



WESTMINSTER
COLORADO

July 22, 2002
7:00 P.M.

CITY COUNCIL AGENDA

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

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

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

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

8. Consent Agenda
 - A. Financial Report for June, 2002
 - B. Upgraded Library Automation System
 - C. Public Safety Center Furniture Purchase
 - D. CB No. 29 re Winters South Annexation (NWC Wadsworth & 110th Ave) (Kauffman-Dixon)
 - E. CB No. 30 re CLUP Amendment Winters South Property (Kauffman-Dixon)
 - F. CB No. 31 re Zoning for Winters South (NWC Wadsworth & 110th Ave) (Kauffman-Dixon)
 - G. CB No. 33 re Purchasing Procedure Amendments (Atchison-McNally)
 - H. CB No. 34 re Supplemental Appropriation for Standley Lake Dam Renovations (Dittman-Hicks)
 - I. CB No. 35 re Appropriating 2001 Carryover Funds into 2002 (Dixon-Atchison)
9. Appointments and Resignations
 - A. Resolution No 37 re Resignation and Appointment to Board of Adjustment
10. Public Hearings and Other New Business
 - A. TABLED Swim and Fitness Center Weight Room Expansion Contract Award
 - B. Councillor's Bill No. 36 re International Building & Fire Code Adoption
 - C. Resolution No. 40 re Building and Permit Fees
 - D. Resolution No. 38 re GOCO Grant for Fairway Office Park Open Space
 - E. Resolution No. 39 re AdCo Open Space Grant for Hidden Lake and W 104th Ave & Grove Street
 - F. Thornton Treated Water Contract Amendment
 - G. Resolution No. 41 re. Mandatory Water Use Restrictions
11. Old Business and Passage of Ordinances on Second Reading
 - A. CB No. 32 re CLUP Northpoint Center 104th Ave & Westminster Blvd) (Hicks -Dixon)
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 1. Property Acquisition Negotiations (Verbal)
 2. Status of Proposed Northgate Urban Renewal Project
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JULY 22, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Mayor Pro-Tem Atchison moved, seconded by Dixon to accept the minutes of the meeting of July 8, 2002 with no additions of corrections. The motion carried unanimously.

CITIZEN COMMUNICATION

David Boutte, 11234 Vrain Drive, addressed Council regarding the new bridge on 112th Avenue and requested more trees be planted on 112th Avenue.

CITY MANAGER COMMENTS

Brent McFall, City Manager, advised the audience that Council would be considering Mandatory Water Measures later on the agenda and there would be an executive session item to discuss an Economic Development issue after the Council meeting.

COUNCIL COMMENTS

Councillor Dittman and Dixon attended the Lao Hmong dinner on Sunday, July 21, which was attended by 400-500 Lao Hmong dignitaries and veterans.

Councillor Dixon attended the Rocky Flats Local Initiative Coordinator luncheon for Barb Masarosky, who is leaving Rocky Flats.

Mayor Moss commented on the annual COG picnic, the dedication of the High Energy Habitat for Humanity House in Westminster, he ran the 5K Organ Donator benefit and they have a quilt he would like to have displayed at City Hall.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: Financial Report for June 2002; Upgraded Library Automation System with Epixtech, Inc., for \$95, 389; Public Safety Center Furniture Purchase with Pear Commercial Interiors for \$800,000; CB No. 29 re Winters South Annexation; CB No. 30 re CLUP Amendment Winters South Property; CB No. 31 re Zoning for Winters South Property; CB No. 33 re Purchasing Procedure Amendments; CB No. 34 re Supplemental Appropriation for Standley Lake Dam Renovations; CB No. 35 re Appropriating 2001 Carryover Funds into 2002.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

RESOLUTION NO. 37 RE BOARD OF ADJUSTMENT RESIGNATION AND APPOINTMENT

Mayor Pro-Tem Atchison moved, seconded by Dixon to adopt Resolution No. 37 accepted the resignation of Kim Wolf from the Board of Adjustment, moving Jim Hall from alternate member to regular member of the Board of Adjustment and appointing Ray Selix as the Alternate Member. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 36 RE INTERNATIONAL BUILDING AND FIRE CODE ADOPTION

Councillor Dittman moved, seconded by McNally to pass Councillor's Bill No. 36 on first reading adopting the International Building and Fire Codes. Upon roll call vote, the motion carried with a dissenting vote from Councillor Dixon.

RESOLUTION NO. 40 RE BUILDING AND PERMIT FEES

Councillor Dittman moved, seconded by Atchison to adopt Resolution No. 40 establishing the fees for building and fire permits and other related services.

Councillor Hicks moved, seconded by Dixon to amend the Resolution to charge \$25 for banners, bus benches and election signs. The amendment carried with dissenting votes from Atchison, Dittman, and McNally.

Upon roll call vote, the amended motion carried unanimously.

