth Day theme is Clean Energy and Climate Change; and

NOW, THEREFORE, the City Council of the City of Westminster, Colorado, hereby proclaims Friday, April 20, 2001, as ARBOR DAY and EARTH DAY in the City of Westminster, and urge all citizens to support efforts to protect our trees and to support our City's urban forestry program; urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations; and further urge all citizens to recognize the use of clean energy and the impact of its use of the Earth's climate.

Signed this 9th day of April, 2001.

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 9, 2001
Subject: Purchase of a Street Sweeper
Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to award the bid for a replacement Street Sweeper in the amount of \$124,909. This piece of equipment is used primarily by the Streets Division. Funds have been specifically allocated in the 2001 General Fund, Public Works and Utilities Department budget, Streets Division, for this expense.

Summary

In February 2001, the City’s Purchasing Specialist requested formal bids for a Street Sweeper. This expense was previously approved by City Council in the 2001 budget. The second low bid of \$124,909, submitted to the City by McDonald Equipment Co is being recommended for this purchase.

Policy Issues

Should the City proceed with the purchase of a replacement street sweeper? Should City Council approve the purchase from the second low bidder based on staff’s recommendation that this piece of equipment is a better fit to meet the City’s service needs?

Staff Recommendation

Accept the second low bid for this vehicle and award the bid for the Street Sweeper to McDonald Equipment Co, based on a finding that this action will best serve the public interest, (ref: City Charter sec 13.3 k) in the amount of \$124,909 for a 2001 Johnson Street Sweeper and charge the expense to the appropriate 2001 Public Works and Utilities Department budget account.

Background Information

As part of the 2001 budget, City Council approved the purchase of a replacement Street Sweeper. Unit #6108/6109 has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement and trade-in is as follows:

UNIT #	YEAR	MAKE	MODEL	HOURS	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)	TRADE IN ALLOWANCE
6108	1992	Ford	Cargo 7000	2,752	\$17,677.39	\$6,000.00
6109	1992	Sunvac	111	2,322	\$35,344.30	\$0.00

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Purchase of a Street Sweeper

Page 2

Bids were received from four vendors. The bids are as follows:

<u>Vendor</u>	<u>Bid</u>	<u>Brand</u>	<u>Trade in</u>
Intermountain Sweeping Co.	\$119,650	Tymco	\$10,000
McDonald Equipment	\$130,909	Johnson	\$6,000
Ferris Machinery	\$132,375	Elgin	\$5,000
Kois Brothers Equipment	\$140,900	Vacall	\$1,000

Street Division staff is recommending the purchase of the replacement sweeper be awarded to McDonald Equipment Co. for the following reasons:

1. The Wandering Hose on the Johnson Sweeper is mounted on the top of the sweeper, not on the back door, giving a full rotation around the machine and eliminating the operator fatigue associated with this operation. Also, this increases operator safety because the operator can work from the side of the sweeper and would not be restricted to working from the back of the sweeper; keeping the operator out of harms way of traffic.
2. The Johnson Sweeper equipment has a stainless steel hopper and water tank, which reduces maintenance cost and increases the life of the sweeper. The low bid unit, Tymco, does not.
3. The specification calls for an 8-yard hopper minimum, which the Johnson Sweeper does meet. Intermountain Sweeping (Tymco) has a 7.5-yard hopper.
4. The Johnson Sweeper has an enclosed self-contained engine compartment, which protects the components and dramatically reduces the noise emissions. The Tymco unit is not enclosed.
5. Earlier this year, the Street Division had a demonstration on all four sweepers. The Vacall clearly out performed all of the sweepers, however the cost is over the budget allowed for this unit. The Johnson had a better performance in cleaning catch basins than the Tymco and also out-performed the Tymco in the sweeping area. Also, the Tymco was extremely noisy and deafening to the point where employees had to use earplugs in order to operate it. This could be a concern as these units are used to a large degree in residential neighborhoods.

Street Division Staff feels that it would be in best interest of the City to purchase the Johnson Sweeper over the low-bidder, Tymco, for the above reasons.

The second low bid from McDonald Equipment Co meets all specifications and requirements set by the City. The cost of the Street Sweeper, \$130,909 less the trade in of \$6,000 for a purchase price of \$124,909, is within the amount (\$140,000) previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher,
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: April 9, 2001
Subject: Purchase of an Asphalt Roller
Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to award the bid for a replacement asphalt roller in the amount of \$33,388.00. This piece of equipment is used primarily by the Street Division. Funds have been specifically allocated in the 2001 General Fund, Public Works and Utilities Department, Street Division budget, for this expense.

Summary

In February 2001, the City’s Purchasing Specialist requested formal bids for an asphalt roller. This expense was previously approved by City Council in the 2001 Budget. The low bid of \$33,388, submitted to the City by Power Equipment Co is being recommended for this purchase.

Policy Issues

Should the City proceed with replacement of a Street Division asphalt roller following standard bidding practices?

Staff Recommendation

Award the bid for the asphalt roller to the low bidder, Power Equipment Co, in the amount of \$33,388 for a 2001 Hypac C330B Asphalt Roller and charge the expense to the appropriate 2001 General Fund Public Works and Utilities Department budget account.

Background Information

As part of the 2001 Budget, City Council approved the purchase of a replacement asphalt roller. This vehicle is used for the compaction of asphalt for patches, overlays and base course in street maintenance. Unit #6157 has reached a point that it is no longer economically reasonable to maintain in service. Information regarding this equipment replacement and trade-in is as follows:

UNIT #	YEAR	MAKE	MODEL	HOURS	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)	TRADE IN ALLOWANCE
6157	1989	Dresser	S4-6B	2,231	\$13,061.60	\$2,400.00

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Bids were solicited from three vendors. Those bids and trade in allowances are as follows:

<u>Vendor</u>	<u>Bid</u>	<u>Trade-in</u>
Power Motive	\$38,990.00	\$3,500.00
Power Equipment Co.	\$35,788.00	\$2,400.00
McDonald Equipment	No Bid	

The low bid for the asphalt roller is \$35,788. After the trade-in allowance is applied, the net cost is \$33,388. The amount previously approved in the 2001 Budget for this piece of equipment is \$41,600.

The low bid from Power Equipment Co meets all specifications and requirements set by the City. The cost of the roller, \$35,788, less the trade in value of \$2,400, for an expenditure of \$33,388 is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: April 9, 2001
Subject: Purchase of Water Treatment Chemicals
Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to authorize the purchase of water treatment chemicals. The three chemicals that are purchased in large quantities are Ferric Chloride, Caustic Soda, and Chlorine. Funds have been specifically allocated in the 2001 Water and Wastewater Fund, Public Works and Utilities Department, Water Resources Division budget for these expenses.

Summary

In February 2001, the City’s Purchasing Specialist received the results of MAPO’s Bid for water treatment chemicals for 2001. The low bid for each chemical is being recommended for the purchase of Ferric Chloride, Caustic Soda, and Chlorine.

Policy Issues

Should the City purchase water treatment chemicals utilizing the competitive pricing available through the Multiple Assembly of Procurement Officials (MAPO) organization.

Staff Recommendation

Award the bid for the water treatment chemicals to MAPO’s low bidder for each chemical. Ferric Chloride to PVS Tech in the annual approximate amount of \$113,010, Caustic Soda to Interstate Chemical in the annual approximate amount of \$26,038, and Chlorine to DPC Industries in the annual approximate amount of \$36,284 and charge these expenses to the appropriate 2001 Public Works and Utilities Department, Water Resources Division budget accounts.

Background Information

As part of the 2001 Budget, City Council approved the purchase of water treatment chemicals for the Cities water supply. Information regarding each chemical and its approximate annual usage and low bid price follows:

CHEMICAL	APPROXIMATE QUANTITY	PRICE	EXTENDED PRICE	VENDOR
Ferric Chloride	386 tons	\$292.77 ton	\$113,010.00	PVS Tech
Caustic Soda	126.4 tons	\$206 ton	\$26,038.40	Interstate Chemical
Chlorine	96.5 tons	\$376 ton	\$36,284.00	DPC Industries

Ferric Chloride is used for coagulation in the treatment process. Caustic Soda is used for pH control and chlorine is used for disinfection. These chemicals are used at Semper Water Treatment Plant. The usage numbers are approximate since these amounts are for the whole year's usage, and factors such as weather and demand are unpredictable. The approximate usage figures are based on last year's actual usage.

This bid was developed and circulated on behalf of MAPO, a cooperative of state, municipal, county, special district, school district or other local government agencies. This is a competitive bid and offers greater volume and lower prices to the City than we can obtain on our own. Westminster City Code section 15-1-4-A1 specifically states that this is an acceptable form of purchasing for the City.

Twenty-nine chemical suppliers were contacted on the MAPO bid. Twenty-three water chemical vendors responded to the bid notification. They were American International Chemical, American Pride, Ash Grove Cement, Aqua Ben Corp., Aqueous Solution, Carbon Activated Corp., Carus Corp, DPC Industries, General Chemical, Good Pasture, Harcros Chemical, Industrial Chemicals, Interstate Chemical, LCI Lucier Chemical Industry, Kemiron North America, Mississippi Lime Co., Nalco Chemical, Polydyne Inc., PVS Tech, Solvay Minerals, Thatcher Company, Treatment Tech., and VWR.

The low bids for the three chemicals, Ferric Chloride to PVS Tech in the annual approximate amount of \$113,010, Caustic Soda to Interstate Chemical in the annual approximate amount of \$26,038, and Chlorine to DPC Industries in the annual approximate amount of \$36,284 meets all specifications and requirements set by the City. The annual estimated cost of the chemicals is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2001
Subject: 2001 Traffic Calming Project - Engineering Design Contract
Prepared by: Annette Rodenberg, Neighborhood Traffic Specialist

Introduction

City Council action is requested to authorize the City Manager to execute a contract for the design and construction supervision of the 2001 Traffic Calming Project to Bucher, Willis & Ratliff in an amount not to exceed \$59,619.00, which includes funds for contingencies. Funds for this project are available in the Neighborhood Traffic Mitigation Project of the General Capital Improvement Fund.

Summary

Resident groups in several neighborhoods have completed the steps for project definition as outlined in the Traffic Calming Policy, Description and Explanation, 1998. Traffic calming devices have been identified for construction along:

- Independence Drive between 88th Avenue and Wadsworth Parkway, two raised crosswalks, one speed hump and two temporary traffic circles;
- Kendall north of 112th Avenue, two raised crosswalks;
- Eaton north of 112th Avenue, two speed humps;
- 115th Avenue between Kendall and Eaton, one raised crosswalk and one temporary traffic circle;
- Depew Court at Chase/117th Avenue, one temporary traffic circle; and
- Depew Court west of Chase, one speed hump.

Proposals for the design of these devices were requested from ten engineering design firms who have expressed interest in working for the City or in the design of traffic calming projects. Three proposals were received with fees of \$49,619.00, \$73,250.00 and \$79,030.00. The lowest fee proposal was submitted by Bucher, Willis & Ratliff (BWR) from Denver, Colorado. BWR has qualified engineering staff and has successfully completed similar projects in the Denver metro area. In addition to submitting the lowest price, the length of time needed to complete the work is significantly shorter that will permit the completion of construction before the opening of the 2001/2002 school year. Staff is recommending acceptance of this proposal with contingency funds as follows:

Topographic Survey	\$13,800.00
Engineering Design Services	
Preparation of Construction Drawings, Estimates and Specifications	\$20,123.00
Construction Supervision and Expenses	<u>15,696.00</u>
	\$48,619.00
20% Contingency	<u>10,000.00</u>
TOTAL	<u>\$59,619.00</u>

Policy Issues

Council has the discretion to award contracts to other than the lowest bidder when there may be doubt that the contractor has the expertise or the resources to produce the desired product. Those conditions do not apply here. BWR is qualified and has demonstrated the ability to complete this project as evidenced by local references.

Staff Recommendation

Authorize the City Manager to execute a contract with Bucher, Willis & Ratliff for engineering design services for the 2001 Traffic Calming Projects in an amount not to exceed \$49,619.00; establish a project contingency in the amount of \$10,000.00; and charge all of the expenses to the appropriate project account in the General Capital Improvement Fund.

Alternatives

An alternative would be to postpone design of these projects for another budget year. Staff does not believe this to be acceptable because postponing the projects on this list would disappoint residents who have been waiting for the improvements for two or three years.

Background Information

City Staff has been working with groups of residents in the development of traffic calming projects under the guidance in the Traffic Calming Policy, Description and Procedure, 1998. The process involves a series of public meetings and surveys. Neighborhood participation in this process consistently exceeded the guidelines in the Policy. This project list addresses several neighborhoods and will install devices approved by residents within the past three years.

Last year, construction was completed on the pilot project in Northpark. That project included raised medians, raised crosswalks and curb extensions. Although staff has yet to complete a final survey to determine resident satisfaction, the reaction from school officials, residents and the homeowner's board is very positive. Staff has also supplied design criteria for the City's raised crosswalk design to several other cities. Proposals for this design project were received from the following consulting firms:

- | | | |
|---|----------------------------|-------------|
| • | Nolte and Associates, Inc. | \$73,250.00 |
| • | Burns & McDonnell | 79,030.00 |
| • | Bucher, Willis & Ratliff | 49,619.00 |

Staff is recommending that the proposal from Bucher, Willis and Ratliff be accepted, along with a contingency of \$10,000.00 for a total project budget of \$59,619.00. Design work will begin immediately and should be completed by the third week of June, 2001.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 9, 2001
Subject: Westminster Boulevard Extension Contract Amendment
Prepared by: Stephen C. Baumann, Assistant City Engineer

Summary

In July 2000, City Council awarded a \$6,523,000 contract to SEMA Construction, Inc to build the Westminster Boulevard Extension from approximately 104th Avenue to Harlan Street/95th Avenue. The original plans called for the construction of only two lanes of what will ultimately be a four-lane street.

The project is approximately 45% complete and is on schedule and within its budget. Since critical parts of the construction have been accomplished without overruns or change orders, none of the \$978,000 in contingency funds for construction has been needed. City Staff is recommending that approximately one-third of the contingency be used to expand the project scope and build Westminster Boulevard in its full-width configuration for approximately 2500 feet where it adjoins property that is mostly City-owned (see attached map). If not constructed now, these improvements would be the City's responsibility in the future when the private property elsewhere in the corridor develops and traffic demands increase. These improvements could be considerably more expensive if completed at a later date.

The cost of these improvements is approximately \$375,000, or 5.8% of the original contract amount. The contingency for the project would be reduced to \$603,000, which is still 9.2% of the original contract balance. This is an adequate contingency for the balance of the work. An amendment to the contract with SEMA Construction has been prepared for approval.

Policy Issue(s)

The issue here is the use of a portion of the construction contingency for additional improvements in the project when the funds are not immediately necessary or required as a result of unforeseen circumstances. Although the construction is approximately 45% complete, no significant changes of the project scope have been necessary to date.

Recommendation

Authorize the City Manager to execute a contract change order with SEMA Construction, Inc. in the amount of \$375,000 for construction of additional street improvements in the Westminster Boulevard Extension project where they adjoin City property, and charge the expense to the appropriate capital project account.

Background Information

In July 2000, City Council awarded a \$6,523,000 contract to low bidder SEMA Construction, Inc. to build the Westminster Boulevard Extension. The project will extend Westminster Boulevard from 104th Avenue south across US 36 and connect to Harlan Street at approximately 95th Avenue, a total distance of approximately 7800 feet. With the exception of the structures and the fill material, the project was planned to build only the west half of the street, providing two lanes through the project length. This was done as a cost-saving measure and with the recognition that the need for expansion to four lanes would be driven in large part by the development of adjoining properties (see attached map). Private property, which will likely develop in the future, abuts approximately 70% of the project length.

The bids for construction were lower than expected, and a contingency of \$978,000 for construction was authorized. The project is now about 45% complete and is on schedule and within the budget. It has not been necessary to use any contingency funds to date. City Staff is recommending that a full-width street section (four lanes plus curbed median) be built in the portion of the project where the City is the adjoining property owner for the following reasons:

1. The City is the primary adjoining property owner for approximately 30% of the project length and would be responsible for the cost of the full-width street improvements along that frontage when they are needed.
2. Building the full-width street now precludes the need to budget for these costs in the future when the demand for the full-width laneage might be high and the City's ability to pay for it might be low. The cost of these improvements in the future will almost certainly be higher than now.
3. Critical parts of the project (eg. structures) have progressed without the need to use any of the original project contingency.
4. Building the full-width street will extend the Farmers Highline Canal trail/sidewalk over US 36 and down to existing ground elevation, nearly completing the trail connection to the Hyland Ponds Open Space.
5. Interruption of traffic to build the full-width street in the future is reduced or eliminated by doing it now.
6. The widened roadways will enhance traffic safety and operation by adding space for turn lanes at the intersection of Westcliff Parkway and at future 98th Avenue.

A short portion (approximately 500 feet) of the proposed full-width improvements adjoin the Minnick Property and another short distance abuts the proposed Home Expo site south of 104th Avenue. The cost of portions of the work that adjoins these two properties can be recovered when they develop in the future.

The cost of the full-width street improvements in the areas described above is approximately \$375,000, or 5.8% of the original contract cost, and can be accommodated within the \$978,000 construction contingency. A change order for that amount will be necessary and will leave a contingency balance of \$603,000, which is approximately 9% of the original contract amount. This is projected to be adequate to complete the project. Although right-of-way acquisition is not complete, staff believes that the separate contingency set aside for those costs is sufficient and property acquisition should not be impaired by this action.

Alternative(s)

The primary alternative to the recommended action is to do no additional work in the project, and save all unused contingency funds for use on other projects. This would only defer the City's street widening responsibilities to the future, but would free up funds once the project is complete later this year. Note that the staff recommended action may still result in a significant contingency balance at completion.

Respectfully submitted,

William M. Christopher
City Manager

Attachment(s)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 9, 2001
Subject: TABLED - Resolution No. 20 re Appointment to Planning Commission
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to remove this item from the table and make an appointment of a new alternate member to the Planning Commission.

Summary

At the March 26th City Council meeting, City Council tabled action on the appointment of a new alternate member to the Planning Commission due to the resignation of Bill Lord.

Currently there are 12 individuals within the "pool". A copy of the matrix indicating each individual's preference for Boards and Commissions is attached.

Staff Recommendation

Remove this item from the Table and adopt Resolution No. 20 appointing a new alternate member to the Planning Commission with the term of office to expire December 31, 2001.

Background Information

A Resolution has been prepared per Council's direction with the name of Donald Anderson.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER PLANNING COMMISSION APPOINTMENT

WHEREAS, The City of Westminster has received the resignation request of Bill Lord, who was serving on the Planning Commission as an alternate member, and City Council formally accept his resignation at the March 5th, 2001 City Council meeting; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individual to the City of Westminster Planning Commission as an alternate member as listed below with the term of office to expire on December 31, 2001.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Donald Anderson (Alternate Member)	Planning Commission	12-31-2001

Passed and adopted this 9th day of April, 2001.

ATTEST:

Mayor

City Clerk

2001 BOARD AND COMMISSION POOL

County	Name	Bldg Codes	BOA	Elect	Environmental	HS	Library	Open Space	P&R	Personnel	Planning	SP&LB	Trans
Jefferson	Vera Alexander							1					
Jefferson	Donald Anderson								2		1		
Adams	John Brann									1			
Adams	Robert Hartley							2		3	1		
Adams	Skeet Hartman`							X		X	X		
Adams	David Jones					3		2		1			
Jefferson	Tom Kuesel Jr	1									2	3	
Jefferson	Nancy McNally							1	3				2
Adams	Paul Nilles							1					
Adams	Bill Nooning										1		
Jefferson	Scott Raypholtz							3	2		1		
Adams	Bruce Vezina							3			1		2



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 9, 2001

Subject: TABLED Councillor's Bill No. 12 re Lexington Subdivision Vacation of Right-of-Way

Prepared by: Kevin Colvett, Senior Civil Engineer

Introduction

City Council action is requested to remove this item from the table and pass the attached Councillor's Bill on first reading to vacate a stub of right-of-way between Lots 68 and 69 within the Lexington Subdivision. The existing right-of-way is no longer needed by the City because a street connection to the property to the south is no longer being considered. The vacation of this right-of-way in no way inhibits or inconveniences the traffic patterns within the Lexington Subdivision.

Summary

At the March 26, 2001, Council meeting, City Council tabled this item and directed staff to research whether this right-of-way could be sold rather than vacated. The City Attorney has researched this question and determined that the right-of-way must be vacated since it was originally dedicated to the City via the Lexington Subdivision, Filing No. 4 Subdivision final plat.

Lexington Subdivision, Filing No. 4, was originally platted in 1994. At that time, the property immediately to the south, commonly referred to as the Lambertson Property, was in unincorporated Adams County, and there was the possibility that the parcel would annex into the City of Westminster. If that happened, a street connection would have been desirable. However, in the past few years, the Lambertson Property has annexed into the City of Broomfield. Since there is no longer a need to preserve this right-of-way, it makes sense to simply vacate it and have the vacated portion incorporated into the adjacent properties: Lot 68, Lot 69, and the Lexington Homeowners Association. This Councillor's Bill will accomplish the vacation of the unnecessary right-of-way.

Policy Issues

Shall the City Council vacate this right-of-way, which by City Code, must be vacated by an ordinance of the City Council?

Staff Recommendation

1. Remove this item from the table.
2. Pass Councillor's Bill No. 12 on first reading to vacate the unnecessary right-of-way between Lots 68 and 69 within the Lexington Subdivision.

Alternatives

The alternative to Staff's Recommendation is to not grant the vacation of the unnecessary right-of-way between Lots 68 and 69 within the Lexington Subdivision by not enacting the attached Councillor's Bill.

Background

The homeowners of Lot 68 and Lot 69 approached the City several weeks ago requesting that this right-of-way be vacated. Following the City's standard right-of-way vacation procedure, forms were routed to AT&T, Xcel Energy, and Qwest to inform them of our intent to vacate the right-of-way and question whether there was any objection. Also, representatives from the City's Fire Department, Engineering Division and Utilities Division were contacted to ensure there was no objection to this vacation from Staff. These forms have been completed, and there are no objections to this vacation. The legal description and exhibit for the right-of-way vacation was prepared by a private engineering firm for the adjacent property owners at no cost to Westminster.

This action will prevent a possible roadway connection to a development within the City of Broomfield that might be opposed by the City of Westminster as well as the residents in Lexington.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING RIGHT-OF-WAY IN THE LEXINGTON SUBDIVISION

WHEREAS, a portion of right-of-way was dedicated to the City of Westminster by plat recorded with Adams County at Reception No. B1236931, File 17, Map 227; and

WHEREAS, the right-of-way is no longer desired to serve the purpose for which it was originally intended; and

WHEREAS, the vacation of the right-of-way has been requested by residents in Lexington and no objections have been discovered through the City's right-of-way vacation procedure;

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way described in Section 2 hereof, and depicted in Exhibit A.

Section 2. Legal Description of Easement:

A parcel of land between Lots 68 and 69, Lexington Subdivision, Fourth Filing, City of Westminster, County of Adams, State of Colorado, lying within Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian and more particularly described as commencing at the east quarter corner of said Section 21; thence south 52°35'39" West, 1859.30 feet to the northwest corner of said Lot 68, the true point of beginning; thence South 9°27'49" East 170.38 feet; thence North 89°12'16" West 50.81 feet; thence North 9°27'49" West 161.33 feet; thence along the arc of a curve to the left whose radius is 615.37 feet whose chord is 50.00 feet bearing North 80°32'10" East a distance of 50.01 feet to the true point of beginning.

The parcel contains 8,276 square feet or 0.1900 acres more or less.

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

Section 4. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON SECOND READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of April, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of April, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 9, 2001
Subject: Resolution No. 22 re the McKay Lake Annexation
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petition requesting annexation of the property located approximately south of 144th Avenue and east of Zuni Street and to establish a hearing date. The proposed annexation consists of approximately 105 acres.

Summary

McKay Lake was purchased by the City from The Farmer's Reservoir and Irrigation Company (FRICO) with open space funds in December of 2000. The plans call for the land to be used for passive recreational activities. Staff is including all of the City owned property and two privately owned lots on the north side of 144th Avenue. The reason for adding the private lots is to create a logical boundary between the Westminster, Broomfield and the unincorporated portion of Adams County. The Colorado Revised Statutes permit a municipality to annex lands not included in a petition as long as the amount of land that is not owned by the signers of the petition is less than 50 percent of the entire annexation. The private property owner did not return their petitions.

Staff Recommendation

1. Authorize the City Manager to sign the annexation petition for the McKay Lake property.
2. Adopt Resolution No. 22 accepting the annexation petitions submitted by the City of Westminster and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of May 21, 2001, for the annexation hearing.

Alternatives

City Council could reject the annexation petition by the City.

City Council could direct staff to amend the annexation petition to include only the city owned property.

Background

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

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)

3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. (In this case, The City of Westminster, signer of the petition, owns more than 50 percent of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

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

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **22**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

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

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes May 21st, 2001, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 9th day of April, 2001.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: April 9, 2001

Subject: Victory Church Comprehensive Land Use Plan Amendment, Fifth Amended Preliminary Development Plan for Docheff Planned Unit Development, and Victory Church Official Development Plan

Prepared by: Michele McLoughlin, Planner II

Introduction

The City Council is requested to hold a public hearing and take action on the following:

- A Comprehensive Land Use Plan (CLUP) amendment to amend the land use designation of the 23.22 acres on the northwest corner of 117th Avenue and Sheridan Boulevard from Business Park to 20.72 acres of Public/Quasi-Public and 2.5 acres of Office;
- The Fifth Amended Preliminary Development Plan (PDP) for the Docheff Planned Unit Development;
- The Victory Church Official Development Plan (ODP).

Summary

The applicant, Victory Church (represented by Mike Ware, Pastor), is requesting approval of a Comprehensive Land Use Plan (CLUP) Amendment to amend the current CLUP designation for the property located at the northwest corner of 117th Avenue and Sheridan Boulevard from “Business Park” to “Public/Quasi-Public” and “Offices”. Also proposed is the Fifth Amended Preliminary Development Plan to change the land use from Commercial and Commercial/Office to Quasi-Public with a 2.5-acre Office parcel in the northeast corner of the site. The proposed Official Development Plan for Victory Church is for a new sanctuary, classrooms, offices, and a day-care center to be developed in three phases. Future phases, along with the Office parcel would be developed as amendments to the Official Development Plan.

Applicant/Property Owner

Victory Church

Pastor Michael Ware, Representative

9050 Yates Street
Westminster, Colorado 80031

Location

The property is located west of Sheridan Boulevard, east of Chase Street, between 117th Avenue and 118th Place. (See attached location map)

Size of Site

The property is 23.22 acres in size.

Description of Proposed Use

The proposed use of the site is for a new church sanctuary, along with associated offices, classrooms and a day-care center to be developed in three phases. There is also a 2.5-acre parcel of land at the northeast corner of the site proposed to be developed in the future for general offices.

Comprehensive Land Use Plan (CLUP) Designation

The City's Comprehensive Land Use Plan currently designates this property as Business Park. The attached map indicates the proposed amendment that proposes to amend the Comprehensive Land Use Plan to Public/Quasi-Public with a 2.5-acre Office parcel.

Major Issues

Comprehensive Land Use Plan Amendment

- There are no major issues with the CLUP amendment (See the Background section for information regarding CLUP compliance criteria).

Fifth Amended Preliminary Development Plan for the Docheff Planned Unit Development

- The proposed Amended Preliminary Development Plan proposes a 9-foot 4-inch high monument sign with an electronic readerboard. Staff does not support the request for a proposed 9-foot 4-inch high monument sign on the Preliminary Development Plan for the following reasons:
 - Signage criteria is normally required as a part of the Official Development Plan, and not as part of the Preliminary Development Plan.
 - Listing specific signage criteria on the Preliminary Development Plan would require an amended Preliminary Development Plan as well as an amended Official Development Plan for any future proposed changes to the signage.

Official Development Plan

- The developer is proposing a 9-foot 4-inch high, 108.5 square-foot monument sign with an electronic message readerboard. Staff does not support this request for the following reasons:
 - The proposed Church would be adjacent to residential on three sides, so the large sign could negatively impact the area residents.
 - Staff has researched what other municipalities allow for church signage. The cities of Arvada, Louisville, and Golden allow a maximum of 32 square feet adjacent to residential zones or within residential zones. The City of Boulder allows a maximum of 16 square feet within a residential area, and the City of Broomfield allows a maximum of 25 square feet for a non-residential use within a residential district. Thus, Staff believes that the proposed 108.5 square-foot sign is excessive.
 - The current Westminster Municipal Code currently has no specific limits on the size of church signs. The proposed sign code revisions would limit the size of *monument signs for churches, schools or places of public assembly located within residentially designated areas or adjacent to residentially areas, to a maximum of 60 square feet in area and 8 feet in height, for sites of 5 acres or more.*
 - As a point of reference, the following are the sizes of existing or proposed monument church signs within Westminster:
 1. St. Mark's Church, 3140 West 96th Avenue: 39 square foot sign, 6 feet in height.
 2. Northwest Church of Christ, Sheridan Boulevard and 98th Avenue: 64 square foot sign, 6 feet in height.
 3. Advent Lutheran Church, 80th Avenue and Meade Street: 32 square foot sign, 6 feet in height.
 4. Westminster United Methodist Church, 76th Avenue and Lowell Boulevard: 12 square foot sign, 5-foot, 6-inches in height.
 5. St. Martha's Episcopal Church, 76th Avenue and Bradburn: 32 square foot sign, 6 feet in height.

The majority of the above noted monument signs are for churches within residential areas or adjacent to residential areas. After researching allowable signage for churches within other municipalities and existing or proposed monument church signs within Westminster, Staff is proposing that Victory Church be allowed a 60 square foot sign at a maximum height of 8 feet.

The Sign Code prohibits signs with “visible moving, revolving, or rotating parts or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time temperature date signs.” The City has always interpreted this section of the Code to exclude electronic readerboards and is recommending that the proposed electronic readerboard not be allowed. Other nearby municipalities that prohibit electronic readerboard signs other than date/time/temperature are Thornton, Broomfield, Boulder, and Louisville. Arvada only allows reference to church services on an electronic readerboard and Lakewood requires that they cannot be altered more than one time in 24 hours. If they are changed more than that they are defined as “animated” and would be prohibited. Also, it is of questionable legality to allow changeable signage for churches but not for other signs, ie “content neutrality.” Staff does not support Planning Commission’s recommendation of allowing the electronic readerboard with restrictions. The proposed revisions to the Sign Code prohibit electronic readerboard signage, and approving it for Victory Church would be in direct conflict with the Sign Code changes currently being proposed.

The applicant is also proposing an informational/directional sign at the 117th Avenue access point. The proposed sign is 5 feet high and 12.5 square feet in area. Staff opposes this as the Sign Code specifies maximum size of this type of sign (informational-directional) as 5 square feet, 32 inches in height.

In order to meet the City’s minimum landscaping regulation requirements, the developer would be required to include 270 trees (this number includes 2:1 credit for 23 existing mature trees along Chase Street), and 743 shrubs, both on-site and within the right-of-way for the first phase. The developer is proposing 165 trees (105 fewer trees than required) and 727 shrubs (16 fewer shrubs than required). The landscape regulations do allow the flexibility to review projects over 10 acres in size on an individual basis. The developer is currently proposing to only complete the right-of-way landscaping and landscape setback area south of the main entrance on Sheridan Boulevard and to sod only the right-of-way to the north of the entrance with Phase I. Although the proposed “on-site” landscaping appears adequate for the first phase, Staff is recommending that the proposed landscaping of the right-of-way and landscape setback area along the Sheridan Boulevard frontage to the north of the main entrance, including sod, trees and shrubs (proposed to be included in a future phase), be included with the first phase.

At the neighborhood meeting that was held on June 29, 2000 there was concern as to why the 118th Place access was not being constructed with the first phase instead of the Chase Street access. The neighbors were concerned about traffic being unnecessarily routed through the residential areas. The developer stated that the 118th Place access would substantially increase development costs. Staff continued to request that the Chase Street access be constructed with a later phase with much opposition from the developer. Staff finally agreed to allow the developer to proceed with the Chase Street access point, making them aware that it would be subject to neighborhood and Planning Commission approval at the public hearing. Several neighbors did speak in opposition to the Chase Street access at the Planning Commission public hearing and Planning Commission’s recommendation reflects permanent closure of this access. Staff is in agreement with Planning Commission’s recommendation.

Policy Issues

Policy issues include whether the City should:

- Amend the Comprehensive Land Use Plan for this property;
- Approve the Amended Preliminary Development Plan to change the land uses from Commercial and Commercial/Office to Quasi-Public and Office;
- Approve the Official Development Plan allowing for 154,827 square feet of office, classrooms and sanctuary to be developed in three phases, along with a 2.5-acre parcel of office to be developed in the future.

Planning Commission Recommendation

At their regular meeting on March 20, 2001, the Planning Commission held a public hearing and voted unanimously to recommend to City Council:

- 1) That the Comprehensive Land Use Plan Amendment from Business Park to Public/Quasi-Public and Office be approved;
- 2) That the Fifth Amended Docheff Preliminary Development Plan be approved with the condition that the criteria for the size and type of signage be removed from the Preliminary Development Plan and specified on the Official Development Plan per Staff's recommendation.
- 3) That the Official Development Plan for Victory church be approved with the following conditions:
 - a) The monument sign shall be limited to a maximum of 8-ft. in height and 60 square feet in area.
 - b) The electronic readerboard would be allowed subject to the following conditions:
 - Non-scrolling, non-movement and not to change more than once every twelve (12) hours.
 - Staff will review colors to be harmonious with the proposed Church building.
 - c) The directional sign shall be limited to 5 square feet and 32 inches in height, per City Code.
 - d) The developer be required to complete the proposed right-of-way landscaping along the Sheridan Boulevard frontage, including the proposed trees and shrubs to the north of the main entrance, with the first phase.
 - e) The proposed Chase Street access point be eliminated from the Official Development Plan and the access point to 118th Place be constructed with the first phase.

Staff Recommendation

1. Hold a public hearing on the proposed Comprehensive Land Use Plan Amendment, Fifth Amended Docheff Preliminary Development Plan and Official Development Plan for Victory Church.
2. Pass Councillor's Bill No. 15 on first reading approving the proposed Comprehensive Land Use Plan Amendment amending the land use designation from Business Park to Public/Quasi-Public and Office. This amendment is based upon the following findings:
 - The proposed amendment is justified and the Plan is in need of revision as proposed;
 - The proposed amendment is in conformance with the overall purposes and intent and the goals and policies of the Plan;
 - The proposed amendment is compatible with existing and planned surrounding land uses;
 - The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; and
 - The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code.

3. Approve the Fifth Amended Docheff Preliminary Development Plan with the condition that criteria for the size and type of signage be removed from the Preliminary Development Plan and specified on the Official Development Plan. This recommendation is based on the findings set forth in Section 11-5-14 of the Westminster Municipal Code.
4. Approve the Victory Church Official Development Plan with the following conditions:
 - a. The monument sign shall be limited to 8 feet in height and 60 square feet in area.
 - b. No electronic readerboard signage shall be allowed per the revised Westminster Municipal Code.
 - c. The directional sign shall be limited to 5 square feet and 32 inches in height, per the Westminster Municipal Code.
 - d. The developer shall be required to complete the landscaping of the proposed right-of-way and landscape setback areas along the Sheridan Boulevard frontage, including the proposed sod, trees and shrubs to the north of the main entrance, with the first phase.
 - e. The proposed Chase Street access point shall be deleted from the Official Development Plan, and the proposed access point to 118th Place shall be shown and constructed with the first phase.

This recommendation is based on the findings set forth in Section 11-5-15 of the Westminster Municipal Code.

Alternatives

1. Approve the CLUP amendment, Fifth Amended PDP, and Victory Church ODP per the Planning Commission recommendation.
2. Approve the Fifth Amended Docheff Preliminary Development Plan with no conditions.
3. Do not approve the Fifth Amended Docheff Preliminary Development Plan.
4. Approve the Victory Church Official Development Plan with no conditions (Refer to the “Major Issues” section for Staff’s concerns with the proposed signage and Sheridan Boulevard right-of-way landscaping).
5. Do not approve the Victory Church Official Development Plan.

Background Information

Comprehensive Land Use Plan Compliance Criteria

- A. Staff supports the proposed amendment to Public/Quasi-Public and Office as these uses would be compatible with the adjacent residential and commercial uses. The church use would also serve as a good transitional use between the adjacent residential areas and the retail commercial to the north.
- B. The proposed change is in conformance with the overall purpose and intent and the goals and policies of the Comprehensive Land Use Plan:
 - Policy B2b: Existing neighborhoods will be protected from new development that is incompatible with residential uses.
 - Policy I2b: Continue to develop enhanced landscape improvements along arterial streets.
- C. The proposed change is compatible with the existing and planned surrounding land uses. The Public/Quasi-Public and Office uses would be compatible with the adjacent residential uses.
- D. The proposed change will not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems. Drainage, utility and traffic studies have been submitted by the developer and reviewed and approved by the City.

Architectural/Building Materials

Proposed building materials are pre-cast concrete wall panels with architectural textured finish and aluminum storefront windows with green tinted glass. A standing seam metal painted roof will also be included on one portion of the building.

Access and Circulation

Major access to the site is from Sheridan Boulevard, 117th Avenue and Chase Street for the first phase and also from 118th Place in a future phase. Per the Planning Commission and Staff recommendations, the access to Chase Street would be removed from the plans and the 118th Place access would be required as part of the phase I construction.