RESOLUTION NO. 38 RE GOCO GRANT FOR FAIRWAY OFFICE PARK OPEN SPACE

Councillor Kauffman moved, seconded by McNally to adopt Resolution No. 38 authorizing the City Manager to execute the necessary documents in order to accept the Great Outdoors Colorado Trust Fund grant of \$100,000 for the acquisition of open space at Fairways Office Park property along Big Dry Creek. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 39 RE ADCO OPEN SPACE GRANT HIDDEN LAKE/104TH/GROVE ST

Councillor Dixon moved, seconded by Atchison to adopt Resolution No. 39 authorizing the City to apply for Adams County Open Space Program Grants and to sponsor the application from Hyland Hills Park and Recreation District. Upon roll call vote, the motion carried unanimously.

THORNTON TREATED WATER CONTRACT AMENDMENT

Councillor McNally moved, seconded by Hicks to authorize the Mayor to execute an amendment to the January 7, 1982 Thornton Treated Water Contract for the lease of treated water from the City of Thornton. The motion carried unanimously.

RESOLUTION NO. 41 RE MANDATORY WATER USE RESTRICTIONS

Mayor Pro-Tem Atchison moved, seconded by Dixon to adopt Resolution No. 41 establishing mandatory water use restrictions as per 8-7-24 "Water Shortage or Drought", of the City Code.

Councillor Kauffman moved, seconded by Hicks to amend the mandatory restrictions to change the section for customers utilizing reclaimed water "must participate in the mandatory restrictions" to "ARE NOT SUBJECT TO." The motion and second were withdrawn since the restrictions are not part of the Resolution and Staff will reflect the changes Council recommended.

Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 32 RE CLUP AMENDMENT FOR NORTHPOINT CENTER

Councillor Atchison moved, seconded by Dixon to pass Councillor's Bill No. 32 on second reading amending the Comprehensive Land Use Plan from District Center to Retail/Commercial. Upon roll call vote, the motion carried with a dissenting vote from Councillor McNally.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss a property acquisition negotiation and the status of the proposed Northgate Urban Renewal Project.

CITIZEN COMMUNICATION

Tommy Jaussi, 7607 Grace Place, addressed Council on water restrictions.

ADJOURNMENT:

The meeting was adjourned at 7:52 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Financial Report for June 2002

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action:

Accept the Financial Report for June as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached to this monthly financial report; this reflects May sales tax receipts received in June.

- Across all shopping centers, total receipts are down 7% over the five month period from last year (Sales and Use Taxes). Sales Tax receipts (only) are down 4% year to date from the same period last year.
- The Westminster Mall is down 10% for June and down 13.6% year to date, compared to last year.
- These figures compare to last month's figures as follows:
 - Shopping center receipts were down 7% year to date and Sales Tax receipts (only) were down 5%; June is slightly better.
 - The mall was down 6.1% for the month of May and 14.1% year to date; June is mixed.

Key features of the monthly financial report for June are as follows:

- At the end of June, six of 12 months, or 50%, of the year has passed. In many cases, actual revenues do not flow evenly at 8.3% per month. Pro-rated revenues will reflect expected revenue flows based on history. Expenditures are pro-rated at 8.3%, reflecting even flows. The Sales and Use Tax Fund is currently \$2,160,998 under the pro-rated budget for the year. The June figures reflect the sales in May, tax receipts received in June. Returns are down for June 2002 compared to June 2001 by 6.4%, and by 9.3% year to date (for six months January-June) due to the pressures of the recession in the metropolitan area and unusually large sales tax collections in April of 2001. If the current trend continues for the year, the Sales and Use Tax Fund will be under budget by \$5.0 to \$6.0 million. This will affect the General Fund and the General Capital Improvement Fund, as the sales tax transfers comprise a large portion of both these funds. Staff expected the Sales and Use Tax Fund to struggle this year as the City navigates through a year of recession for the Denver area in general.
- The General Fund currently is at 102% of revenues pro-rated for five months. This will help to offset the shortfall in the Sales Tax Fund to some extent, as Taxes, Intergovernmental Revenues, Charges for Other Services and Miscellaneous are all over pro-rated budget. Staff has developed a plan to maintain the integrity of the Sales Tax and General Fund budgets through a variety of measures: carrying forward funds from last year, delaying selected capital projects, reducing General Fund expenditures across all departments and, lastly, implementing a hiring freeze for the remainder of this year.
- The Water/Wastewater Enterprise revenues are currently over pro-rated budget by \$5.461 million due to water sales during this dry year, tap fees exceeding budget, and reimbursements from FRICO.
- With regard to the Golf Course Enterprise, revenues for Legacy are 83% of pro-rated budget; revenues for Heritage are 71% of pro-rated budget.
- All funds except Heritage Golf Course currently stand at less than 100% of their respective expenditures when using pro-rated expenditures for this time of year.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue(s)

A monthly review of the City's financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City's budget and financial position are large and complex, warranting a monthly review by the City Council.