Traffic Impacts

The proposed buildout of Victory Church will generate about 188 vehicle trips (72 for phase I) during an average weekday morning peak hour and 172 vehicle trips (66 for phase I) during an average evening peak hour. Maximum impacts will occur on Sunday mornings when 1,262 vehicles will enter and 1,213 will exit during the peak hour. The existing traffic signal at 118th Place and Sheridan Boulevard and the proposed traffic signal at 117th Avenue and Sheridan Boulevard will allow traffic to enter and exit in a safe manner. Sheridan Boulevard will soon be widened from 113th Avenue to 118th Place to four through lanes with left and right turn lanes at all intersections. With these improvements in place, the roadway network adjacent to the proposed Victory Church development can accommodate the expected traffic from the Victory Church development.

Site Design

The site plan (ultimate buildout) indicates one building (to be built in three phases) which is centrally located on the site, surrounded by parking and approximately 25 percent of the property as landscaped area, including a 2.38-acre detention area at the southeast corner of the site. A 2.5-acre Office parcel would be developed as “general” office use in the future, and a subsequent Amendment to the Victory Church Official Development Plan would be required prior to development of that site.

Signage

A 108.5 square-foot, 9-foot, 4-inch high monument sign is being proposed at the main entrance from Sheridan Boulevard. Staff is recommending that a maximum of a 60 square foot sign, 8-foot high be allowed. A 12.5 square-foot, 5-foot high informational/directional sign is also proposed at the 117th Avenue entrance. The Westminster Sign Code only allows a 5 square-foot sign, 32 inches in height for this type of sign. Staff is recommending that both of these signs be denied and the Official Development Plan be approved conditionally upon complying with Staff’s signage recommendations.

Service Commitment Category

Service Commitments for this development are available from Category C, Non Residential Developments.

Referral Agency Responses

Referrals for this project were sent to Public Service Company, TCI, US West, Colorado Department of Transportation and Regional Transportation District (RTD). Responses were received from Public Service Company and Colorado Department of Transportation. Public Service requested easement locations/sizes with which the applicant has complied. The Colorado Department of Transportation had no comments.

Public Comments

A neighborhood meeting was held on June 29, 2000. The neighbors in attendance expressed an interest in knowing what the “timeline” was for the Victory Church. The developer indicated that the first phase would begin as soon as approval was received and all future phases would be completed by January of 2006. The question also arose as to why the 118th Place access point (adjacent to commercial development) was not being constructed with Phase I, rather than the Chase Street access which is adjacent to single-family residential and could potentially route traffic unnecessarily through the neighborhood. The developer stated that construction of the 118th Place access point with the first phase would “substantially increase site development costs.” They also believe that the Chase Street access point will generate minimal amounts of traffic onto Chase Street. The developer has been made aware that if the Chase Street access point became an issue at the public hearings, Staff would recommend that the 118th Place access point be included with the first phase and the Chase Street access would not be permitted.

At the Planning Commission public hearing on March 20, 2001, there were several people who spoke in opposition to the proposed Victory Church, mainly stating concerns over the safety of the neighborhood children, traffic flow, and the Chase Street access. There was also concern over the size of the monument sign and of having any form of electronic signage within their community. Due to public comment opposing the Chase Street access at the Planning Commission public hearing, Staff is recommending denial of the Chase Street access, and requirement of the 118th Place access as part of Phase I.

Surrounding Land Use and Comprehensive Land Use Plan Designation

The property is surrounded by single-family detached housing on the east (now under construction-117th Avenue subdivision), south and west (Torrey Peaks), and commercial (Kohl's and vacant land) to the north. The Comprehensive Land Use Plan designations are Single-Family Attached (up to 10 units/acre) to the east, Single-Family Detached - Medium Density (3.5 units/acre) to the west and south and Retail/Commercial to the north. If the Comprehensive Land Use Plan Amendment to Public/Quasi-Public and Office is approved, the Victory Church proposal would be in conformance with the "Public/Quasi-Public" land use.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the Victory Church property, a part of the Docheff Planned Unit Development, is specifically described as:

Parcel #1

A tract of land located in the northeast quarter of Section 1 Township 2 South, Range 69 West of the Sixth Principal Meridian; City of Westminster, County of Jefferson, State of Colorado being more particularly described as follows:

Commencing at the northeast corner of Section 1, Township 2 South, Range 69 West of the Sixth Principal Meridian; thence S00°19'22"W along the east line of the northeast quarter of said Section 1, a distance of 991.98 feet; thence N89°40'38"W a distance of 50.00 feet to a point on the westerly right-of-way line of Sheridan Blvd. as recorded at Reception Number 86125271, said point being the true point of beginning; thence S00°19'22"W along said westerly right-of-way a distance of 920.47 feet to a point on the northerly right-of-way line of W. 117th Ave. as platted by Torrey Peaks Subdivision Filing No. 1, Amendment No. 1; thence along said northerly right-of-way line the following 4 courses, 1) 39.27 feet along the arc of a curve to the right having a central angle of 90°00'00", a radius of 25.00 feet and a chord which bears S45°19'22"W a distance of 35.36 feet to a point of tangency; 2) thence N89°40'38"W a distance of 509.00 feet to a point of curvature; 3) thence 92.15 feet along the arc of a curve to the left having a central angle of 16°00'00", a radius of 330.00 feet and a chord which bears S82°19'22"W a distance of 91.85 feet to a point of tangency; 4) thence S74°19'22"W a distance of 64.87 feet; thence departing said northerly right-of-way line N89°43'44"W along the north line of a parcel of land described in Reception Number 89068490 a distance of 223.00 feet to a point on the easterly right-of-way of Chase Street as platted by Torrey Peaks Subdivision Filing No. 1, Amendment No. 1; thence along the easterly right-of-way of Chase Street and the southerly right-of-way of West 118th Place as platted by said Torrey Peaks Subdivision No. 1, Amendment No. 1 the following 4 courses, 1) N00°15'41"E a distance of 931.26 feet to a point of curvature; 2) thence 110.03 feet along the arc of a curve to the right having a central angle of 90°03'41", a radius of 70.00 feet and a chord which bears N45°17'32"E a distance of 99.05 feet to a point of tangency; 3) thence S89°40'38"E a distance of 816.32 feet to a point of curvature; 4) thence 39.27 feet along the arc of a curve to the right having a central angle of 90°00'00", a radius of 25.00 feet and a chord which bears S44°40'38"E a distance of 35.36 feet to the true point of beginning, containing 23.063 acres, more or less.

Parcel #2: (Parcel Acreage = 0.157)

A tract of land located in the northeast quarter of Section 1, Township 2 South, Range 69 West of the Sixth Principal Meridian, all being located in the County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the northeast corner of Torrey Peaks Subdivision Filing No. 1, being the northeast corner of Tract B; thence S00°15'41"W along the boundary line and boundary line extended of said subdivision, a distance of 1310.12 feet; thence S89°43'44"E, a distance of 30.00 feet to the point of beginning on the

easterly right-of-way line of Chase Street as shown on the plat of said subdivision; thence along the easterly and northerly right-of-way lines of Chase Street and West 117th Avenue the following four (4) consecutive courses: 1) S00°15'41"W, a distance of 14.95 feet to the point of curve; 2) along the arc of said curve to the left, having a central angle of 02°51'18" and a radius of 336.67 feet, a distance of 16.78 feet to the point of a compound curve; 3) along the arc of said compound curve to the left, having a central angle of 103°05'00" and a radius of 25.00 feet, a distance of 44.98 feet to the point of tangent; 4) thence N74°19'22"E along said tangent a distance of 198.38 feet; thence departing said right-of-way lines N89°43'44"W, a distance of 223.00 feet to the point of beginning.

Basis of Bearing:

Bearings area based on a platted bearing of N00°19'22"W along the east line of the northeast quarter of Section 1, Township 2 South, Range 69 West of the Sixth Principal Meridian as shown on the plat of Torrey Peaks Subdivision Filing No. 1, and monumented by a found 3½" aluminum cap in range box PLS#13225 at the northeast corner of Section 1 and a found 3½" aluminum cap in range box PLS #13486 at the east quarter corner of Section 1.

WHEREAS, an amendment of the Plan is necessary to change the land use designation for the Victory Church property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Victory Church property, legally described above and the proposed CLUP map changes as shown on "Exhibit B." The Victory Church property shall be changed from "Business Park" to "Public/Quasi-Public" for 20.88 acres of the property and "Office" for the northeastern 2.5 acres of the site, a total of 23.38 acres.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 9, 2001

Subject: Councillor's Bill No. 16 re 2001 CDBG Fund Appropriation

Prepared by: Robin Byrnes, Community Development Programs Coordinator

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill appropriating 2001 Community Development Block Grant (CDBG) funds in the amount of \$692,000 awarded by the U.S. Department of Housing and Urban Development (HUD) on March 12, 2001. The 2001 CDBG allocation of \$692,000 was awarded to the 2001 CDBG projects, per City Council approval on October 23, 2000.

Summary

In 2001, the City was allocated \$692,000 from HUD, an increase from the 2000 CDBG final allocation of \$667,000. The 2001 CDBG Action Plan was approved by HUD March 12, 2001. The 2001 Action Plan is a required submission by HUD that outlines the City's local goals and priorities in regards to the use of the 2001 CDBG allocation. The Action Plan outlines the 2001 CDBG projects that City Council approved on October 23, 2000.

Policy Issues

Council will need to decide if the 2001 CDBG funds in the amount of \$692,000 should be appropriated to the 2001 CDBG projects previously approved by City Council on October 23, 2000.

Background

The CDBG funds are intended to be used for community development projects, which primarily benefit the City's low to moderate-income populations and address blight conditions in the City. The following is a list of 2001 CDBG projects that were approved by City Council on October 23, 2000 and approved by HUD on March 12, 2001, through the City's submission of the 2001 CDBG Action Plan.

76th Avenue Library Building/Design Engineering Costs **\$120,000**

The 76th Avenue Library is located at 3031 West 76th Avenue. The project activities would be to conduct architectural/design work to construct a new facility at 74th Avenue and Irving Street on City owned property. The City has also allocated funding in the 2001 – 2005 Capital Improvement Program for the design and construction of this project.

Terrace Park **\$60,000**

Terrace Park is a 1.2-acre park located at 7080 Canosa Court in south Westminster. Funds would be used for the renovation of the park, including a new playground, basketball court and sidewalk replacement. Terrace Park was allocated 2000 CDBG funds in the amount of \$50,000 which were used to construct concrete walkways and plaza, handicapped ramping and survey work. The 2001 CDBG allocation will complete the upgrades and improvements to finish Terrace Park.

Mountain Terrace Mutual Housing Community Health and Safety Repairs **\$50,000**

Rocky Mountain Mutual Housing Association, Inc. owns and operates the Mountain Terrace Apartment Complex, which has 152 low to moderate income rental units, located at 3650 West 84th Avenue. Project activities will include the replacement of the sidewalks, stairwells and the replacement of 36 furnaces. This project also received \$110,116 in funding from the Colorado Housing and Finance Authority. The 2001 CDBG funds from the City of Westminster will complete the funding necessary to complete all proposed facility improvements. This project will support Councils' affordable housing objective.

73rd Avenue Street Reconstruction **\$88,857**

This project will address the street reconstruction and beautification of 73rd Avenue from Lowell to Bradburn Boulevard. The project would assist in the preservation and restoration of the historic area in south Westminster. Project activities will include street reconstruction, sidewalk reconstruction, landscaping, and historic street lighting.

Village of Greenbriar Landscaping Improvements **\$25,000**

Greenbriar Village Apartments is a 144 unit apartment complex located at 84th Avenue and Federal Boulevard. The Adams County Housing Authority is owner/operator and is in the final phases of completing landscaping/irrigation and sidewalk improvements. The 2001 CDBG funds would provide funding for the final phase of this highly visible project.

CDBG Program Administration **\$119,000**

The program administration funds would cover the salaries of the full time Community Development Program Coordinator and a half-time Secretary. HUD allows grantees to utilize up to 20% of the annual CDBG funding for administration and planning expenses. HUD has requested that the City increase the existing administration/planning budget to build program and compliance capacity. The \$119,000 is 17% of the 2001 allocation.

Career Enrichment Park Improvements **\$50,000**

The Career Enrichment Park (CEP) is located on 72nd Avenue and Lowell in south Westminster. Funds would be utilized in conjunction with capital improvement funds to begin the park upgrades. The money would be used to initiate design/engineering and address improvements to the pedestrian paths, parking, landscaping and recreational/park space (Phase I). These improvements would be in compliance with the recently finalized CEP Master Plan. School District #50 is expected to provide funds and in-kind services to match the City's expenditures.

Bradburn Garden Apartment Playground **\$25,000**

The Bradburn Garden Apartments is low to moderate affordable housing located on 75th Avenue and Bradburn Boulevard. A new owner invested approximately \$1.0 million to completely rehabilitate the complex. The project was financed through Low Income Housing Tax Credits (LIHTC) from the Colorado Housing and Finance Authority (CHFA). The CDBG funds would provide for a children's playground to service the low to moderate income children living at the apartment complex.

Lowell Boulevard Shopette Site Improvements **\$35,000**

This project would address blight conditions related to the shopping center. The funds would be utilized to begin sidewalk, parking and landscaping improvements prior to rehabilitating the exterior of the buildings.

Jefferson County Head Start **\$62,000**

The Kings Mills Head Start Center is located on 9018 Field Street in Westminster. The City has leased the Kings Mill Library to the Jefferson County Head Start Program. This project would fund the installation and ground drainage improvements for the new playground. This facility received \$319,000 from the U.S. Department of Health and Human Services to remodel two of the Head Start classrooms in the facility. This project will assist in constructing a necessary playground.

First Time Home Buyer's Program

\$57,143

The Adams County Housing Authority currently administers a First Time Home Buyer's Program. Funding for down payment assistance to low to moderate homebuyers purchasing housing in Westminster originally came from the Federal Home Loan Bank, these funds are no longer available. This program would provide down payment assistance to the low to moderate income families living in Westminster Square apartments. This apartment complex is being converted to townhomes; these funds would provide the down-payment assistance necessary to purchase units families are currently living in. Funding from the Colorado Housing and Finance Authority would also be added to the City's CDBG 2001 allocation to this project to leverage and increase the amount of down payment assistance that would be provided to a prospective home buyer. Approximately 11 renters will benefit from this project by receiving a deferred due on sale loan, in the amount of \$5,000.

Staff Recommendation

- Pass Councillor's Bill No. on first reading to appropriate 2001 CDBG funds in the amount of \$692,000.

Background

The 2001 CDBG projects were developed with input provided by Westminster residents, city staff, and independent organizations operating in the City. Public notices, flyers, and community meetings were used by City staff along with internal City staff meetings to develop the recommended list of CDBG projects that were approved by City Council on October 23, 2000.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **16**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 2839 in the amount of \$0 is hereby increased by \$692,000 which, when added to the fund balance as of the City Council action on April 23, 2001 will equal \$692,000. This increase is due to the Community Development Block Grant award from the U.S. Department of Housing & Urban Development for the 2001 program year.

Section 2. The \$692,000 increase in the Community Development Block Grant Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
CDBG 2001 Block Grant 76-0426-760	\$0	<u>\$692,000</u>	\$692,000
Total Change to Revenues		<u>\$692,000</u>	
EXPENSES			
CDBG 2001 Block Grant 76-30-88-615-303	\$0	<u>\$692,000</u>	\$692,000
Total Change to Expenditures		<u>\$692,000</u>	

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

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of April, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____day of April 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 9, 2001
Subject: 104th Avenue and Sheridan Boulevard Project – Engineering Design Contract
Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Engineering Design Services Contract with Burns and McDonnell in the amount of \$47,300 for the preparation of preliminary and final engineering plans and construction bid documents for the 104th Avenue and Sheridan Boulevard Intersection Improvements Project and authorize a design contingency in the amount of \$5,000. Funds for this expense are available from the 2000 General Fund Carryover.

Summary

- The 104th Avenue and Sheridan Boulevard intersection is currently experiencing significant increases in left-turn movements for northbound and southbound Sheridan Boulevard traffic wanting to turn onto 104th Avenue. Peak left-turn movements of over 300 vehicles per hour indicate a need to install double left-turn lanes for these movements.
- The design of this project was not budgeted for in 2001. However, Staff recommends that sufficient funds be appropriated from 2000 General Fund Carryover so that the design effort can proceed immediately. It is possible that the consultant could perform enough of the work over the next few months to supply a reasonably accurate construction cost estimate prior to the date that the City’s Capital Improvement Project budget for 2002 is finalized. This information could be helpful to Staff and Council in setting priorities for funding in 2002 and beyond.
- The City received four proposals for the design of this project. The following are the results of the selection process, in order of their ranking:

<u>Rank</u>	<u>Firm</u>	<u>Fee</u>
1	Burns and McDonnell	\$47,300
2.	PBS&J	\$52,014
3.	Bucher, Willis & Ratliff, Corporation	\$59,961
4.	Parsons Transportation Group	\$89,999

- The \$5,000 contingency is reasonable given the degree of complexity of this project.
- Although Burns and McDonnell has not previously performed any roadway design work for the City, the references supplied by this consultant are very favorable. Staff is comfortable in recommending the award of this contract to them.
- Burns and McDonnell’s proposed fee is approximately eight percent (8%) of the preliminary estimate of the cost of construction. This percentage compares very favorably with fees paid on other recent capital projects.

Policy Issue

Does City Council wish to pursue the design of this project at this time?

Recommendation

1. Authorize the City Manager to execute an Engineering Design Services Contract with Burns and McDonnell in an amount not to exceed \$47,300; establish a design contingency of \$5,000; and charge the expense to the appropriate project account in the General Capital Improvement Fund.
2. Pass Councillor's Bill No. 17 on first reading authorizing the supplemental appropriation of 2000 General Fund Carryover funds in the amount of \$52,300.

Alternatives

- City Council could choose to delay the design of this project to some later date. However, given the importance of this intersection, and the increasing volume of left turn movements, Staff views this project as a priority.
- City Council could reprioritize CIP projects and delay a funded project using \$52,300 from an already approved project so that the subject intersection design can move ahead. Given the availability of 2000 carryover funds, this alternative is not recommended.

Background Information

The proposed design of the widening of Sheridan Boulevard approximately 600 feet north and south of 104th Avenue is an effort to improve left turns from Sheridan Boulevard onto 104th Avenue. Recent development along 104th Avenue including the Westminster Promenade, City Park Recreation Center additions and filings of the Legacy Ridge Development are increasing the number of vehicles turning from Sheridan Boulevard onto 104th Avenue. Current peak left turn movements of over 300 vehicles per hour indicate the need for double left turn lanes at this location. As a rule of thumb, when turning movements exceed 300 vehicles per hour, double left turn lanes should be considered. Installing these double left turn lanes will not only improve the ability to turn onto 104th Avenue, but will also improve the through movements on Sheridan Boulevard since the queuing of turning vehicles would no longer “back-up” into the through lanes which is also a safety issue..

Also, additional left turn volume is expected with the use of the 4 lighted ball fields at City Park as well as increased activity when the Promenade adds tenants and development adjacent to Shane's Diamond Jeweler is realized.

Requests for Proposals were sent to eight design firms for this project and four of them submitted proposals. Staff reviewed these four proposals and concluded that the proposal submitted by Burns and McDonnell showed a good understanding of the project as well as a reasonable and fair fee. This fee is approximately eight percent (8%) of the anticipated cost of construction and compares very favorably when compared to other similar projects. Burns and McDonnell is a 100-year old firm having done numerous projects along the front range as well as across the country. Their references are good, and Staff believes that they are capable of designing a high quality project for the City.

Respectfully submitted,

William M. Christopher, City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **17**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Fund initially appropriated by Ordinance No. 2839 in the amount of \$67,845,371 is hereby increased by \$52,300 which, when added to the fund balance as of the City Council action on April 23, 2001 will equal \$67,897,671. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2000 carryover funds.

Section 2. The \$52,300 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
Carryover – General Fund 10-0090-000	\$1,798,308	<u>\$52,300</u>	\$1,850,608
Total Change to Revenues		<u>\$52,300</u>	
EXPENSES			
Transfer to Capital Projects Fund 10-10-95-990-975	\$1,798,308	<u>\$52,300</u>	\$1,850,608
Total Change to Expenditures		<u>\$52,300</u>	

Section 3. The 2001 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2839 in the amount of \$14,802,638 is hereby increased by \$52,300 which, when added to the fund balance as of the City Council action on April 23, 2001 will equal \$14,854,938. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the General Fund.

Section 4. The \$52,300 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
Transfer From the General Fund 75-9999-360	\$1,798,308	<u>\$52,300</u>	\$1,850,608
Total Change to Revenues		<u>\$52,300</u>	
EXPENSES			
104 th Ave. and Sheridan Blvd. Project 75-30-88-555-061	\$0	<u>\$52,300</u>	\$52,300
Total Change to Expenditures		<u>\$52,300</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of April, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____day of April 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 9, 2001
Subject: Resolution No. 23 re Revisions to Council Rules and Procedures
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to adopt the attached Resolution, which amends the Council Rules and Procedures pertaining to the Council Travel Policy.

Policy Issues

Should the Council change the time frame for filing expense reports from two weeks to one week.

Summary

At the April 2nd City Council Study Session, Council discussed several changes to the Travel Policy relevant to City Council.

One of the procedural changes would be to file expense reports within one week of returning from a City related trip. As agreed upon by Council, this change has been made and is reflected in the attached Resolution amending the Council Rules and Procedures document.

Pursuant to Part VII, Section 9 of Council Rules and Procedures “These rules may be amended or new rules adopted by a majority vote of all members of the Council. Any such alteration or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of new business. This requirement shall be waived only by unanimous consent of all members of Council.”

Staff Recommendation

Waive the prior written submittal requirement found in Part VII, Section 9 of the Council Rules and Procedures regarding the proposed changes contained in Resolution No. 23 and adopt Resolution No. 23 revising the Council Rules and Procedures Travel Policy to require trip expense reports to be filed within one week.

Background Information

The current City Council Travel Policy was adopted in March, 1994 and revised in June, 2000.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **23**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION AMENDING THE COUNCIL TRAVEL POLICY

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

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

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

26. WESTMINSTER CITY COUNCIL TRAVEL POLICY

EXPENSE COVERAGE

Councillors shall file a report for all trip related expenses within ~~two~~ ONE weeks upon return from the trip. The completed expense report shall be submitted to the City Manager's Office for processing. Receipts for expenses of \$25.00 and greater shall be attached to the form.

PASSED AND ADOPTED THIS 9th day of April, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 9, 2001

Subject: Second Reading of Councillor's Bill No. 4 re Sign Code Amendments

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the proposed revisions to the Sign Code that were passed on first reading at the February 26, 2001 City Council meeting. Council requested several changes at that time which have been reviewed and analyzed and are discussed below. Also, Staff has modified its previous recommendation on signage provisions pertaining to churches.

Summary

At the February 26, 2001 City Council meeting, Councillors asked for changes/clarification in four areas of the proposed revised Sign Code:

1. It was requested that the amount of window signage permitted be increased from 10 percent to 30 percent. Councillor Moss also asked for clarification of how the revised Sign Code would affect window displays such as those used by Barnes and Noble to display book titles. This change is shown in Section 11-11-4 (B) on Page 11 of the proposed Sign Code.
2. Councillors requested that election signs continue to be an allowed use in the City rights-of-way, and that the time restrictions for such signs be left intact. Clarification was requested as to the section pertaining to the earliest dates that the signs could be erected, and Councillors also asked to reduce the distance between identical election signs. These changes are shown in Section 11-11-6 (C) on Page 17 of the proposed Sign Code. Three persons spoke at the Council meeting against allowing election signs in the right-of-way.
3. The proposed new section pertaining to monument signs for churches near or within residential areas has been deleted and the Code revised to limit all non-residential signs equally when within 200 feet of a residentially designated area. This change is proposed in order to protect neighborhoods from large obtrusive signs. This change is contained in Section 11-11-7 (A) on Page 18 of the proposed Sign Code. Further, the City has historically prohibited electronically activated signs. The current Code prohibits:

“Signs with visible moving, revolving, or rotating parts or visible mechanical movement or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time temperature date signs, traditional barber poles and except for gauges and dials which may be animated to the extent necessary to display correct measurement.” and “Signs that are animated with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.”

These sections were revised (11-11-5-(C) on Page 13 and 11-11-7-(A)6(j) on Page 19) to allow electronically activated signs if they are ten (10) square feet or less in size. The proposed code language would allow the sign copy to be changed as often as every 12 hours.

4. Testimony was received at the meeting requesting revisions to the flag provisions of the revised Code. A letter was also received from Phil Millett dated March 12, 2001, requesting several changes (please see attached). After reviewing the issue, Staff is recommending that the size of the flag that is permitted without a permit be increased as per the recommendation of Mr. Millett, except that the largest flag Staff recommends is 6 x 10; not 10 x 15 as recommended by Mr. Millett. Staff is not in support of other recommendations requested in the letter. These changes are shown in Section 11-11-4 (I) on Page 12 of the proposed Sign Code.

All of the changes requested at the February 26, 2001 meeting have been made on the proposed revised Sign Code ordinance that is attached. A discussion of these issues is included in the Background Section of this report.

Policy Issue(s)

Whether the Sign Code revisions as proposed by Staff are appropriate at this time and in the best interest of the public. Alternatives and issues are discussed further in this memorandum.

Staff Recommendation

Pass Councillor's Bill No. 4 on second reading as amended making certain revisions to Section 11-11 of the Westminster Municipal Code pertaining to the sign regulations and making a finding that the provisions of Section 11-11-1 of the Westminster Municipal Code have been met by the enactment of the proposed changes.

Alternatives

- Determine that revisions to the Sign Code are not warranted at this time and take no further action. Staff does not recommend this alternative as a great deal of time and effort has been put into refining the sign code, interest from various parties and individuals has shown a need to make modifications, and the suggested changes will create a more consistent approach to sign review in the City.
- Discuss changes to some portions of the Sign Code and request that the proposal be tabled and brought back to City Council at a later date for a second reading. Staff does not recommend this approach because the suggested changes resolve the outstanding issues in a satisfactory manner in Staff's opinion.

Background Information

The following issues were discussed at the February 26, 2001, City Council meeting:

1. Councillors determined that the maximum window sign area should be increased from 10 percent to 30 percent. This change has been made in the revised draft. In the current Sign Code, windows can be used for display of merchandise for sale and no change to that is proposed by Staff. The window displays used by Barnes and Noble, for instance, would therefore continue to be permitted. The current and proposed Sign Code only pertains to signs affixed to the windows.
2. The previous proposed Sign Code provision to prohibit election signs in the City rights-of-way has been revised per City Council's direction provided they pose no traffic hazard and meet minimum size requirements. In that respect, no change is proposed from the existing Sign Code. As discussed in Study Session, there has been confusion over the earliest permissible date that the signs may be erected, since mail-in ballots may be mailed out by County Clerks at different times.

Staff is recommending that the Sign Code be modified to allow election signs to be installed no more than 60 days before any general election. This makes enforcement easier and clarifies the exact date each year when the signs may go up. Staff has also reduced the distance between identical election signs from 100 feet to 50 feet per City Council's direction. Three individuals appeared at the meeting for the first reading in support of elimination of election signs in City rights-of-way. All three felt that such signs created clutter and gave the City a negative image.

3. After a discussion of the issue pertaining to monument signs for church uses, Staff has deleted the new section pertaining to churches and revised this section to equally restrict the size of non-residential signs within two-hundred (200) feet of residentially designated land. Further, the City has historically prohibited electronically activated signs. The current Code prohibits:

“Signs with visible moving, revolving, or rotating parts or visible mechanical movement or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time temperature date signs, traditional barber poles and except for gauges and dials which may be animated to the extent necessary to display correct measurement.” and “Signs that are animated with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.”

These sections were revised (Section 11-11-5 (C) on Page 13 of the proposed Sign Code) to clarify that electronically activated signs are prohibited except for time and temperature signs etc. While this is a clarification, there is no legal distinction between electronically activated time, temperature, and date signs etc. and other electronically activated informational signs. Staff has not been directed to alter this section; however, as an alternative, Council could prohibit all electronically activated signs or allow non-moving electronically activated signs.

4. The proposed Code has been modified since first reading allowing larger flags without a permit depending on the size of the building on the lot. Section 11-11-4(I) of the proposed Code would permit a single flag to be erected on any property, the maximum size of which is determined by the size of the building on the site. The idea of basing the flag size on the height of the building was recommended by Mr. Millett as a representative of a flag manufacturing firm. Staff considers the concept of proportionality to the building on the site to be reasonable. Allowing additional flags can also be permitted, but permits would have to be obtained and the additional flags would count against the allowable wall signage on the site.

Modifying an existing sign code always seems to generate a variety of comment and concern from interested parties. This seems to be “the American way.” Staff would suggest that changes to the sign code should be evaluated from the perspective of what is best for the community at large; not individual special interests.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **2862**

COUNCILLOR'S BILL NO **4**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

Moss - Hicks

A BILL

FOR AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE XI, CHAPTER 2 AND CHAPTER 11 OF THE OFFICIAL CODE PERTAINING TO DEFINITIONS AND SIGN REGULATIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title XI, Chapter 2, is hereby amended as follows:

11-2-2 "A" (G) AWNING. ~~A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded, or collapsed against the face of the supporting building.~~ A ROOF-LIKE COVER THAT PROJECTS FROM THE WALL OF A BUILDING AS AN ARCHITECTURAL DETAIL OR FOR THE PURPOSE OF SHIELDING AN AREA, DOORWAY, OR WINDOW FROM THE ELEMENTS.

11-2-3: "B" (C) BILLBOARD. ~~Off premise advertising or directional sign.~~ A SIGN AND ITS STRUCTURE ADVERTISING AN ESTABLISHMENT, MERCHANDISE, SERVICE, OR ENTERTAINMENT WHICH IS NOT SOLD, PRODUCED, MANUFACTURED, OR FURNISHED ON THE PROPERTY WHERE THE SAID SIGN IS LOCATED.

11-2-4: "C" (A) CANOPY. ~~A permanently roofed shelter covering a sidewalk, driveway, or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.~~ A STRUCTURE OF RIGID OR NON-RIGID MATERIAL ON A FRAMEWORK SHELTERING AN AREA OR FORMING A SHELTERED WALK TO THE ENTRANCE OF A BUILDING.

~~(B) CANOPY SIGN.~~ Any sign which is hung, suspended, or attached to the underside of a canopy. Such sign would be designed and so oriented as to be used only by pedestrian traffic under the canopy and not used for additional signage for frontage advertising.

~~(C) CHANGEABLE COPY SIGN.~~ A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

All other subsections of 11-2-4 will be relettered B through D

11-2-5: "D" (E) DIRECTIONAL SIGN. A permanent sign limited in subject matter to parking instructions and similar traffic directional information with no merchandise or service advertising.

All other subsections of 11-2-5 will be relettered E through J

11-2-7: "F" (S) FREE STANDING GROUND SIGN. ~~A sign which is supported by the ground or from an object on the ground, or sign which is erected on the ground, providing that no part of the sign is attached to any part of any building, structure or other sign. The term "freestanding sign" shall include "pole sign," "pedestal sign," and "ground sign."~~

All other subsections of 11-2-7 will be relettered S through U

11-2-14: "M" (E) MARQUEE. ~~A permanently roofed structure attached to and supported by a building and projecting from the building. ANY HOOD, CANOPY, AWNING, OR PERMANENT ROOF-LIKE CONSTRUCTION THAT IS SUPPORTED WHOLLY OR IN PART BY A BUILDING AND PROJECTS FROM A WALL OF A BUILDING.~~

11-2-16: "O" (B) OFF-PREMISE ADVERTISING OR DIRECTIONAL SIGN. ~~Any off-premise sign, including a billboard or general outdoor advertising device, which advertises or directs attention to a business, community, service or activity conducted, sold, offered elsewhere than on the same lot or within the same building upon which such sign is located.~~

All other subsections of 11-2-16 will be relettered B through E

11-2-20: "S" (J) SIGN. ~~Any writing, pictorial representation, or decoration (including material used to differentiate sign copy from its background, form, emblem, or trademark) flag, banner, or any other figure of similar character which:~~

- ~~1. Is a structure or any part thereof (including the roof or wall of a building); and~~
- ~~2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon, or designed into a building, board, plate, canopy, awning, vehicle, or upon any material object or device whatsoever; and~~
- ~~3. Which by reason of its form, color, wording, symbol, design, illumination, motion, or otherwise attracts or is designed to attract attention to the subject thereof, is used as a means of identification, advertisement or announcement.~~

(K) SIGN, CANOPY. ~~Any sign which is hung, suspended, or attached to the underside of a canopy. Such sign would be designed and so oriented as to be used only by pedestrian traffic under the canopy and not used for additional signage for frontage advertising.~~

(L) SIGN, CHANGEABLE COPY. ~~A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.~~

(M) SIGN, DIRECTIONAL. ~~A permanent sign limited in subject matter to parking instructions and similar traffic directional information with no merchandise or service advertising.~~

(N) SIGN, ELECTRIC. ~~Any sign containing electrical wiring, but not including signs illuminated by exterior light sources, such as floodlights, to provide lighting.~~

(O) SIGN FACE. ~~The surface of a sign upon, against, or through which the message is displayed or illustrated. Advertising display area shall mean the advertising display surface area (copy area) encompassed within any rectangular figure, parallel to the lettering or logo, which would enclose all parts of the sign. The structural supports for a sign, whether they be columns, pylons or a building, or a part thereof, shall not be included in the advertising area.~~

(P) SIGN, FREE STANDING GROUND. ~~A sign which is supported by the ground or from an object on the ground, or sign which is erected on the ground, providing that no part of the sign is attached to any part of any building, structure or other sign. The term "free standing sign" shall include "pole sign," "pedestal sign" and "ground sign."~~

(Q) SIGN, ILLEGAL NON-CONFORMING. ~~A sign which was in violation of any of the laws of the City governing the erection or construction of such sign at the time of its erection, which sign has never been erected or displayed in conformance with all such laws, including this Code, and which shall include signs which are pasted, nailed, painted on or otherwise unlawfully displayed upon structures.~~

~~(R) — SIGN, LEGAL NON-CONFORMING. Any sign which does not conform to one or more applicable provisions of this Code, but which was erected and maintained, or approved in an Official Development Plan, prior to the effective date of the applicable provision or provisions.~~

~~(S) — SIGN, MARQUEE. A sign depicted upon, attached to or supported by a marquee as herein defined.~~

~~(T) — SIGN STRUCTURE. Any supports, uprights, braces or framework of a sign.~~

~~(U) — SIGN, WALL. A sign displayed upon or against the wall of an enclosed building where the exposed face of the sign is in a plane parallel to the plane of said wall and extends not more than 15 inches horizontally from the face of said wall. A sign erected upon or against the side of a roof having an angle of 45 degrees or less from the vertical shall be considered to be a wall sign and shall be regulated as such.~~

~~(V) — SIGNS, NUMBER OF. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship or elements, each element shall be considered to be a single sign.~~

All other subsections of 11-2-20 will be relettered J through R

Section 2: Title XI, Chapter 11, is hereby amended as follows:

11-11-2: DEFINITIONS:

ABANDONED SIGN - A SIGN, INCLUDING ITS STRUCTURE, WHICH NO LONGER IDENTIFIES OR ADVERTISES A BUSINESS, LESSOR, SERVICE, OWNER, PRODUCT OR ACTIVITY, AND/OR FOR WHICH NO LEGAL OWNER CAN BE FOUND. AN ABANDONED SIGN IS HEREBY DECLARED TO BE A PUBLIC NUISANCE.

ANIMATED SIGN - ANY SIGN OR PART OF A SIGN THAT CHANGES PHYSICAL POSITION OR LIGHT INTENSITY BY ANY MOVEMENT, ROTATION, ILLUMINATION OR OTHER MEANS OR THAT GIVES THE VISUAL IMPRESSION OF SUCH MOVEMENT, ROTATION, ILLUMINATION OR ROTATION.

AWNING SIGN - ANY SIGN PAINTED, PRINTED, ATTACHED, OR OTHERWISE APPLIED TO ANY FACET OR SUPPORT STRUCTURE OF AN AWNING.

AWNING, INTERNALLY ILLUMINATED - ANY AWNING LIT BY MEANS OF A LIGHT SOURCE WHICH IS WITHIN AN AWNING THAT IS CONSTRUCTED FROM ANY, BUT NOT LIMITED TO, TRANSLUCENT OR OPAQUE MATERIAL.

BANNER SIGN - A SIGN MADE OF FABRIC OR ANY NON-RIGID MATERIAL WITH NO ENCLOSING FRAMEWORK.

CANOPY SIGN - A STRUCTURE OF RIGID OR NON-RIGID MATERIAL ON A FRAMEWORK SHELTERING AN AREA OR FORMING A SHELTERED WALK TO THE ENTRANCE OF A BUILDING.

CHANGEABLE SIGN - A SIGN THAT IS DESIGNED SO THAT THE WORDS, LETTERS, FIGURES, DESIGN, SYMBOLS, FIXTURES, OR COPY CAN BE CHANGED OR REARRANGED WITHOUT ALTERING THE SIGN FACE OR SIGN STRUCTURE IN ANY WAY.

CONSTRUCTION SIGN - A TEMPORARY SIGN ANNOUNCING SUBDIVISION, DEVELOPMENT, CONSTRUCTION, OR OTHER IMPROVEMENT OF A PROPERTY BY A BUILDER, CONTRACTOR, OR OTHER PERSON FURNISHING SERVICES, MATERIALS OR LABOR TO SAID PREMISES. FOR THE PURPOSE OF THIS CODE, A "CONSTRUCTION SIGN" SHALL NOT BE CONSTRUCTED TO BE A "REAL ESTATE SIGN" AS DEFINED BY THIS CODE AND SHALL CONTAIN ONLY THE PROJECT NAME, DEVELOPER, ARCHITECT, BUILDER, AND/OR CONSULTANTS, LENDER, AND OPENING DATE.