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%. The term "pro-rated," when used with revenues and expenditures, in this report, refers to the expected revenues collected or expenditures incurred by a certain date in time based on historical trends.

General Fund

This fund reflects the results of the City's operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions such as City Manager, City Attorney, Finance, and General Services.

At the end of June, the General Fund is in the following position regarding both revenues and expenditures, although it is still somewhat early to predict end-of-the-year results:

- Over pro-rated budget in revenues by \$651,957 (102% of pro-rated budget). However, this does not reflect the reduced tax collections noted in the sales tax section below.
- Under pro-rated budget in expenditures by \$4.5 million (88% of pro-rated budget).

Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of June, the Enterprise is in a positive position.

- Over pro-rated budgeted revenues by a combined \$5.461 million:
 - Water revenues over pro-rated budget by \$4.968 million (150% of pro-rated budget), due primarily to a developer paying \$2.3 million for residential tap fees in February, positive variances in rates and charges and interest earnings, due to higher balances in this fund, and a reimbursement for Standley Lake spillway construction expenditures in April. The build up of reserves in this fund will finance capital replacement and necessary expansion over the long term, as planned.
 - Wastewater revenues over pro-rated budget by \$493,219 (110% of pro-rated budget), mostly due to collections for the month from monthly customers and tap fees from builders. Again, these reserves will finance capital replacement and expansion over the long term.
- Under pro-rated budget in expenditures by a combined \$2.939 million. The major reasons for this is that debt service payments due in December have not yet been made or accrued, and utility construction and repairs are seasonal expenditures:
 - Water under pro-rated expenditures budget by \$ 1.405 million (86% of pro-rated budget).
 - Wastewater under pro-rated expenditures budget by \$1,534,208 (62% of pro-rated budget).

Sales and Use Tax Funds (Sales Tax Fund and Open Space Fund)

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Funds are pledged to meet debt service on the POST bonds and to buy open space and make park improvements on a pay-as-you-go basis. At the end of June, the position of these funds is as follows:

- Sales Tax Fund - Under pro-rated budget in revenues by \$2,160,998 million (91.8% of pro-rated budget). If this continues, the Sales Tax Fund will be under budget for the year by approximately \$5.0 to \$6.0 million.
- Sales Tax Fund - Even with expenditures because of the transfers to various other funds.
- Open Space Tax Fund - Over pro-rated budget in revenues by \$485,105 (121% of pro-rated budget), for the following reason: interfund transfers from the General Capital Improvement Fund were made as scheduled, according to the December 2001 appropriation of Year 2000 funds from excess Jeffco and Adco Attributable Shares for Open Space and also to recognize interest earnings on bond proceeds. However, total collections currently are below last year's collections by \$476,000.
- Open Space Tax Fund - Under pro-rated budget in expenditures by \$101,451 (97% of pro-rated budget). The earlier "over budget" situation caused by a land purchase early in the year has been pro-rated over six months and has now disappeared. These "lumpy" purchases will skew the appearance of the flow of expenditures in this fund, as expenditures often do not flow at 8.3% per month.

Golf Course Funds (Legacy and Heritage- the Golf Course Enterprise)

These funds reflect the operations of the City's two municipal golf courses.

- Legacy - Under pro-rated budget in revenues by \$151,039 (83% of pro-rated budget).
- Legacy - Under pro-rated budget in expenses by \$130,702 (85% of pro-rated budget). This variance is operations only and excludes the impact of the debt service payments that will be due in December.
- Heritage - Under pro-rated budget in revenues by \$272,248 (71% of pro-rated budget).
- Heritage - Over pro-rated budget in expenditures by \$83,485 (110% of pro-rated budget). Again, this excludes the impact of the debt service payments due in December.

Staff will attend the July 22nd City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

City of Westminster
Revenue Report For Council
For the Month Ended June 30, 2002

Description	Budget	Current Period	Year-to-Date	Notes	Budget	Current Period	Year-to-Date
	2002 YTD	Actual 2002 June	Actual 01/02-06/02 Grand Total		2001 YTD	Actual 2001 June	Actual 01/01-06/01 Grand Total
General Fund Revenues							
Carryover	4,279,983.00				3,616,502.00		0.00
Taxes	3,288,000.00	382,556.98	2,742,699.19		2,951,000.00	434,656.65	2,381,392.75
Licenses & Permits	1,428,000.00	114,795.73	868,189.40		2,318,919.00	257,629.47	1,207,075.32
Intergovernmental Revenue	4,659,434.00	569,557.65	1,943,464.66	(1)	4,804,690.00	375,348.51	2,028,106.73
Recreation Charges	4,604,000.00	312,502.85	2,549,281.08		4,613,100.00	327,995.70	2,314,143.07
Franchise Fees	2,475,000.00	(121,653.09)	1,086,426.32	(1)	2,607,047.00	177,548.48	1,302,762.33
General Service Charges	2,496,749.00	42,169.76	1,176,100.37		2,240,000.00	277,284.15	1,762,230.37
Fines	1,900,000.00	138,615.12	803,632.29		1,900,000.00	138,800.52	852,647.32
Interest Income	400,000.00	68,107.92	65,647.16		350,000.00	59,817.50	223,560.42
Misc	249,371.00	21,251.45	144,016.89		238,816.00	38,800.93	319,807.49
Leases	575,000.00	143,750.00	287,500.00		525,000.00	100,000.00	268,110.00
Refunds	(65,000.00)	(7,825.00)	(11,675.00)		(51,862.00)	(415.00)	(2,510.00)
Interfund Transfers	46,527,000.00	3,877,250.00	23,263,500.00		48,199,000.00	3,751,833.33	22,510,999.98
Other Financing Sources			0.00		1,003,943.00	0.00	0.00
Revenues Total General Fund	72,817,537.00	5,541,079.37	34,918,782.36		75,316,155.00	5,939,300.24	35,168,325.78
Water Fund Revenues							
Carryover	4,598,304.00		0.00		2,916,780.00		0.00
License & Permits	70,000.00	7,620.00	48,470.00		70,000.00	10,020.00	50,160.00
Intergovernmental Revenue	50,000.00	0.00	31,100.31		67,133.00	11,929.93	37,491.44
Water Sales	20,141,775.00	2,736,269.47	8,976,418.74		18,814,000.00	2,286,294.65	7,446,030.75
Water Tap Fees	3,900,000.00	660,354.00	4,918,973.00		4,600,000.00	534,370.00	3,582,012.25
Contractor Locate Fee Misc	0	0.00	4,250.12		0.00	0.00	0.00
Interest Income	1,000,000.00	110,870.55	(38,382.18)		900,000.00	96,817.00	420,927.78
Miscellaneous	1,626,422.00	10,279.91	1,092,510.75		6,182,500.00	9,879.53	2,822,773.60
Interfund Transfers	0.00	0.00	0.00		0.00	0.00	0.00
Contributions of F/A-amort	0.00	0.00	0.00		0.00	0.00	0.00
Other Financing Sources	7,000,000.00		0.00		0.00	0.00	0.00
Total Water Revenues	38,386,501.00	3,525,393.93	15,033,340.74		33,550,413.00	2,949,311.11	14,359,395.82
Wastewater Fund Revenues							
Carryover	4,414,473.00				(97,748.00)		
Wastewater Sales	8,386,834.00	711,607.59	4,400,132.47		8,735,000.00	736,499.24	4,379,029.48
Wastewater Tap Fees	1,011,000.00	29,496.00	1,089,560.00		1,050,000.00	131,427.00	1,722,772.00
Contractor Locate Fee	0.00	0.00	60.00		0.00	0.00	0.00
Interest Income	750,000.00	107,510.79	911.53		700,000.00	115,298.10	423,777.82
Miscellaneous	5,000.00	325.00	925.00		5,000.00	250.00	40,106.20
Interfund Transfers	0.00	0.00	0.00		0.00	0.00	0.00
Contributions of F/A-amort	0.00	0.00	0.00		0.00	0.00	0.00