DIRECTIONAL/INFORMATIONAL SIGN - AN ON-PREMISE SIGN GIVING DIRECTIONS, INSTRUCTIONS, OR FACILITY INFORMATION AND WHICH MAY CONTAIN THE NAME OR LOGO OF AN ESTABLISHMENT BUT NO ADVERTISING COPY (EG: PARKING OR EXIT AND ENTRANCE SIGNS). MAY CONTAIN LOGO PROVIDED THAT THE LOGO MAY NOT COMPRISE MORE THAN 20% OF THE TOTAL SIGN AREA.

DOUBLE-FACED SIGN - A SIGN WITH TWO FACES BACK-TO-BACK.

ELECTION SIGN - ANY SIGN ADVOCATING OR ADVERTISING THE ELECTION OF ANY CANDIDATE FOR PUBLIC OFFICE OR ANY QUESTION UPON WHICH A PUBLIC VOTE IS BEING TAKEN.

EXPOSED NEON - A NEON SIGN IN WHICH THE NEON TUBES ARE NOT COVERED BY AN OPAQUE SHIELD.

GOVERNMENT SIGN - ANY TEMPORARY OR PERMANENT SIGN ERECTED AND MAINTAINED BY THE CITY, COUNTY, STATE, OR FEDERAL GOVERNMENT FOR TRAFFIC DIRECTION OR FOR DESIGNATION OF OR DIRECTION TO ANY SCHOOL, HOSPITAL, HISTORICAL SITE, OR PUBLIC SERVICE, PROPERTY, OR FACILITY.

ILLEGAL SIGN - A SIGN WHICH DOES NOT MEET THE REQUIREMENTS OF THIS CODE AND WHICH HAS NOT RECEIVED LEGAL NON-CONFORMING STATUS.

ILLUMINATED SIGN - A SIGN LIGHTED BY OR EXPOSED TO ARTIFICIAL LIGHTING EITHER BY LIGHTS ON OR IN THE SIGN OR DIRECTED TOWARD THE SIGN.

ILLUMINATED AWNING - ANY AWNING LIGHTED BY OR EXPOSED TO ARTIFICIAL LIGHTING EITHER BY LIGHTS ON OR IN THE AWNING OR DIRECTED TOWARD THE AWNING.

MAINTENANCE - FOR THE PURPOSE OF THIS CODE, THE CLEANING, PAINTING, REPAIR, OR REPLACEMENT OF DEFECTIVE PARTS OF A SIGN IN A MANNER WHICH DOES NOT ALTER IN ANYWAY THE APPROVED SIGNAGE.

MARQUEE SIGN - ANY SIGN PAINTED, PRINTED, ATTACHED OR OTHERWISE APPLIED TO ANY FACET OR SUPPORT STRUCTURE OF A MARQUEE.

MONUMENT SIGN - ANY SIGN WHICH IS ANCHORED TO THE GROUND WITH A MONOLITHIC BASE AND IS INDEPENDENT OF ANY OTHER STRUCTURE.

NON-CONFORMING SIGN - ANY SIGN THAT DOES NOT CONFORM TO ONE OR MORE APPLICABLE PROVISIONS OF THIS CODE, BUT WHICH WAS LAWFULLY ERECTED AND MAINTAINED, OR APPROVED IN AN OFFICIAL DEVELOPMENT PLAN, PRIOR TO THE APPLICABLE PROVISION OR PROVISIONS.

OFF-SITE COMMERCIAL DIRECTIONAL SIGN - A PERMANENT GROUND SIGN INTENDED TO DIRECT VEHICULAR TRAFFIC THROUGH THE PRIVATE ROADS OR EASEMENTS OF A REGIONAL SHOPPING CENTER TO A COMMERCIAL ESTABLISHMENT.

OWNER - A PERSON RECORDED AS SUCH ON OFFICIAL RECORDS. FOR THE PURPOSES OF THIS CODE, THE OWNER OF PROPERTY ON WHICH A SIGN IS LOCATED IS PRESUMED TO BE THE OWNER OF THE SIGN UNLESS FACTS TO THE CONTRARY ARE OFFICIALLY RECORDED OR OTHERWISE BROUGHT TO THE ATTENTION OF THE CITY.

POLITICAL SIGN - A TEMPORARY SIGN USED IN CONNECTION WITH A LOCAL STATE OR NATIONAL ELECTION, ISSUE, OR REFERENDUM.

PORTABLE SIGN - ANY SIGN DESIGNED TO BE MOVED EASILY AND NOT PERMANENTLY AFFIXED TO THE GROUND OR TO A STRUCTURE OR BUILDING.

PROJECTING SIGN - A SIGN, OTHER THAN A FLAT WALL SIGN, WHICH IS ATTACHED TO AND PROJECTS FROM A BUILDING WALL OR OTHER STRUCTURE NOT SPECIFICALLY DESIGNED TO SUPPORT THE SIGN.

REAL ESTATE SIGN - A TEMPORARY, NON-ILLUMINATED SIGN INDICATING THE AVAILABILITY FOR SALE, RENT, OR LEASE OF A SPECIFIC LOT, BUILDING, OR PORTION OF A BUILDING ON THE PROPERTY UPON WHICH THE SIGN IS LOCATED.

ROOF - FOR THE PURPOSE OF THIS CODE, THE ROOF SHALL MEAN THE OUTSIDE TOP COVERING OF ANY BUILDING OR STRUCTURE.

ROOF SIGNS - A SIGN THAT IS MOUNTED ON THE ROOF OF A BUILDING OR THAT IS WHOLLY OR PARTIALLY DEPENDANT UPON THE BUILDING FOR SUPPORT AND THAT PROJECTS ABOVE THE HIGHEST POINT OF A BUILDING WITH A FLAT ROOF, THE EAVE-LINE OF A BUILDING WITH A GAMBREL, GABLE, OR HIP ROOF, OR THE DECK-LINE OF A BUILDING WITH A MANSARD ROOF.

SIGN - ANY OBJECT, DEVICE, FLAG, DISPLAY, STRUCTURE, OR PART THEREOF, SITUATED OUTDOORS OR INDOORS, WHICH IS USED TO ADVERTISE, IDENTIFY, DISPLAY, DIRECT, OR ATTRACT ATTENTION TO AN OBJECT, PERSON, INSTITUTION, ORGANIZATION, BUSINESS, PRODUCT, SERVICE, EVENT, OR LOCATION BY ANY MEANS, INCLUDING BUT NOT LIMITED TO WORDS, LETTERS, FIGURES, DESIGNS, SYMBOLS, FIXTURES, COLORS, ILLUMINATION, OR PROJECTED IMAGES.

SIGN AREA - THE ENTIRE SIGN FACE, INCLUDING THE ADVERTISING SURFACE AND ANY FRAMING, TRIM, OR MOLDING BUT NOT INCLUDING THE SUPPORTING STRUCTURE. THE SIGN AREA SHALL BE MEASURED AS A RECTANGLE ENCOMPASSING THE LARGEST HORIZONTAL WIDTH AND LARGEST VERTICAL HEIGHT.

SIGN COPY - THE GRAPHIC CONTENT OF A SIGN IN EITHER PERMANENT OR REMOVABLE WORDS, LETTERS, FIGURES, DESIGNS, SYMBOLS, FIXTURES, COLORS, ILLUMINATION, OR PROJECTED IMAGES.

SIGN FACE - THE AREA OR DISPLAY SURFACE USED FOR THE GRAPHIC MESSAGE.

SIGN HEIGHT - THE VERTICAL DISTANCE MEASURED FROM THE HIGHEST POINT OF A SIGN TO THE LOWEST GRADE BENEATH THE SIGN.

SIGN STRUCTURE - ANY COMBINATION OF MATERIALS TO FORM A CONSTRUCTION FOR THE PURPOSE OF ATTACHING, FIXING, OR OTHERWISE SUPPORTING A SIGN, WHETHER INSTALLED ON, ABOVE, OR BELOW THE SURFACE OF THE LAND, A BUILDING, OR ANY OTHER SOLID SURFACE.

SUBDIVISION IDENTIFICATION SIGN - A MONUMENT OR WALL SIGN IDENTIFYING A RECOGNIZED SUBDIVISION, CONDOMINIUM COMPLEX, OR RESIDENTIAL DEVELOPMENT.

TEMPORARY SIGN - A SIGN CONSTRUCTED OF EITHER RIGID OR NON-RIGID MATERIAL AND DESIGNED OR INTENDED TO BE DISPLAYED FOR A SHORT PERIOD OF TIME.

UNDER CANOPY SIGN - A SIGN SUSPENDED BENEATH A CANOPY, AWNING, CEILING, MARQUEE, OR ROOF OVERHANG.

WALL SIGN - A SIGN FASTENED TO OR PAINTED ON THE WALL OF A BUILDING OR OTHER STRUCTURE IN SUCH A MANNER THAT THE WALL BECOMES THE SUPPORTING STRUCTURE FOR, OR FORMS THE BACKGROUND SURFACE OF THE SIGN.

WINDOW SIGN - A SIGN INSTALLED ON A WINDOW AND INTENDED TO BE VIEWED FROM THE OUTSIDE.

~~**11-11-2: SIGNS PERMITTED IN ALL ZONING DISTRICTS AND NOT SUBJECT TO PERMIT:** The following signs, which shall be nonilluminated unless specifically stated to the contrary, are permitted in all zoning districts and are exempt from the provisions of the Code and require no permit for erection:~~

~~(A) — **Public Signs.** Any sign erected by any governmental agency including, but not limited to, federal, state, county and city governments, school and recreation districts, but not including private water and sanitary sewer districts.~~

~~(B) — **Interior or Window Signs.** Signs within any structure or attached to the inside of any window of a structure.~~

~~(C) — **Commemorative Plaques.** Any memorial or commemorative plaque or tablet that contains the primary name of a building, the date of erection and use of the building when the sign is build into the building or mounted flat against the wall of the building, or is designed to designate any particular location of historical significance as determined by the City.~~

~~(D) — **Address Signs.** Any sign designed to identify a particular parcel of land, provided such contains only the street address and name of the owner of the property or the name of the property and does not exceed two (2) square feet in area for residential land uses and five (5) square feet in area for nonresidential land uses.~~

~~(E) — **Special Event Signs.** Signs in conjunction with and in conformance with the Colorado Revised Statutes. Special events such as a philanthropic campaign, church, circus, carnival or of community celebration provided that such are removed within ten (10) days of the termination of the event of which they are a part.~~

~~(F) — **Real Estate Signs.** Temporary, nonilluminated real estate signs indicating the availability for sale, rent, or lease of a specific lot, building, or portion of a building upon which this sign is erected or displayed which do not exceed six (6) square feet in total area and four feet (4') in height for residential properties or twenty (20) square feet in total area and six (6) feet in height for nonresidential properties and are located on properties to be sold, limited to one such sign per street frontage. Such signs shall not remain in place more than seven (7) days following sale or rental of the subject property.~~

~~(G) — **Building Identification Signs.** Signs which identify by name or number individual buildings within institutional or residential building group complexes which are limited to signs attached to the building, not more than two (2) signs per building, and not more than four (4) square feet each. These signs may be illuminated or non-illuminated.~~

~~(H) — **Traffic Directional Signs.** Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot, when such do not exceed three (3) square feet per sign per face in area and eight (8) feet in height, do not contain any advertising or trade name identification, and are nonilluminated, internally or indirectly illuminated. Private traffic control signals shall conform to the standards of the Colorado Manual of Uniform Traffic Control Devices and exceed~~

three (3) square feet per face in area but shall not exceed seven (7) square feet per face. — Such signs shall not exceed four (4) feet in height and shall be set back at least five (5) feet from the property line.

~~(I) — **Information and Directional Signs.**~~

~~— 1. Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed two (2) square feet in total area and is nonilluminated, internally illuminated or indirectly illuminated. This category shall be interpreted to include such signs as "No Smoking," "Restroom," "No Solicitors," "Self Service," "Vacancy," and similar informational signs located at least five feet (5') from the property line.~~

~~— 2. Off-Premises Informational Directional Sign. — A single or doublefaced sign designed to give direction to a church, school, philanthropic organization, or similar use of a nonretail or business nature. Sign may contain only name of organization, direction, and number of blocks. Sign shall be metal, no more than two (2) square feet, and shall be mounted on minimum two inch (2") square steel pole. Bottom of sign shall be a minimum of seven (7) feet above grade. Such signs may be located in the right of way.~~

~~(J) — **Courtesy Signs.** Nonilluminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted and redemption stamps offered, are not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.~~

~~(K) — **Flags.** The flag, pennant, or insignia of any nation, organization of nations, state, county, city, any religious, civic, or fraternal organization or any educational institution.~~

~~(L) — **Holiday Decorations.** Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration.~~

~~(M) — **Warning Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence or underground cables, gas lines and similar devices.~~

~~(N) — **Gasoline Price Signs.** For gasoline or service stations, two (2) unlighted signs listing only the prices and types of gasoline available are permitted with each sign, not to exceed ten (10) square feet in area or six feet (6') in height.~~

~~(O) — **Construction Signs.** A temporary sign not exceeding thirty two (32) square feet announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to said premises. For the purposes of this Code, a "construction sign" shall not be construed to be a "real estate sign" as defined herein and shall contain only project name; developer, architect, builder, and/or consultants; lending institution; and opening date.~~

~~(P) — **Canopy Signs.** Not to exceed two (2) square feet.~~

~~(Q) — **Garage Sale Sign.** A sign advertising the existence of a garage sale for the sale of personal property and advertising the date, time and location of the garage sale with such signs having a maximum area of six (6) square feet, a maximum height of three feet (3'), and a minimum setback of ten feet (10'), posted for the period three days prior and three days following the date of the garage sale. Such signs shall not block or interfere with traffic visibility.~~

11-11-5-11-11-3: GENERAL PROVISIONS

(A) Sign Permit Required: It shall be unlawful for the owner, manager, or occupant, of any property located within the City of Westminster to erect, maintain, or permit the erection or maintenance of any sign on such property without first obtaining a sign permit, UNLESS EXCEPTED IN SECTION 11-11-4, through the following procedure:

1. An application for a sign permit shall be filed with the ~~Chief Building Official~~ COMMUNITY DEVELOPMENT DEPARTMENT and must contain the following information unless waived by the ~~Chief Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR OR HIS/HER DESIGNEE.

- (a) An elevation of the proposed sign, drawn to scale, showing the sign that is proposed to be erected and the message that it will carry.
- (b) The color scheme and construction materials of the sign.
- (c) A plot plan showing the location of the sign on the property. if the sign is to be attached to the face of the building, the plan shall also show the outline of the building.

2. If, after review, the ~~Chief Building Official~~ CITY STAFF finds the sign to be in conformity with this code and the building code of the City of Westminster and any applicable official development plans, a sign permit shall be issued. if the application is denied, the ~~Chief Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR OR HIS/HER DESIGNEE shall inform the applicant of the reason for denial.

3. AN APPLICATION FOR A SIGN PERMIT SHALL BE ACCOMPANIED BY THE APPROPRIATE FEE AS REQUIRED IN SECTION 11-9-3 (E) OF THIS CODE.

4. ANY PERSON INSTALLING, STRUCTURALLY ALTERING, OR RELOCATING A SIGN FOR WHICH A PERMIT HAS BEEN ISSUED SHALL NOTIFY THE CITY UPON COMPLETION OF THE WORK. THE CITY MAY REQUIRE A FINAL INSPECTION, INCLUDING AN ELECTRICAL INSPECTION.

(B) Measurement. In determining the size of any sign, the following procedure shall be used:

1. For signs involving individual letters which are placed flat against the facade of a building or which are to be supported on individual standards and which will be freestanding, the area of said sign will be considered to be that of a single rectangle or square encompassing all of the letters, figures, symbols and pictures used to convey the message of the sign, and shall include the open space between letters of words, figures, symbols, and pictures within that square or rectangle. ~~The height of letters will be measured on the upper case letters.~~

2. For signs, either freestanding or facade mounted, with background material, the area measurement shall be determined by the area of the entire sign including the background material.

3. For all two faced freestanding or projecting signs ~~or billboards~~, the area measurement shall be determined by measurement of one face of the sign only. ~~No sign shall have more than two faces.~~

4. The height of any sign shall be determined by the distance between the topmost portion of the sign or the structure supporting the sign, WHICHEVER IS HIGHER, and the elevation of the ground at the base of the sign, OR ITS STRUCTURE OR SUPPORT.

(C) Altering or Moving Existing Signs. A new permit shall be required prior to moving an existing sign from one location to another or altering a sign in any manner other than for normal maintenance. ~~It shall be unlawful to erect or maintain a sign not in conformity with an approved Official Development Plan and a new permit is required prior to moving or altering such a sign in order to bring it into conformity.~~ An alteration to an existing sign ~~or to a sign not in conformity with an approved Official Development Plan,~~ which requires a new permit includes, but is not limited to, a change in text, height, size, shape, construction material, or lighting.

(D) LAWFUL Non Conforming Signs: Any legal, nonconforming sign which exists ~~excepting those signs described in Section 12-7-5 (E)~~ prior to the adoption or amendment of this code may be continued subject to the following provisions:

1. No such sign shall be enlarged or altered in such a manner as to increase its nonconformity. However, any sign or portion thereof may be altered to decrease its nonconformity.

2. If any such sign or nonconforming portion thereof be destroyed by any means or removed for any reason, voluntary or otherwise, to an extent of more than fifty percent (50%) of its replacement cost at the time of said removal or destruction, it shall not be reconstructed or reassembled except in conformity with this Chapter.

3. If any such sign should, for any reason, be removed from its location, it shall conform to the provisions of the district in which it is located after it is moved.

(E) SIGNS IN PLANNED UNIT DEVELOPMENTS. ALL OFFICIAL DEVELOPMENT PLAN DOCUMENTS SHALL CONTAIN A SECTION IN WHICH THE SPECIFICATIONS FOR ALL ALLOWED SIGNS ARE INCLUDED. THE PLAN SHALL CONTAIN OVERALL SIGN PROGRAM PERFORMANCE STANDARDS WHICH ADDRESS SIZE, HEIGHT, DESIGN, LIGHTING, COLOR, MATERIALS, LOCATION AND METHOD OF CONSTRUCTION TO ASSURE THAT ALL SIGNAGE WITHIN THE PLANNED UNIT DEVELOPMENT IS DESIGNED IN A HARMONIOUS, CONSISTENT AND COMPATIBLE MANNER.

SIGNS PERMITTED IN PUD'S SHALL BE ALL SIGNS WHICH ARE PERMITTED AS PER SECTIONS 11-11-4, 11-11-6 AND 11-11-7. DEVELOPMENT STANDARDS AS SPECIFIED IN THOSE SECTIONS MAY BE MODIFIED IF IT CAN BE SHOWN THAT THE CONDITIONS WITHIN A PARTICULAR PUD WARRANT A SIGN PROGRAM WITH STANDARDS WHICH DO NOT CONFORM TO STANDARD ZONE DISTRICTS SUBJECT TO THE PROVISIONS OF SECTION 11-11-8. ANY VARIANCE APPROVED IN ACCORDANCE WITH SECTION 11-11-8 SHALL BE SPECIFICALLY LISTED ON THE OFFICIAL DEVELOPMENT PLAN.