Other Financing Sources	0.00	0.00	0.00		0.00	0.00	0.00
Wastewater Revenues	14,567,307.00	848,939.38	5,491,589.00		10,392,252.00	983,474.34	6,565,685.50
Legacy Ridge Fund Revenues							
Carryover							0.00
Miscellaneous	16,000.00	1,902.00	9,229.72		22,138.00	1,383.00	11,935.58
Rentals	14,000.00	1,520.78	4,061.75		10,720.00	1,403.21	13,204.07
Concessions	36,000.00	3,000.00	18,000.00		36,000.00	6,000.00	24,000.00
Merchandise Sales	192,000.00	32,750.99	80,863.70		230,000.00	30,193.24	87,758.02
Lessons	10,000.00	4,290.00	9,124.00		14,000.00	2,125.00	8,245.00
Green Fees	964,204.00	177,137.00	456,671.50		1,122,366.00	171,249.43	447,392.54
Cart Rental	253,540.00	46,057.98	96,027.70		250,000.00	43,524.53	106,262.05
Driving Range	122,199.00	18,935.16	59,930.41		115,942.00	18,908.07	58,005.89
Jr. Golf Camp	5,000.00	0.00	0.00		5,740.00	0.00	0.00
Gift Certificates	174,000.00	25,222.00	49,209.25		152,985.00	20,865.50	67,802.94
Gift Certificates Used	0.00	(25,976.60)	(36,735.48)		0.00	(18,883.16)	(55,662.77)
Interest Income	0.00	(1,161.75)	(6,170.67)		0.00	(423.11)	(2,234.26)
Miscellaneous	0.00	0.00	2,159.06		0.00	931.53	4,219.81
Refunds	0.00	0.00	62.00		0.00	0.00	6,000.00
Contributions of F/A amort	0.00	0.00	0.00		0.00	0.00	0.00
Other Financing Sources	0.00	0.00	0.00		0.00	0.00	0.00
Revenues Total Legacy Ridge	1,786,943.00	283,677.56	742,432.94		1,959,891.00	277,277.24	776,928.87
Heritage at Westmoor Revenues							
Miscellaneous	25,000.00	19,295.03	26,386.33		29,000.00	990.93	4,517.31
Rentals	11,989.00	1,417.50	3,050.00		9,126.00	1,227.50	9,697.50
Concessions	36,000.00	3,000.00	18,150.72		33,000.00	2,500.00	17,500.00
Merchandise Sales	185,850.00	23,992.86	64,413.84		202,528.00	22,398.69	54,508.33
Lessons	10,000.00	2,395.00	5,585.00		14,000.00	5,700.00	8,050.00
Green Fees	1,102,582.00	147,025.15	398,961.01		1,010,965.00	149,868.50	381,326.33
Cart Rental	256,454.00	47,919.48	104,131.71		236,547.00	41,041.43	96,472.05
Driving Range	117,291.00	10,716.12	33,704.74		81,677.00	10,882.05	32,365.22
Jr. Golf	4,500.00	0.00	0.00		2,000.00	0.00	0.00
Gift Certificates	112,088.00	8,440.50	22,555.50		111,120.00	12,670.50	31,143.91
Gift Certificates Used	0.00	(8,567.66)	(16,150.62)		0.00	(16,832.06)	(27,724.71)
Interest Income	0.00	387.25	(1,812.83)		0.00	846.22	4,699.61
Miscellaneous	0.00	101.60	(345.87)		0.00	905.91	14,181.90
Refunds	0.00	0.00	0.00		0.00	2,500.00	5,000.00
Contributions of F/A amort	0.00	0.00	0.00		0.00	0.00	0.00
Other Financing Sources	0.00	0.00	0.00		0.00	0.00	0.00
Revenues Total Heritage Fund	1,861,754.00	256,122.83	658,629.53		1,729,963.00	234,699.67	631,737.45
Storm Drainage Fund Revenues							
Carryover			0.00				0.00
Storm Drainage Fee	830,000.00	69,446.72	429,095.72	(2)	350,000.00	0.00	0.00
Interest Income		2,613.95	3,467.39		0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00		0.00	0.00	0.00
Interfund Transfers	0.00	0.00	0.00		0.00	0.00	0.00
Contributions of F/A Amort	0.00	0.00	0.00		0.00	0.00	0.00
Other Financing Sources	0.00	0.00	0.00		0.00	0.00	0.00
Storm Drainage Revenues	830,000.00	72,060.67	432,563.11		350,000.00	0.00	0.00