~~(E) — Sign Removal.~~

~~1. Any sign which is listed in Section 1275 as a "prohibited sign" and any sign which meets the definitions of "illegal, nonconforming" shall be removed within sixty (60) days following the effective date of adoption of this Chapter. Any sign listed in 1275 erected after the effective date of this Ordinance may be removed in accordance with the following paragraph.~~

~~2. Any sign erected without a permit, any sign deemed hazardous by an authorized City official, or any sign for which a permit has expired may be removed and stored by the City for ten (10) days after the owner has been ordered to remove or repair the sign and has not done so, the owner shall be notified of the removal and storage of said sign by registered mail, and if the sign is not claimed within ten (10) days after mailing of said notice the sign may be disposed of by the City. Signs erected without permit within a City street right of way may be removed without notice by the City. Any sign removed from the public right of way having a value in excess of five dollars (\$5.00) shall be stored by the City for three (3) days, excluding Saturdays, Sundays, and holidays, with notice of such removal and storage given to the owner by telephone or other means of communication if the owner is identified on the sign. If the sign removed from public right of way is not claimed within three (3) days, it may be disposed of by the City.~~

~~Any sign removed from the public right of way valued at less than five dollars (\$5.00) may be disposed of by the City without Notice. All written notices required under this Section shall be mailed to the owner, or if the owner is unknown, to the owner of the property on which the sign is located. The City shall have the authority to levy against the owner of the sign or, if the owner is unknown, the owner of the property on which the sign is located, whatever costs are incurred by the City for the removal, storage, and/or disposition of the sign.~~

~~(F) — Appeals.~~

~~1. Appeals or modifications to the conditions and prohibitions of the applicable class of sign within a Planned Unit Development district shall be submitted in the form of an application for approval of a Preliminary Development Plan or Official Development Plan or an amendment thereto.~~

~~—2. Appeals to modify conditions of a permitted sign may be made to the Board of Adjustment and Appeals in accordance with the provisions of Title II, Chapter 6, of this Code. However, in no case shall the Board of Adjustment and Appeals be allowed to consider or approve a request for a class of sign other than that which is specifically permitted.~~

~~—3. In considering a request for a variance to the Sign Code, the Board of Adjustment and Appeals shall determine that:~~

~~(a) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or within the adjacent public right of way which would substantially restrict the effectiveness of the sign in question provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.~~

~~(b) The variance, if authorized, will weaken neither the general purpose of the Sign Code nor the regulations prescribed for the zoning district in which the sign is located.~~

~~(c) The variance, if authorized, will not alter the essential character of the zoning district in which the sign is located.~~

~~(d) The variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property.~~

~~(G) These conditions and prohibitions shall apply to the area included in the Westminster Urban Renewal Plan except as otherwise specified in the plan.~~

11-11-2 11-11-4: SIGNS PERMITTED IN ALL ZONING DISTRICTS AND NOT SUBJECT TO REQUIRING PERMITS: The following signs, which shall be non-illuminated unless specifically stated to the contrary, are permitted in all zoning districts and ~~are exempt from the provisions of the code and~~ require no permit for erection, UNLESS OTHERWISE PROHIBITED IN SECTION 11-11-5 OF THIS CODE:

(A) **Public Signs.** Any sign erected by any governmental agency including, but not limited to, federal, state, county and city governments, school and recreation districts, but not including private water and sanitary sewer districts. PUBLIC SIGNS INCLUDE TEMPORARY OR PERMANENT SIGNS ERECTED BY PUBLIC UTILITY COMPANIES OR CONSTRUCTION COMPANIES TO WARN OF DANGER OR HAZARDOUS CONDITIONS, INCLUDING SIGNS INDICATING THE PRESENCE OF UNDERGROUND CABLES, GAS LINES AND SIMILAR DEVICES.

(B) **Interior or Window Signs.** ~~Signs within any structure or attached to the inside of a window of a structure.~~ AS DEFINED IN SECTION 11-11-2. SUCH SIGNS SHALL BE LIMITED TO ~~TEN (10)~~ **THIRTY (30)** PERCENT OF THE TOTAL WINDOW AREA OF EACH SEPARATE PLACE OF BUSINESS. WINDOW SIGNS MAY BE FURTHER RESTRICTED FOR PUD DEVELOPMENTS.

(C) **Commemorative Plaques.** Any memorial or commemorative plaque or tablet that contains the primary name of a building, the date of erection and use of the building when the sign is built into the building or mounted flat against the wall of the building, or is designed to designate any particular location of historical significance as determined by the City.

(D) **Address Signs.** Any sign ATTACHED TO A BUILDING designed to identify a particular parcel of land, provided such contains only the street address and name of the owner of the property or the name of the property and does not exceed two (2) square feet in area for residential land uses and five (5) square feet in area for nonresidential land uses.

(E) **Special Event Signs.** ~~Signs in conjunction with and in conformance with the Colorado Revised Statutes.~~ SIGNS AND DECORATIONS FOR special events such as a philanthropic campaign, church, circus, carnival, HOLIDAYS or of community celebration provided that such are removed within ten (10) days of the termination of the event of which they are a part.

(F) **Real Estate Signs.** Temporary, non-illuminated real estate signs indicating the availability for sale, rent, or lease of a specific lot, building, or portion of a building upon which this sign is erected or displayed which do not exceed six (6) square feet in total area and four feet (4') in height for residential properties or twenty (20) square feet in total area and six (6) feet in height for nonresidential properties and are located on properties to be sold, limited to one such sign per street frontage. Such signs shall not remain in place more than seven (7) days following sale or rental of the subject property.

(G) **Building Identification Signs.** Signs which identify by name or number individual buildings within institutional or residential building group complexes which are limited to signs attached to the building, not more than two (2) signs per building, and not more than four (4) square feet each. These signs may be illuminated or non-illuminated.

(H) ~~Traffic Directional Signs.~~

1. TRAFFIC SIGNS: Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot, when such do not exceed three (3) square feet per sign per face in area and eight (8) feet in height, do not contain any advertising or trade name identification, and are non-illuminated, internally or indirectly illuminated. Private traffic control signals shall conform to the standards of the Colorado Manual of Uniform Traffic Control Devices and exceed three (3) square feet per face in area but shall not exceed seven (7) square feet per face. Such signs shall not exceed four (4) feet in height and shall be set back at least five (5) feet from the property line.

~~(I) Information and Direction Signs~~

~~1-2.~~ ON-PREMISE INFORMATION SIGNS: Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed two (2) square feet in total area and is non-illuminated, internally illuminated or indirectly illuminated. This category shall be interpreted to include such signs as "No Smoking," "Restroom," "No Solicitors," "Self Service," "Vacancy," and similar informational signs located at least five feet (5') from the property line.

~~2-3.~~ Off Premises Informational Directional Signs: A single or double-faced sign designed to give direction to a church, school, philanthropic organization, or similar use of a non-retail or business nature. Sign may contain only name of organization, direction, and number of blocks. Sign shall be metal, no more than two (2) square feet, and shall be mounted on minimum two inch (2") square steel pole. Bottom of sign shall be a minimum of seven (7) feet above grade. Such signs may be located in the right of way. NO MORE THAN FIVE SUCH SIGNS SHALL BE PERMITTED FOR EACH INDIVIDUAL ORGANIZATION.

~~(J) Courtesy Signs.~~ Non illuminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted and redemption stamps offered, are not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.

~~(K) (I) Flags.~~ FOR ANY SINGLE LOT, ONE FLAG, PENNANT OR INSIGNIA WHICH ~~IS 24 SQUARE FEET OR LESS.~~ The flag, pennant, or insignia of any nation, organization of nations, state, county, city, any religious, civic, or fraternal organization or any educational institution. DOES NOT EXCEED THE FOLLOWING REQUIREMENTS:

BUILDING HEIGHT	MAX. HEIGHT OF POLE	MAX. FLAG SIZE
1 STORY	20 FEET	3X5
2 STORIES	25 FEET	4X6
3-4 STORIES	30 FEET	5X8
5 STORIES OR MORE	35 FEET	6X10

~~(L)~~ (J) **Holiday Decorations.** Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration. SUCH DECORATIONS SHALL NOT INCLUDE THE NAME OF ANY BUSINESS OR PRODUCT.

~~(M)~~ **Warning Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

~~(N)~~ **Gasoline Price Signs.** For gasoline or service stations, two (2) unlighted signs listing only the prices and types of gasoline available are permitted with each sign, not to exceed ten (10) square feet in area or six feet (6') in height.

~~(O)~~ (K) **Construction Signs.** A temporary sign not exceeding thirty two (32) square feet announcing subdivision, development, construction or other improvement of the property ON WHICH THE SIGN IS LOCATED by a builder, contractor or other person furnishing services, materials or labor to said premises. For the purposes of this Code, a "construction sign" shall not be construed to be a "real estate sign" as defined herein and shall contain only project name; developer, architect, builder, and/or consultants; lending institution; and opening date.

~~(P)~~ **Canopy Signs.** Not to exceed two (2) square feet.

~~(Q)~~ (L) **Garage Sale Sign.** A sign advertising the existence of a garage sale for the sale of personal property and advertising the date, time and location of the garage sale with such signs having a maximum area of six (6) square feet, a maximum height of three feet (3'), and a minimum setback of ten feet (10'), posted for the period three days prior and three days following the date of the garage sale. Such signs shall not block or interfere with traffic visibility.

~~11-11-4~~ **11-11-5: PROHIBITED SIGNS:** The following types of signs are prohibited in all districts:

(A) Any sign not specifically permitted by the City Code.

(B) Signs Within ~~Street~~ PUBLIC Rights Of Way. Any sign erected upon or over the public right of way of any street, roadway, or alley with the exception of those signs erected by a governmental entity, SIGNS ERECTED IN ACCORDANCE WITH SECTIONS 11-11-4(A), 11-11-6(C), AND 11-11-7(G), and those instances where existing buildings are contiguous with the right of way and a sign is to be attached to said building.

(C) Signs with visible moving, revolving, or rotating parts or visible mechanical movement or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, AND ALL ANIMATED AND ELECTRONICALLY ACTIVATED CHANGEABLE SIGNS AS DEFINED IN SECTION 11-11-2 ~~OVER TEN (10) SQUARE FEET IN SIZE~~ except for time temperature date signs, traditional barber poles and except for gauges and dials which may be animated to the extent necessary to display correct measurement.

(D) Signs that are animated with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.

(E) Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations. Pennants, streamers, balloons, and any other inflatable object or

material fastened in such a manner as to move upon being subjected to pressure by wind or breeze SHALL ALSO BE PROHIBITED.

(F) Imitations of Official Government Protective or Warning Signs: Any sign using the word "stop" or "danger" or which otherwise presents or implies the need or requirement of stopping, or a caution for the existence of danger, or which is a copy of, or which for any reason is likely to be confused with any municipally approved official signs, such as those signs approved and shown in the Uniform Traffic Code.

(G) Any sign that obstructs any window, door, fire escape, stairway, ladder, or openings intended to provide light, air, ingress, or egress for any building, as required by law.

(H) Portable Signs.

1. Any ~~portable sign including any sign~~ displayed on a vehicle when said vehicle is used primarily for the purpose of displaying such sign, when used outside a building. Any advertising device used on a vehicle meeting the following criteria shall be excepted:

- a. Such vehicle at no time remains in one visible place for more than twenty four (24) consecutive hours; and
- b. Such vehicle is actually used by its owner or another as a means of transportation of people or goods; and
- c. SUCH VEHICLE DISPLAYS CURRENT REGISTRATION AND IS INSURED TO OPERATE ON PUBLIC STREETS IN THE STATE OF COLORADO.

2. SANDWICH BOARD SIGNS.

(I) Any sign that violates any provision of any law of the State of Colorado relative to outdoor advertising.

(J) Temporary ~~cardboard or paper~~ signs attached to utility poles or UTILITY BOXES stakes that have the intent of advertising merchandise OR SERVICES for sale.

~~(K) Changeable copy signs other than marquees, notice or listing of church services, or gasoline price signs.~~

~~(K) (L)~~ Any sign which causes any direct glare into or upon any residential building or premises other than the building or premises to which the sign is attached.

(L) EXPOSED NEON SIGNS AND LIGHTING. ALL ROOF SIGNS.

(M)(N) Any attached sign projecting above the roof line of a structure.

(N) ABANDONED SIGNS AS DEFINED IN SECTION 11-11-2. ~~Any sign advertising an activity, business, product or service which has not been produced or conducted upon the premises upon which such sign is located for a period of ninety (90) days or more. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the City if good cause is shown for such extension.~~ ANY SUCH SIGN ABANDONED FOR A PERIOD OF 90 DAYS OR LONGER SHALL BE CONSIDERED AN ILLEGAL SIGN. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business.

(O) Off premise advertising or directional sign, except as allowed IN SECTIONS 11-11-4(H)3, AND 11-11-4(L). ~~for a Class 8 billboard sign and as allowed in Section 11-11-2(I)2 and 11-11-2(M)~~

(P) BACK-LIT AWNINGS.

(Q) FREE-STANDING MONUMENT SIGNS GREATER THAN 100 SQUARE FEET IN SIZE.

11-11-6: TEMPORARY SIGNS REQUIRING PERMITS:

11-11-3 (F) Class 6 (A) TEMPORARY PROJECT IDENTIFICATION SIGNS

1. Permitted in all Zoning Districts.
2. Characteristics: Intended to identify or advertise structures being built, sold, leased, rented or remodeled.
3. Maximum Area: ~~one hundred (100) square feet~~
 - (A) FOR DEVELOPMENTS OVER TEN (10) ACRES IN SIZE ONE HUNDRED (100) SQUARE FEET.
 - (B) FOR DEVELOPMENTS TEN (10) ACRES OR LESS IN SIZE AND INDIVIDUAL STRUCTURES ON LOTS OVER TWO (2) ACRES IN SIZE SIXTY (60) SQUARE FEET.
 - (C) FOR INDIVIDUAL LOTS TWO (2) ACRES IN SIZE OR LESS THIRTY-TWO (32) SQUARE FEET.
4. Maximum Height:
 - ~~(a) Twenty feet (20') for signs over fifty (50) square feet.~~
 - ~~(b) Ten for signs fifty (50) square feet and under.~~
 - (A) FOR SIGNS OVER SIXTY (60) SQUARE FEET IN AREA, TWELVE (12) FEET.
 - (B) FOR SIGNS OVER THIRTY TWO (32) SQUARE FEET IN AREA BUT LESS THAN SIXTY (60) SQUARE FEET IN AREA EIGHT FEET (8').
 - (C) FOR SIGNS THIRTY TWO (32) SQUARE FEET IN AREA OR LESS SIX FEET (6').
5. Minimum Setback: Thirty feet (30').
6. Limitation in Number: One (1) sign per sixty (60) acres, not to exceed a total of four (4) and not to exceed an aggregate of two hundred (200) square feet.
7. Restrictions, Additions, Clarifications and Exceptions:
 - (a) Must be located on the property being advertised. Offsite signs are not permitted. ~~except in conjunction with a permitted class 8 billboard sign.~~
 - (b) Signs shall be unlighted.

11-11-3 (L) Class 12 (B) Temporary Outside Signs:

1. Permitted in Zoning Districts B1, C1, ~~S1~~, PUD and M1.
2. Characteristics: A sign, banner, or similar device, not including pennants on a string or rope, or display which is intended for a temporary period of display for the purpose of announcing a special event for a business such as a grand opening, a sale or a new service. Said sign may be constructed of cloth, canvas, cardboard, wallboard, plywood or other light temporary material. Sign must be attached flat against a building.

3. Maximum Area Forty (40) square feet per sign.
4. Maximum Height May not project above the roof line on the building to which the sign is attached.
5. Minimum Allowable Setback Same setback as the building to which the sign is attached.
6. Limitation in Number One (1) per street frontage, not to exceed two (2) signs.
7. Restrictions, additions, clarifications, and exceptions:
 - (a) May be erected for a period not to exceed thirty (30) consecutive days or sixty (60) days in any one-year period for any particular business.
 - (b) Must be removed at the expiration of the temporary permit.

~~11-11-3 (M) Class 13 Off-Site Residential Directional Signs:~~

- ~~1. Permitted in undeveloped areas of all zone districts.~~
- ~~2. Characteristics: A ground sign intended to direct vehicle traffic to developments with residential units for sale or lease.~~
- ~~3. Maximum Area: No ground sign structure shall exceed eight feet (8') by four feet (4') in area. Each ground sign structure shall be capable of display of three individual directional signs per face and no single individual directional sign shall exceed twenty four inches (24") in height by forty two inches (42") in length.~~
- ~~4. Minimum Allowable Setback: Ground sign structures in the right of way shall be located within two feet (2') of the property line and shall be located in a manner that does not obstruct traffic visibility. A site plan shall be submitted and shall require approval of the City for all sign placements.~~
- ~~5. Maximum Height: Twelve feet (12').~~
- ~~6. Limitation in Number: Maximum number of individual directional signs one (1) per residential development per sign structure and a maximum of three (3) individual directional signs per face of each ground sign structure.~~
- ~~7. Restrictions, Clarifications, and Exceptions:
 - (a) Maximum of one (1) sign on each undeveloped corner at an intersection of two arterial streets.
 - (b) Animation or Illumination: No sign shall be illuminated or have moving, rotating, or otherwise animated parts.
 - (c) Identification: Each sign shall bear in a prominent position thereon a clearly legible identification plate stating the name of the person responsible for the construction of the sign and the date of installation.
 - (d) Maintenance: Signs erected under this Section shall be structurally sound and satisfactorily maintained so as not to become a nuisance to the surrounding neighborhood or an eyesore to passersby.
 - (e) Sign Design, Color, and Construction: Support posts, frame, and plywood backing shall be painted cream, tan, or beige. Sign panels may be of any color except fluorescent, dayglo, or~~

~~other reflective or brilliant colors. All signs shall be designed and constructed in accordance with guidelines prepared by the City of Westminster.~~

~~(f) No individual directional signs shall be permitted that advertise developments outside the City limits of the City of Westminster.~~

~~(g) Signs shall be removed within thirty (30) days of completion of the project, as determined by the Community Development Director or his/her designee.~~

~~(h) Any person desiring to install a ground sign structure within six hundred sixty feet (660') of a State Highway right of way shall first obtain a permit from the Colorado Highway Department and then submit an application for a City sign permit. The application shall include a copy of the State Permit.~~

~~11-11-3 (I) Class 9 (C)~~ Election AND POLITICAL Signs:

1. Permitted in all zone districts.

2. Characteristics: A sign advocating or advertising the election of any candidate for public office or any question upon which a public vote is being taken.

3. Maximum Size: Fifty (50) square feet in zones T1, B1, C1, C2, M1 and O1 and portions of Planned Unit Developments with comparable uses; SIX (6) ~~eight (8)~~ square feet in all other zones and portions of Planned Unit Developments with residential uses ~~or uses comparable to allowed uses in B1 Districts.~~

4. Maximum Height: Six feet (6').

~~5. Minimum Setback Ten feet (10').~~

~~6. 5. Limitation in Number: No limitation.~~

~~7. 6. A permit application for an election sign must include name, address and phone number of person responsible for maintenance and removal of signs.~~

7. Restrictions, Additions, Clarifications, and Exceptions:

(a) Such signs shall not be erected more than ~~thirty (30) SIXTY (60)~~ **FORTY FIVE (45)** days before an election. ~~or in the case of a mailed ballot election, signs shall not be erected more than thirty (30) days before the first day to mail ballots to all registered elections.~~ All election signs shall be removed within ten (10) days following an election. Exception: Successful primary candidates may leave their signs up until ten (10) days after a general or run-off election.