City of Westminster
Revenue Report For Council
For the Month Ended June 30, 2002

Description	Budget	Current Period	Year-to-Date	Notes	Budget	Current Period	Year-to-Date
	2002 YTD	Actual 2002 June	Actual 01/02-06/02 Grand Total		2001 YTD	Actual 2001 June	Actual 01/01-06/01 Grand Total
Sales and Use Tax Fund Revenues							
Carryover	900,000.00		0.00		1,517,000.00		0.00
Sales Tax Returns	44,075,000.00	2,966,940.38	19,756,319.56		43,200,000.00	3,169,091.44	21,791,258.74
Sales Tax Audit	450,000.00	43,992.01	448,560.57	(3)	400,000.00	168,971.53	392,059.16
Sales Tax Refunds	(55,000.00)	(668.98)	(16,003.45)		(50,000.00)	(8,366.06)	(16,257.15)
Sales Tax Audit Refunds	(3,000.00)	0.00	(45.00)		(3,000.00)	(2,555.51)	(4,350.06)
Use Tax Returns	1,900,000.00	105,262.41	828,848.09	(3)	1,650,000.00	677,240.40	1,534,293.52
Use Tax Building	1,850,000.00	95,593.14	1,070,392.38		1,650,000.00	251,488.60	1,433,512.91
Use Tax Auto	5,600,000.00	527,295.37	2,310,683.36		5,450,000.00	482,365.39	2,151,339.56
Use Tax Audit	350,000.00	0.00	128,819.91		275,000.00	12,383.93	112,378.22
Use Tax Refunds	(70,000.00)	(2,777.54)	(60,833.14)		(70,000.00)	(280.55)	(48,651.00)
Use Tax Collection Fees	(280,000.00)	(26,364.78)	(115,534.26)		(270,000.00)	(24,126.74)	(107,575.41)
Use Tax Audit Enf (Contra)			(16.62)		0.00	(12.92)	(26.39)
Interest Income	50,000.00	(6,631.69)	(26,464.49)		50,000.00	4,601.35	29,421.71
Revenues Total Sales and Use Tax Revenue	54,767,000.00	3,702,640.32	24,324,726.91		53,799,000.00	4,730,800.86	27,267,403.81
Open Space Sales & Use Tax Fund Revenues							
Carryover	723,330.00		0.00		1,651,000.00		0.00
Sales Tax Returns	3,867,966.00	268,076.17	1,789,164.98		3,773,625.00	283,601.82	1,936,190.26
Sales Tax Audit	25,000.00	3,666.00	37,380.03		25,000.00	14,024.14	32,834.71
Sales Tax Refunds	(4,000.00)	(55.74)	(1,334.60)		(4,000.00)	(697.15)	(1,354.59)
Sales Tax Audit Refunds	0.00	0.00	(3.75)			(212.95)	(362.50)
Use Tax Returns	160,000.00	9,948.04	76,085.51		138,000.00	57,282.14	173,314.89
Use Tax Building	145,200.00	8,003.59	89,247.41		135,000.00	20,960.50	119,467.50
Use Tax Auto	459,500.00	43,941.23	192,556.74		447,000.00	40,197.07	179,278.10
Use Tax Audit	20,000.00	0.00	10,734.97		15,000.00	1,088.49	9,647.27
Use Tax Refunds	(6,000.00)	(231.46)	(5,118.43)		(6,000.00)	0.00	(4,189.65)
Use Tax Collection Fees	(23,000.00)	(2,197.06)	(9,627.84)		(22,000.00)	(2,010.56)	(8,964.60)
Use Tax Audit Enf (Contra)	0.00	0.00	(1.38)			(1.08)	(2.20)
Intergovernmental Revenue	0.00	0.00	0.00		1,404,800.00	0.00	745,000.00
Interest Income	25,000.00	10,912.53	(12,345.43)		25,000.00	14,333.80	68,830.45
Miscellaneous	0.00	500.00	4,300.00		6,000.00	500.00	8,519.67
Interfund Transfers	611,115.00	0.00	611,115.00		0.00	0.00	0.00
Revenues Total Open Space Sales/Use Tax	6,004,111.00	342,563.30	2,782,153.21		7,588,425.00	429,066.22	3,258,209.31

(1) Highway Users Revenue was recorded incorrectly as a Franchise Fee in May. June figures include this correction of \$257,817.48

(2) Storm Drainage revenues did not begin until July 2001.

(3) See Barb Dolan's explanation but the variance is mainly due to a \$450,000 use tax payment in 2001 and \$115,000 audit enforcement from Qwest in 2001.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated
Revenues						
Taxes	3,288,000	2,397,130	(1)	2,742,699	345,569	114%
Licenses & Permits	1,428,000	774,840	(2)	868,189	93,349	112%
Intergovernmental Revenue	4,659,434	1,765,350	(3)	1,943,465	178,115	110%
Charges for Services						
Recreation Services	4,604,000	2,624,280	(4)	2,549,281	(74,999)	97%
Other Services	4,971,749	2,151,644	(4)	2,262,527	110,882	105%
Fines	1,900,000	931,000	(5)	803,632	(127,368)	86%
Interest Income	400,000	200,000	(6)	65,647	(134,353)	33%
Misc	249,371	95,748	(7)	144,017	48,269	150%
Leases	575,000	95,833	(8)	287,500	191,667	300%
Refunds	(65,000)	(32,500)	(9)	(11,675)	20,825	36%
Interfund Transfers	46,527,000	23,263,500	(10)	23,263,500	0	100%
Sub-total Revenues	<u>68,537,554</u>	<u>34,266,826</u>		<u>34,918,782</u>	<u>651,957</u>	<u>102%</u>
Carryover	4,279,984	-	(11)	-	-	
Revenues	<u>72,817,538</u>	<u>34,266,826</u>		<u>34,918,782</u>	<u>651,957</u>	<u>102%</u>
Expenditures						
City Council	171,123	85,562		85,012	(549)	99%
City Attorney's Office	675,085	337,543		308,157	(29,385)	91%
City Manager's Office	819,763	409,882		369,316	(40,566)	90%
Central Charges	19,112,901	9,556,451		8,510,679	(1,045,771)	89%
General Services	4,044,553	2,022,277		1,853,249	(169,028)	92%
Finance	1,343,511	671,756		619,056	(52,699)	92%
Police	15,014,948	7,507,474		7,322,832	(184,642)	98%
Fire Emergency Services	7,407,885	3,703,943		3,437,424	(266,518)	93%
Community Development	3,729,158	1,864,579		1,657,602	(206,977)	89%
Public Works & Utilities	7,341,368	3,670,684		2,090,890	(1,579,794)	57%
Parks Recreation & Libraries	13,157,243	6,578,622		5,612,789	(965,833)	85%
Total Expenditures	<u>72,817,538</u>	<u>36,408,769</u>	(12)	<u>31,867,007</u>	<u>(4,541,762)</u>	<u>88%</u>
Revenue Over(Under) Expend	<u>0</u>	<u>(2,141,943)</u>		<u>3,051,776</u>	<u>5,193,719</u>	

- (1) Property Taxes at 76% to 78% in June; Admissions Taxes average 51%, Qwest at 45% by this time of year.
(2) Licenses 49%, Comm'l/Permits 53%, Res'l/Permits 57%.
(3) Cig Tax 32%, HUTF 40%, AutoOwnr 41%, Veh Regis 38%, Road & Bridge(Adco) 33%, Road & Bridge(Jeffco) 30%.
(4) Recreation 49%, PubSvc 40%, AT&T 25%, CAM & EMS billings 34%, all others 37%.
(5) Fines historically at 49%
(6) Governmental Accounting Standards Board requires that unrealized gains and losses be recorded.
 These numbers reflect the reversal of the gain recorded at FYE.
(7) Miscellaneous and Westminster Faire Receipts.
(8) Timing delays of lease payments can occur; billed 1st Qtr, received 2nd Qtr - recorded during 1st Qtr with no delay.
(9) Refund payments generally apply to recreation charges in general.
(10) Transfers from Sales Tax Fund and Sheridan Park GID.
(11) Carryover from Year 2001 is always budgeted for the next year; included here to render correct balanced budget perspective.
 Carryover (Actual) represents use of prior year fund balance, as budgeted.
(12) Expenditures are based on even 1/12 per month or 8.33% per month.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated
Water Fund						
Revenues						
License & Permits	70,000	29,167		48,470	19,303	166%
Intergovernmental Revenue	50,000	25,000		31,100	6,100	124%
Charges for Services						
Rates and Charges	20,141,775	7,532,297	(1)	8,980,669	1,448,372	119%
Tap Fees	3,900,000	1,921,600	(1)	4,918,973	2,997,373	256%
Interest Income	1,000,000	470,000	(2)	(38,382)	(508,382)	-8%
Miscellaneous	1,626,422	87,500	(3)	1,092,511	1,005,011	1249%
Other Financing Sources	7,000,000	0		0	0	
Sub-total Water Revenues	<u>33,788,197</u>	<u>10,065,564</u>		<u>15,033,341</u>	<u>4,967,777</u>	<u>149%</u>
Carryover	4,598,304	-	(4)	-	-	
Total Revenues	<u>38,386,501</u>	<u>10,040,564</u>		<u>15,033,341</u>	<u>4,967,777</u>	<u>150%</u>
Expenses						
City Council	26,273	13,137		13,137	0	100%
City Attorney's Office	98,463	49,232		49,232	0	100%
City Manager's Office	165,597	82,799		82,798	(0)	100%
Central Charges	7,947,403	2,729,670	(5)	2,521,846	(207,824)	92%
General Services	323,883	161,942		161,941	(0)	100%
Finance	647,726	323,863		298,235	(25,628)	92%
Fire Emergency Services	20,264	10,132		10,132	0	100%
Community Development	343,062	171,531		171,531	(0)	100%
Public Works & Utilities	10,637,431	5,318,716		4,264,439	(1,054,276)	80%
Parks, Recreation & Libraries	47,025	23,513		23,512	(0)	100%
Information Technology	2,069,175	1,034,588		917,500	(117,088)	89%
Total Operating Expenses	<u>22,326,302</u>	<u>9,919,120</u>		<u>8,514,304</u>	<u>(1,404,816)</u>	<u>86%</u>
Revenues Over(Under) Expenses	<u>16,060,199</u>	<u>121,444</u>	(6)	<u>6,519,037</u>	<u>6,397,593</u>	

(1) Res Sales 17%, Commr Sales 18.4%, Wholesale Sales 22.3%, Meter Svc Fees 32.9%, Recl. Chgs projected at 1/12 per mo. until more data is available, Res Taps 34.9%, Commr Taps 47.9%.

(2) Interest Income historically at 31% at this time of year; current variance is due to reversal of FYE gain from 2001, required per the Governmental Accounting Standards Board.

(3) Includes Misc Income only; the spike in April reflects a reimbursement of Standley Lake spillway construction expenses totaling \$842,857.