~~(b) A permit application for an election sign must include name, address and phone number of person responsible for maintenance and removal of signs.~~

~~(e)~~(b) Election signs may be located in City right of way provided:
(i) They do not block or otherwise interfere with traffic visibility;
(ii) They are not located within fifty feet (50') of an intersection;
(iii) They do not exceed three (3) square feet in area.

8. WITHIN ANY CITY RIGHT-OF-WAY, NO SINGLE CANDIDATE OR ISSUE SIGN MAY BE LOCATED WITHIN ~~400~~ 50 FEET OF ANY OTHER SIGN FOR THE SAME CANDIDATE OR ISSUE.

11-11-7: PERMANENT SIGNS REQUIRING PERMITS:

11-11-3 (A) Class 1. Free Standing Ground Signs (A) Monument Signs:

1. Permitted in Zoning Districts **PUD, B1, C1, C2, S1, T1, and M1.**

~~2. Characteristics: Intended to identify shopping or business centers, office/industrial/technical parks or centers and individual structures which are not with a shopping or business center.~~

~~3~~ 2. Maximum Area:

- (a) For developments over ten (10) acres in size one hundred (100) square feet.
- (b) For developments ten (10) acres or less in size and individual structures on lots over two (2) acres in size sixty (60) square feet.
- (c) For individual lots two (2) acres in size or less thirty two (32) square feet.
- (d) FOR INDIVIDUAL USES OVER 100,000 SQUARE FEET IN AREA, SIGNAGE RESTRICTIONS MAY VARY FROM THE PROVISIONS OF THIS SECTION AND SHALL BE AS APPROVED ON AN OFFICIAL DEVELOPMENT PLAN.

~~4~~ 3 Maximum Height:

- (a) For signs over sixty (60) square feet in area twenty ~~five~~ feet (20').
- (b) For signs over thirty two (32) square feet in area but less than sixty (60) square feet in area eight feet (8').
- (c) For signs thirty two (32) square feet in area or less six feet (6').

~~5~~ 4. Minimum Allowable Setback From Property Line:

- (a) For Signs over eight feet (8') in height or over sixty (60) square feet in area twenty five feet (25').
- (b) For signs eight feet (8') in height or less and under sixty (60) square feet in area ten feet (10').

~~6~~ 5. Limitation and Number:

- (a) For developments or individual structures over ten (10) acres in size one (1) per frontage with a maximum of two (2), with said signs to be identical in design.
- (b) For developments or individual structures ten (10) acres in size or less one (1).

~~7~~ 6. Restrictions, Clarifications and Exceptions:

- (a) Identification signs for ~~non~~-retail business centers or office/industrial/technical parks or centers shall contain only the name, address and logo or trademark of the office park or center. Such signs may include the name of not more than ~~two~~ SIX of the tenants therein, with said names to be integrated into the overall design of the sign with the name of the ~~structure~~-CENTER utilizing at least ~~25%~~ 50% of the sign area. MINIMUM LETTER HEIGHT FOR TENANT NAMES SHALL BE EIGHT INCHES FOR 32 SQUARE FOOT SIGNS, TEN INCHES FOR 60 SQUARE FOOT SIGNS AND 12 INCHES FOR 100 SQUARE FOOT SIGNS. ~~Identification signs for retail shopping centers shall contain the name of the center and may include not more than two names of any structure or tenants therein with the overall design of said signs to be of an integrated design.~~

- (b) ILLUMINATED ~~Lighted~~ signs are permitted.
- (c) No MONUMENT ~~freestanding~~ signs over eight feet (8') in height ~~OR SIXTY (60) SQUARE FEET IN AREA~~ are permitted within one hundred feet (100') ~~TWO HUNDRED FEET~~ of any residential district boundary or residential development.
- (d) Supporting structure of MONUMENT ~~permanent ground~~ signs must be solid construction at least two thirds the dimension of the width and thickness of the sign it supports.
- (e) Where a non-retail business center or office/industrial/technical park or center is planned as a series of individual structures on individual lots with each individual lot having frontage on a public street, each individual structure may be permitted to have freestanding signs in accordance with this paragraph if said sign(s) are included and approved on an Official Development Plan(s). Where a non-retail business center or office/industrial/technical park is planned as a series of individual structures on a single lot, each individual structure is permitted to have a freestanding sign of not more than 32 square feet in area and 6 feet in height. Such signs shall be consistent in design and color.
- (f) MONUMENT ~~freestanding~~ signs must be located on the premises of the use being advertised or identified. For use in this Section, premises does not include easements or similar adjacent parcels of land.
- (g) Menu Boards. Menu boards in conjunction with restaurant drive-through pick up activities ~~and automobile service facilities including car washes, lubrication shops, detail shops and similar uses~~ may be allowed under the following restrictions:
 - (1) Not more than two (2) such signs.
 - (2) Twenty five foot (25') setback from property lines.
 - (3) Forty (40) square feet maximum area.
 - (4) Six foot (6') maximum height.
 - (5) May be freestanding or wall mounted.
- (h) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards to be included in the Official Development Plan, shall be submitted which address size, LOCATION, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner. The overall sign program shall be included in required Official Development Plans.
- (i) FOR INDIVIDUAL USES OVER 100,000 SQUARE FEET IN AREA, SIGNAGE RESTRICTIONS MAY VARY FROM THE PROVISIONS OF THIS SECTION AND SHALL BE AS APPROVED ON AN OFFICIAL DEVELOPMENT PLAN.
- ~~(j) FOR MONUMENT SIGNS FOR CHURCHES, SCHOOLS OR PLACES OF PUBLIC ASSEMBLY LOCATED IN RESIDENTIALLY DESIGNATED AREAS OR ADJACENT TO RESIDENTIALLY DESIGNATED AREAS, THE FOLLOWING REQUIREMENTS SHALL APPLY:~~

FOR SITES OF 5 ACRES OR MORE:

- (A) ~~MAXIMUM SIZE 60 SQUARE FEET~~
- (B) ~~MAXIMUM HEIGHT 8 FEET~~
- (C) ~~NO ELECTRONICALLY CHANGEABLE SIGNS~~

FOR SITES OF LESS THAN 5 ACRES:

- (A) ~~MAXIMUM SIZE 32 SQUARE FEET~~
- (B) ~~MAXIMUM HEIGHT 6 FEET~~
- (C) ~~NO ELECTRONICALLY CHANGEABLE SIGNS~~

~~(J) ELECTRONICALLY ACTIVATED CHANGEABLE SIGNS OF TEN (10) SQUARE FEET OR LESS ARE PERMITTED AS PART OF A MONUMENT SIGN. THE SIGN COPY FOR SUCH SIGNS MAY BE CHANGED NO MORE THAN ONCE PER EVERY TWELVE (12) HOURS.~~

~~11-11-3 (B) Class 2~~ (B) Wall Signs.

1. Permitted in Zoning Districts **PUD**, T1, B1, **C2**, C1, ~~S4~~ and M1.
2. Characteristics: Intended to identify individual businesses, offices, office buildings, industrial, technical and employment establishments. Signs may be either placed flat against the building or projecting from the building.
3. Maximum Area:
 - (a) The greater of thirty (30) square feet or one (1) square foot sign area for each lineal foot of building or tenant frontage, not to exceed one hundred fifty (150) square feet in area for all types of signs except that signs composed of individual raised letters may contain two (2) square feet of sign area for each lineal foot of building or tenant frontage, not to exceed A TOTAL OF three hundred (300) square feet in area. This criteria shall not apply to signs for individual tenants in buildings that are primarily multi-tenant office buildings.
 - (b) COMBINATIONS OF CABINET AND INDIVIDUAL LETTER SIGNS SHALL NOT BE PERMITTED, EXCEPT THAT A CABINET STYLE LOGO NOT EXCEEDING NINE (9) SQUARE FEET MAY BE ADDED TO INDIVIDUAL LETTER SIGNS. THE TOTAL SQUARE FEET PERMITTED FOR SUCH SIGNS SHALL NOT EXCEED THE TOTAL PERMITTED IN SECTION 3.(A) ABOVE.
4. Maximum Height: May not project above the roof line of the building to which sign is attached.
5. Minimum Allowable Setback: Same setback as the building to which sign is attached.
6. Limitation in Number: One (1) sign per street frontage not to exceed two (2) frontages, or three (3) frontages with an area not to exceed the total sign area permitted for two (2) frontages.
7. Restrictions, Additions, Clarifications and Exceptions:
 - (a) Projecting signs may not exceed thirty (30) square feet in area. Projecting signs may not project over public right of way or more than five feet (5') from the building wall.
 - (b) The total length of any individual sign may not exceed seventy five percent (75%) of the length of the frontage of the establishment, store front or tenant space on which the sign is placed.
 - (c) ILLUMINATED ~~Lighted~~ signs are permitted.
 - ~~(d) Uses that have no external building frontage, such as might be located within a shopping mall, may have one (1) external sign not to exceed forty (40) square feet.~~
 - ~~(e)~~ (d) Buildings that are primarily office buildings may have no tenant or user signs above the first floor with the exception that building identification signs may be located above the first floor.

- ~~(f)~~ (e) Changeable copy signs are permitted for motion picture theaters or theater complexes with a total maximum area not to exceed the greater of eighty (80) square feet or thirty (30) square feet per individual theater.
- ~~(g)~~ (f) Where approved on an Official Development Plan the total allowable square footage of signage for an individual use containing over twenty thousand (20,000) square feet of gross floor area may be divided into a primary sign and not more than two (2) secondary signs with each secondary sign not to exceed more than sixty (60) square feet in area.
- ~~(h)~~ ~~Projecting signs may not project over public right of way or more than five feet (5') from the building wall.~~
- ~~(i)~~ (g) For individual uses over 100,000 square feet in area, signage restrictions may vary from the provisions of this Section and shall be as approved on an Official Development Plan.
- ~~(j)~~ (h) Tenant Sign. For multi-tenant office buildings, a maximum of forty (40) square feet per sign, one hundred twenty (120) square feet per frontage shall conform to 7(b) and 7(d). The building identification sign shall be in conformance with (b) above with a maximum of one hundred (100) square feet except signs composed of individual letters which will have a maximum of two hundred (200) square feet.
- ~~(k)~~ (i) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards shall be submitted which address size, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner.
- (j) WALL SIGNS MUST BE LOCATED ON THE PORTION OF THE BUILDING IN WHICH THE BUSINESS BEING ADVERTISED IS LOCATED.
- (k) WALL SIGNS MAY NOT BE LOCATED ON THE REAR OF BUILDINGS WHICH ABUT A RESIDENTIAL ZONE DISTRICT OR PROPERTY.

~~11-11-3 (C) Class 3. Information and (C) Directional/INFORMATIONAL Signs.~~

1. Permitted in Zoning Districts T1, B1, *PUD*, C2, C1, ~~S1~~, and M1.
2. Characteristics: A freestanding sign intended to provide information and directions related to the principal permitted use on that lot.
3. Maximum Area:
 - (a) Wall Sign Fifteen (15) square feet.
 - (b) Free Standing Sign Five (5) square feet.
4. Maximum Height:
 - (a) Wall Sign: Eight feet (8').
 - (b) Free Standing Sign: ~~Thirty Two (32) inches.~~ THREE FEET (3')
5. Minimum Allowable Setback: Twenty five feet (25') from the property line.
6. Limitation in Number: Two (2).
7. Restrictions, Additions, Clarifications and Exceptions: ILLUMINATED ~~Lighted~~ signs are permitted.

~~11-11-3 (D) Class 4. (D) Directory Sign for Retail Shopping Centers.~~

1. Permitted in Zoning Districts B1 and C1.
2. Characteristics: A freestanding sign intended to list and locate all merchants within the center for pedestrian or internal automobile traffic.
3. Maximum Area:
 - (a) For a retail center four (4) acres or less in area Sixteen (16) square feet.
 - (b) For a retail center over four (4) acres in area Thirty (30) square feet.
4. Minimum Allowable Setback Fifty feet (50') from property line.
5. Limitation in Number:
 - (a) For retail center four (4) acres or less in area - One (1) sign.
 - (b) For retail center over four (4) acres in area - One (1) per four (4) acres, not to exceed four (4) signs.
6. Restriction, Additions, Clarifications and Exceptions: Internally illuminated signs are permitted.

~~11-11-3 (E)~~ Class 5 (E) Permanent Residential Subdivision Identification Signs.

1. Permitted in Zoning Districts PUD, RE, R1, RA, R2, R3, R4, R5 and T1.
2. Characteristics:
 - (a) A freestanding sign intended to provide identification of a residential subdivision by name AND LOGO only.
3. Maximum Area Forty (40) square feet.
4. Maximum Height Seven feet (7').
5. Minimum Allowable Setback:
 - (a) Three feet (3') from the curb. This sign may be located in the right of way but not over existing or future utilities. Location and placement shall insure traffic visibility as determined by the City.
6. Limitation in Number One (1) per subdivision or one (1) per each arterial or collector street entrance. ~~The permitted~~ signage may be split and two signs may be permitted per each arterial or collector street entrance; however, no more than forty (40) square feet of signage may be located at any such entrance.
7. Restrictions, Additions, Clarifications and Exceptions:
 - (a) A right of way maintenance agreement must be on file with the City signed by the responsible party from the homeowners association if the signs(s) are to be located in public right of way.
 - (b) External lighting is permitted.
 - (c) Sign material and design must be approved by the City.
 - (d) Under unusual hardship circumstances, as determined appropriate by the City Manager, a single offsite sign may be permitted with the permission of the property owner on whose property said sign would be located. Such a sign will have a maximum area of 20 square feet and a maximum height of 3 feet.

~~11-11-3 (G)~~ Class 7 (F) Home Occupation Signs.

1. Permitted in all zone districts.
2. Characteristics: To identify a home occupation. Wall or window signs only.

3. Maximum Area: One (1) square foot.
4. Maximum Height Below the eave of the building on which the sign is located.
5. Minimum Setback Must be attached to the front of the building on which the sign is located.
6. Limitation in number One (1).
7. Restrictions, additions, clarifications and exceptions: Signs may not be illuminated.

~~11-11-3 (H) Class 8 Billboards.~~

~~1. Permitted in Zone Districts O1 and M1.~~

~~2. Characteristics: Large faced signs advertising any product or event. Such signs will be considered a principal use of the lot or parcel on which they are located and therefore may not be located on any lot or parcel where another principal permitted use exists.~~

~~3. Maximum Area Three hundred (300) square feet per sign; maximum two (2) signs per facing.~~

~~4. Maximum Height Thirty feet (30').~~

~~5. Minimum Setback Fifty feet (50') from property line or two hundred feet (200') from any intersection of streets, whichever is greater.~~

~~6. Limitation in Number One (1) per lot or parcel, with the provision that said lot or parcel is a minimum of two (2) acres in size.~~

~~7. Restrictions, Additions, Clarifications, and Exceptions:~~

~~(a) May not be located within five hundred feet (500') of another Class 8 sign.~~

~~(c) May not be located within five hundred feet (500') of a residential district or residential portion of a Planned Unit Development.~~

~~11-11-3 (J) Class 10. Bus Bench Signs.~~

~~1. Bench Design: Benches must be constructed of substantial material and must be no longer than eight feet (8'), no higher than forty two inches (42"), no wider than thirty inches (30"), and must weigh no less than four hundred (400) pounds. Bench shall be located only on top of a four foot by eight foot (4' x 8') concrete, stone, asphalt, concrete block, cinder block or crushed dolomite pad which serves as a means of preventing mud and weeds from accumulating near the bus benches. The crushed dolomite must be applied wet, a minimum of four inches (4") thick, and must be tamped and rolled. In addition to the materials listed above, the City may permit the pad to be constructed of alternate materials insofar as said materials accomplish the performance standard of the prevention of mud and weeds in the vicinity of the bench.~~

~~2. Sign Design and Color on Bus Benches: Bench sign background color covering no less than fifty percent (50%) of the visible area of the whole sign shall be beige, cream, tan, green, or white insofar as the background color is identical on all bus bench signs in the City. A sign is permitted only on a single, vertical face of the bus bench. Lettering on the sign may be of any single color or any single color in combination with black. A multicolored logo which does not exceed a coverage of fifteen percent (15%) of the total area of the permitted sign and which is located not closer than four inches (4") from the edge of the sign shall be permitted. No fluorescent, Day Glo, or other reflective or brilliant colors are permitted anywhere on the sign.~~

The sign that is permitted only on a single, vertical face of the bus bench shall be no higher than twenty-four inches (24") and no longer than eight feet (8'). No part of the sign shall be projecting, nor shall it interfere with normal seating. The area covered by the bus bench advertising shall be no more than sixteen (16) (22) square feet. The bench company name and phone number must be on each bench. The bus bench seat may be painted dark green, dark brown, black, or any earth tone color insofar as all permitted bus bench seats in the City are painted the same color. The side of the vertical surface of the bus bench back may be painted to match the bus bench seat or the background color of the permitted sign insofar as all vertical surfaces not containing a sign in the City are painted the same color.

3. Placement of Bus Benches: Benches bearing advertising may be located only at officially designated RTD bus stops and must be no closer than three feet (3') to the roadway edge, either in front of or behind a public sidewalk. Bus benches must not obstruct public walkways, sidewalks, sight triangles or pedestrian access to traffic control devices. Bus benches shall be placed adjacent to residential property only with the consent of the adjacent property owner. In residential districts, there shall be only one bus bench per bus stop. In nonresidential districts, two benches per bus stop may be allowed at intersections of designated arterial streets. In all other locations a maximum of one (1) bench per bus stop shall be allowed.

4. Award of Exclusive Right: The applicant shall file an application on a form furnished by the City. The City will accept bus bench advertising applications which will be evaluated using the following categories. If an applicant with existing benches is not awarded the exclusive right to advertise on bus benches for the five (5) year period, all benches belonging to the applicant must be removed.

Points

0-10 1. Bus bench design, materials and colors.

0-20 2. Method of weed and mud control.

0-10 3. Sign design and color controls.

0-30 4. References from other cities.

0-205. Method of selection of locations and determination of number of benches to be placed.

0-106. What premium, if any, would be offered the City for the exclusive right to place bus benches within the City limits. Premiums may take form of each or benches with no advertising for public use.

The applicant receiving the most points will be awarded the exclusive right to place bus benches with advertising within the City limits.

5. Permits: A building permit is required before the placement of all bus benches-

(a) One permit will be issued for each bench, provided the bench complies with the commitment in the application and with this Section. The successful applicant shall be required to have applicable City licenses. If a bench is not installed within thirty (30) days from the date the permit is issued, the permit will become null and void.

(b) Such bus benches shall not be constructed or maintained in a manner which will constitute a violation of any section of the Municipal Code of the City.

(c) Bond Required: Before any license, as provided in this Section, will be issued to an applicant A, such applicant shall file with the City a bond running to the City in the sum of six hundred dollars (\$600) (\$10,000) executed by the applicant as principal and at least one surety bond upon which service of process may be made in the State of Colorado. Such bond to be conditioned that the said applicant shall comply fully with all the provisions of the laws of the City, and statutes of the State of Colorado, regulating and concerning the applicant's business and will pay all judgment rendered against statutes. Such bond must be approved by the City, both as to form and as to the responsibility of the surety thereon.

(d) Insurance Required: Before any permit, as provided in this Section, will be issued, the applicant shall furnish a certificate of insurance with limits of not less than three hundred

~~thousand dollars (\$300,000) combined single limit bodily injury and property damage, with a thirty (30) day notice of cancellation, to be maintained during the life of the permit. The policy shall hold the City of Westminster harmless from all claims, judgments and liability which may be a result of the applicant's activities under the permit issued in this Section. Should the applicant cause the policy to lapse, be canceled, be withdrawn or be subject to a reduction in the required amount of insurance, the City will cause the operations permitted under this Section to cease.~~

~~6. Moving of Bus Benches: Bus benches shall be permitted for one location only. Benches may not be moved from stop to stop without a permit. Relocation or cancellations of a bus stop by will require moving or removing of the bus bench and pad respectively within ten (10) (30) days.~~

~~7. Maintenance and Repair of Bus Benches: The permittee shall maintain all benches bearing advertising in a safe and clean condition at all times. Permittee shall repair damaged or disfigured benches within ten (10) days of notification of discovery of such damage or disfiguration.~~

~~8. Violations: If provisions of this Ordinance are violated, the City may serve either personally or by mail, written notice upon the owner, or any person having the care and control of said bus bench, or by posting of notice on said bus bench to correct the violations. If the person upon whom said notice is served fails, neglects or refuses to correct the violation within ten (10) days of mailing or service of said notice, the City may have the bus bench removed and the cost of such work plus fifteen percent (15%) for inspection shall be reported by the City Manager to the City Council and shall be assessed against the permit holder and be collected from the bond.~~

~~**11-11-3 (K) — Class 11. Signs in Planned Unit Developments.** Signs in Planned Unit Developments shall be permitted in accordance with the conditions and prohibitions stated herein.~~

~~1. Permitted Signs:~~

- ~~(a) Class 1, freestanding signs; Class 2, wall signs; Class 3, information and directional signs; and class 12, temporary outside signs, are permitted in conformance with the conditions and prohibitions of the applicable class of sign described above for designated commercial, office, and industrial uses within Planned Unit Developments.~~
- ~~(b) Class 4, directory signs for retail shopping centers, is permitted in conformance with the conditions and prohibitions of Class 4, signs for designated retail commercial uses within a Planned Unit Development.~~
- ~~(c) Class 5, permanent subdivision identification signs; Class 6, temporary project identification signs; and Class 7, home occupation signs, are permitted in conformance with the conditions and prohibitions of the applicable class of sign designated residential uses within Planned Unit Developments.~~
- ~~(d) Class 9, election signs, are permitted in conformance with the conditions and prohibitions of Class 9 signs with a maximum area of eight (8) square feet allowed in designated residential areas and a maximum area of fifty (50) square feet allowed in designated nonresidential areas within a Planned Unit Development.~~
- ~~(e) Class 10, bus bench signs, are permitted in conformance with the conditions and prohibitions of Class 10 signs with said conditions and prohibitions pertaining to residentially zoned property being applicable to designated residential land uses and conditions and prohibitions pertaining to nonresidential districts being applicable to designated nonresidential land uses within a Planned Unit Development.~~
- ~~(f) Class 13, offsite development directional signs are permitted in conformance with the conditions and prohibitions of Class 13 signs.~~

~~2. Restrictions, Additions, Clarifications, and Exceptions:~~

- ~~(a) Preliminary Development Plans, amendments to Preliminary Development Plans, Official Development Plans and amendments to Official Development Plans may include conditions and prohibitions pertaining to signs which are more restrictive than the conditions and prohibitions contained in this Chapter.~~
- ~~(b) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards shall be submitted which address size, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner.~~
- ~~(c) Sign performance standards and criteria which are contained in Preliminary Development Plans or Official Development Plans which were approved prior to the adoption of this Chapter shall remain in effect subsequent to the adoption of this Chapter unless modified by an amendment to the Preliminary Development Plan or Official Development Plan.~~

~~11-11-3 (M) Class 13 Off Site Residential Development Directional Signs.~~

- ~~1. Permitted in undeveloped areas of all zone districts.~~
- ~~2. Characteristics: A ground sign intended to direct vehicle traffic to developments with residential units for sale or lease.~~
- ~~3. Maximum Area: No ground sign structure shall exceed eight feet (8') by four feet (4') in area. Each ground sign structure shall be capable of display of three individual directional signs per face and no single individual directional sign shall exceed twenty four inches (24") in height by forty two inches (42") in length.~~
- ~~4. Minimum Allowable Setback: Ground sign structures in the right of way shall be located within two feet (2') of the property line and shall be located in a manner that does not obstruct traffic visibility. A site plan shall be submitted and shall require approval of the City for all sign placements.~~
- ~~5. Maximum Height: Twelve feet (12').~~
- ~~6. Limitation in Number: Maximum number of individual directional signs — one (1) per residential development per sign structure and a maximum of three (3) individual directional signs per face of each ground sign structure.~~
- ~~7. Restrictions, Clarifications, and Exceptions:~~
 - ~~(a) Maximum of one (1) sign on each undeveloped corner at an intersection of two arterial streets.~~
 - ~~(b) Animation or Illumination: No sign shall be illuminated or have moving, rotating, or otherwise animated parts.~~
 - ~~(c) Identification: Each sign shall bear in a prominent position thereon a clearly legible identification plate stating the name of the person responsible for the construction of the sign and the date of installation.~~
 - ~~(d) Maintenance: Signs erected under this Section shall be structurally sound and satisfactorily maintained so as not to become a nuisance to the surrounding neighborhood or any eyesore to passersby.~~

- ~~(e) Sign Design, Color, and Construction: Support posts, frame, and plywood backing shall be painted cream, tan, or beige. Sign panels may be of any color except fluorescent, dayglo, or other reflective or brilliant colors. All signs shall be designed and constructed in accordance with guidelines prepared by the City of Westminster.~~
- ~~(f) No individual directional signs shall be permitted that advertise developments outside the City limits of the City of Westminster.~~
- ~~(g) Signs will be removed within thirty (30) days of completion of the project, as determined by the Chief Building Official.~~
- ~~(h) Any person desiring to install a ground sign structure within six hundred sixty feet (660') of a State Highway right of way shall first obtain a permit from the Colorado Highway Department and then submit an application for a City sign permit to the Chief Building Official. The application shall include a copy of the State Permit.~~

~~11-11-3 (N) Class 14 (G) Off-Site Commercial Development Directional Signs:~~

1. Permitted for commercial establishments on out-parcels surrounding a regional shopping center with access to a public street, which street connects to an arterial street only through use of a private road or easement.

2. Characteristics: A permanent ground sign intended to direct vehicular traffic through the private roads or easements of a regional shopping center to a commercial establishment.

3. Location: Such signs shall be permitted within the public rights-of-way adjacent to the regional shopping center or next to the private drives within the center with written permission of the owner of the parcel within the regional shopping center, for the sole purpose of directing vehicular traffic through the regional shopping center. All such signs shall be located outside the required sight distance triangles.

4. Maximum Area: 16 square feet per sign

5. Maximum Height: 4 feet

6. Limitation in Number: 4 per commercial establishment

7. Restrictions, clarifications and exceptions:

(a) Maximum of one (1) sign on each corner (the intersection of two private roads or a private road and a public road) leading to the commercial establishment.

(b) Co-location: Where more than one commercial establishment requests signs under this Section, all establishments will be required to use the same sign structures. Such joint signs shall not exceed the sign restrictions for the individual signs.

(c) Maintenance: Signs erected under this Section shall be structurally sound and maintained to the satisfaction of the City, or to the regional shopping center so as not to become a nuisance to the surrounding businesses or to the public.

(d) Sign design, color and construction: The entire sign structure shall be of neutral colors, white, cream, tan or beige. Sign panels shall be coordinated with other directional signs and may be of any color except fluorescent, day-glo, or other reflective or brilliant colors.

(e) Signs shall be the minimum number necessary to direct traffic to the establishment: Such signs may only contain the name of the establishment, a directional arrow, or directional words.

(f) Supporting structure of ground signs shall be of solid construction at least two-thirds the dimension of the width and thickness of the sign it supports.

8. Approval: A master sign plan that indicates the location and conformance with this section shall be required to be submitted for review and approval by the City Manager or his/her designee.

(H) *FLAGS*

1. PERMITTED IN ZONING DISTRICTS PUD, B1, C1, C2, M1, AND T1.

2. MAXIMUM HEIGHT:

BUILDING HEIGHT	MAX. HEIGHT OF POLE	MAX. FLAG SIZE
1 STORY	20 FEET	3X5
2 STORIES	25 FEET	4X6
3-4 STORIES	30 FEET	5X8
5 STORIES OR MORE	35 FEET	6X10

3. SETBACK: 10 FEET.

4. LIMITATION IN NUMBER: ONE (1) PER STREET FRONTAGE. ADDITIONAL FLAGS MAY BE PERMITTED THROUGH THE OFFICIAL DEVELOPMENT PLAN PROCESS SUBJECT TO APPROVAL BY THE PLANNING COMMISSION OR CITY COUNCIL AS REQUIRED.

5. MAXIMUM AREA: TOTAL AREA OF ALL FLAGS IN EXCESS OF THAT SHOWN IN THE ABOVE TABLE SHALL BE INCLUDED IN THE MAXIMUM ALLOWABLE AREA FOR WALL SIGNS ON THE SITE IN ACCORDANCE WITH SECTION 11-11-7 (B) 3.

11-11-8: *VARIANCES*

A. SIGNS IN PLANNED UNIT DEVELOPMENTS. ALL SIGNS PROPOSED FOR OR WITHIN A PLANNED UNIT DEVELOPMENT MAY APPLY FOR MODIFICATIONS TO THE REQUIREMENTS OF THIS SIGN CODE BY MAKING APPLICATION TO THE PLANNING COMMISSION USING THE PROCEDURES SPECIFIED IN SECTION 11-5-8 OR 11-5-10 OF THIS CODE. SUCH VARIANCES MAY BE GRANTED ADMINISTRATIVELY IF THE PROVISIONS OF THIS CODE ARE NOT EXCEEDED BY MORE THAN 20%. SUCH VARIANCES SHALL CONSIDER ITEMS 1 THROUGH 5 UNDER SECTION B. BELOW.

B. SIGNS NOT IN PLANNED UNIT DEVELOPMENTS. ALL SIGNS WITHIN ANY ZONE DISTRICT OTHER THAN PLANNED UNIT DEVELOPMENT MAY APPLY FOR MODIFICATIONS TO THE REQUIREMENTS OF THIS SIGN CODE BY MAKING APPLICATION TO THE BOARD OF ADJUSTMENTS USING THE PROCEDURES SPECIFIED IN SECTION 2-6-4 OF THIS CODE. IN CONSIDERING A REQUEST FOR A VARIANCE TO THE SIGN CODE, THE BOARD OF ADJUSTMENT AND APPEALS SHALL DETERMINE THAT:

(1) THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS SUCH AS THE EXISTENCE OF BUILDINGS, TOPOGRAPHY, VEGETATION, SIGN STRUCTURES, OR OTHER MATTERS ON ADJACENT LOTS OR WITHIN THE ADJACENT PUBLIC RIGHT OF WAY WHICH WOULD SUBSTANTIALLY RESTRICT THE EFFECTIVENESS OF THE SIGN IN QUESTION PROVIDED, HOWEVER, THAT SUCH SPECIAL CIRCUMSTANCES OR CONDITIONS MUST BE PECULIAR TO THE PARTICULAR BUSINESS OR ENTERPRISE TO WHICH THE APPLICANT DESIRES

TO DRAW ATTENTION AND DO NOT APPLY GENERALLY TO ALL BUSINESSES OR ENTERPRISES.

- (2) THE VARIANCE, IF AUTHORIZED, WILL WEAKEN NEITHER THE GENERAL PURPOSE OF THE SIGN CODE NOR THE ZONING REGULATIONS PRESCRIBED FOR THE ZONING DISTRICT IN WHICH THE SIGN IS LOCATED.
- (3) THE VARIANCE, IF AUTHORIZED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE ZONING DISTRICT IN WHICH THE SIGN IS LOCATED.
- (4) THE VARIANCE, IF AUTHORIZED, WILL NOT SUBSTANTIALLY OR PERMANENTLY INJURE THE APPROPRIATE USE OF ADJACENT CONFORMING PROPERTY.
- (5) THE BOARD OF ADJUSTMENT MAY NOT GRANT ANY APPLICATION FOR A TYPE OF SIGN THAT WOULD NOT OTHERWISE BE PERMITTED UNDER THIS CODE.

11-11-9: ENFORCEMENT

(A) PUBLIC NUISANCE: ANY VIOLATION OF THE PROVISIONS OF THIS CHAPTER IS HEREBY DECLARED TO BE A PUBLIC NUISANCE.

1. ABATEMENT OF PUBLIC NUISANCES SHALL BE ACCORDING TO THE PROVISIONS OF TITLE 8, CHAPTER 4 OF THIS CODE.

2. SUMMARY ABATEMENT PROCEDURES (SECTION 8-4-4(A)) MAY BE FOLLOWED FOR THE FOLLOWING REASONS:

- a) ANY SIGN WHOSE CONDITION OR PLACEMENT IS FOUND BY THE CODE ENFORCEMENT OFFICER TO CONSTITUTE AN IMMINENT DANGER OF SERIOUS INJURY TO PERSONS OR PROPERTY, INCLUDING BUT NOT LIMITED TO DANGER OF COLLAPSE OR BLOCKING VIEWS OF STREETS, ALLEYS, DRIVEWAYS, OR OTHER ENTRANCES AND EXITS FROM PUBLIC WAYS.
- b) ANY SIGN PLACED UNLAWFULLY IN THE PUBLIC RIGHT-OF-WAY. SUCH SIGNS MAY BE IMMEDIATELY REMOVED AND DESTROYED WITHOUT NOTICE OR LIABILITY.

(B) CRIMINAL VIOLATIONS: IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THIS CHAPTER. ANY PERSON FOUND GUILTY OF VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL, UPON CONVICTION THEREOF, BE PUNISHED BY A FINE PURSUANT TO SECTION 1-8-1 OF THIS CODE. EACH DAY THAT A VIOLATION OF ANY OF THE PROVISIONS OF THIS CHAPTER CONTINUES TO EXIST SHALL BE DEEMED TO BE A SEPARATE AND DISTINCT VIOLATION. THE PROVISIONS OF THIS SUB-SECTION SHALL NOT BE APPLICABLE FOR VIOLATIONS OF SECTION 11-11-6(C).

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

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 26TH day of February, 2001. PASSED, ENACTED ON SECOND READING, AND
FULL TEXT ORDERED PUBLISHED this 9th day of April, 2001 as amended.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, April 9, 2001.

Present at roll call were Mayor Heil, Mayor Pro-Tem Dixon, Councillors Atchison, Hicks, Kauffman, and Moss. Absent Councillor Merkel.

The minutes of the March 26, 2001 Council meeting were approved with no additions or corrections.

Mayor Heil presented the Government Finance Officer's Certificate of Achievement for Excellence in Reporting; presented Police Department Service Awards for Purple Heart to Officer Rance Okada and Chris Mace, Meritorious Service to Officers Brent Earhart, Dean Villano, and Tim Read, Distinguished Service to Officer Matt Trenka, and Valorous Service and Purple Heart to Officer Thomas Bunten; and presented a proclamation re April 20 as Arbor Day and accepted the City's 16th year Tree City USA Award.

Council approved the following: Asphalt Roller purchase to Power Equipment Co. in the amount of \$33,388; Water Treatment Chemicals to PVS Tech for \$113,010, to Interstate Chemical for \$26,038, and DPC Industries for \$36,284; Traffic Calming Project Engineering Design Contract with Bucher, Willis & Ratliff for \$49,619; authorized the City Manager to execute a contract change order to SEMA Construction, Inc. in the amount of \$375,000 for construction of additional street improvements in the Westminster Boulevard Extension project; authorized City Manager to sign the annexation petition for the McKay Lake property; authorized the City Manager to execute an Engineering Design Services contract with Burns and McDonnell in an amount not to exceed \$47,300, and establish a design contingency of \$5,000 for 104th Avenue and Sheridan Blvd.

Council tabled action on Councillor's Bill No. 15 CLUP Amendment, 5th Amended Docheff PDP, and ODP for Victory Church.

Council tabled action on the Street Sweeper purchase to McDonald Equipment Co. for \$124,909.

The following public hearing was held: At 7:58 P.M., on the Victory Church CLUP amendment, 5th amended Docheff Preliminary Development Plan, and Official Development Plan for Victory Church.

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

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND purpose: for Community Development projects, which primarily benefit the City's low to moderate-income populations and address blight conditions in the City.

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND purpose: for engineering plans and construction bid documents for the 104th Avenue and Sheridan Blvd Intersection Improvements project.

A BILL FOR AN ORDINANCE VACATING RIGHT-OF-WAY IN THE LEXINGTON SUBDIVISION purpose: vacate a right-of-way between Lots 68 and 69 within the Lexington Subdivision.

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

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENTS FUND.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 13 AND 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 13 AND 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CSG SYSTEMS, INC. FOR THE LEASING OF OFFICE SPACE AT CIRCLEPOINT CORPORATE CENTER.

A BILL FOR AN ORDINANCE AMENDING TITLE IX OF THE WESTMINSTER MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 8 PERTAINING TO BUS PASSENGER SHELTERS.

A BILL FOR AN ORDINANCE APPROVING LEASE AGREEMENT BETWEEN THE CITY, HYLAND HILLS RECREATION FACILITIES AND WESTMINSTER PROMENADE DEVELOPMENT L.L.C. FOR THE LEASE OF APPROXIMATELY 1,375 FT. OF SPACE IN THE RETAIL/OFFICE PORTION OF THE SUN MICROSYSTEMS ICE CENTRE.

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE XI, CHAPTER 2 AND CHAPTER 11 OF THE OFFICIAL CODE PERTAINING TO DEFINITIONS AND SIGN REGULATIONS as amended.

The following Resolutions were adopted:

Resolution No. 20 making an appointment of Donald Anderson to the Planning Commission with term of office to expire December 31, 2001.

Resolution No. 22 accepting the annexation petitions submitted by the City of Westminster and make the findings required by State Statute on the sufficiency of the petition. Also sets the date of May 21, 2001 for the annexation hearing.

Resolution No. 23 revising the Council Rules and Procedures Travel Policy to require trip expense reports to be filed within one week.

At 11:50 P.M. the meeting was adjourned.

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

Published in the Westminster Window on April 19, 2001