(4) Carryover from prior year is included to present total budget perspective;

Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(5) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

(6) Revenues are under expenditures due to lower pro-rated revenues, ranging from 17% to 48%, expenditures pro-rated at 33%.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-rated
Wastewater Fund						
Revenues						
Charges for Services						
Rates and Charges	8,386,834	4,132,035	(1)	4,400,192	268,157	106%
Tap Fees	1,011,000	494,835	(1)	1,089,560	594,725	220%
Interest Income	750,000	369,000	(2)	912	(368,088)	0%
Miscellaneous	5,000	2,500		925	(1,575)	37%
Sub-total Water Revenues	<u>10,152,834</u>	<u>4,998,370</u>		<u>5,491,589</u>	<u>493,219</u>	<u>110%</u>
Carryover	4,414,473	-	(3)	-	-	
Total Revenues	<u>14,567,307</u>	<u>4,998,370</u>		<u>5,491,589</u>	<u>493,219</u>	<u>110%</u>
Expenditures						
City Council	13,724	6,862		6,862	(0)	100%
City Attorney's Office	49,167	24,584		24,583	(0)	100%
City Manager's Office	80,819	40,410		40,409	(0)	100%
Central Charges	1,393,704	614,135	(4)	238,591	(375,544)	39%
General Services	202,617	101,309		101,309	0	100%
Finance	66,702	33,351		33,352	1	100%
Fire Emergency Services	13,510	6,755		6,755	0	100%
Community Development	156,932	78,466		78,466	(0)	100%
Public Works & Utilities	6,146,759	3,073,380		1,914,716	(1,158,664)	62%
Parks, Recreation & Libraries	78,373	39,187		39,186	(0)	100%
Total Operating Expenses	<u>8,202,307</u>	<u>4,018,436</u>		<u>2,484,228</u>	<u>(1,534,208)</u>	<u>62%</u>
Revenues Over(Under) Expenses	<u>6,365,000</u>	<u>979,934</u>		<u>3,007,361</u>	<u>2,027,426</u>	

(1) Res'l Sales 32.8%, Comm'l Sales 32.2%, Res'l Taps 35.6%, Comm'l Taps 29.5%.

(2) Interest Income historically at 32.6% at this time of year; current variance is due to reversal of gain from 2001, required by the Governmental Accounting Standards Board.

(3) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over	% Pro-rated
					Budget Pro-rated	
Storm Drainage Fund						
Revenues						
Business Fees						
Charges for Services	830,000	415,000		429,096	14,096	103%
Interest Income	0	0	(1)	3,467	3,467	
Miscellaneous	0	0		0	0	
Total Revenues	<u>830,000</u>	<u>415,000</u>		<u>432,563</u>	<u>17,563</u>	<u>104%</u>
Expenses						
Central Charges	0	0		1,959	1,959	
Organization Support Services	100,000	50,000		0	(50,000)	0%
Engineering	46,000	23,000		15,448	(7,552)	67%
PW&U Admin	0	0		0	0	
Infrastructure Improvements	0	0		0	0	
Street Maintenance	100,000	50,000		5,100	(44,900)	10%
Total Expenses	<u>246,000</u>	<u>123,000</u>		<u>22,507</u>	<u>(100,493)</u>	<u>18%</u>
Revenues Over(Under) Expenses	<u>584,000</u>	<u>292,000</u>		<u>410,056</u>	<u>118,056</u>	

(1) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-rated
Sales and Use Tax Fund						
Revenues						
Sales & Use Tax						
Sales Tax Returns	44,020,000	22,142,225	(1)	19,740,316	(2,401,909)	89.15%
Sales Tx Audit Revenues	447,000	250,500		448,516	198,016	179.05%
Use Tax Returns	9,000,000	3,921,000		4,033,556	112,556	102.87%
Use Tax Audit Revenues	350,000	147,000		128,803	(18,197)	87.62%
Interest Income	50,000	25,000	(3)	(26,464)	(51,464)	-105.86%
Sub-total Revenues	<u>53,867,000</u>	<u>26,485,725</u>		<u>24,324,727</u>	<u>(2,160,998)</u>	<u>91.84%</u>
Carryover	900,000	-	(2)	-	-	
Total Revenues	<u>54,767,000</u>	<u>26,485,725</u>		<u>24,324,727</u>	<u>(2,160,998)</u>	<u>91.84%</u>
Expenditures						
Central Charges	<u>54,767,000</u>	<u>27,383,500</u>		<u>27,383,500</u>	<u>0</u>	<u>100.00%</u>
Revenues Over(Under) Expenses	<u>0</u>	<u>(897,775)</u>		<u>(3,058,773)</u>	<u>(2,160,998)</u>	

(1) At end of June, historical averages are as follows: Sales Tax Returns 50.3%, Sales Tax Audit 56%, Use Tax Returns 51%, Building Use Tax 54%, Auto Use Tax 38%, Use Tax Audit 42%.

(2) Carryover from prior year is always budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year fund balance, as budgeted.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description	Budget	Pro-rated Budget	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-rated
Open Space Fund						
Revenues						
Sales & Use Tax	4,644,666	2,284,548	(1)	2,179,084	(105,464)	95%
Intergovernmental Revenue	0	0		0	0	
Interest Income	25,000	12,500	(3)	(12,345)	(24,845)	-99%
Miscellaneous	0	0		4,300	4,300	
Interfund Transfers	611,115	0	(4)	611,115	611,115	
Sub-total Revenues	<u>5,280,781</u>	<u>2,297,048</u>		<u>2,782,153</u>	<u>485,105</u>	<u>121%</u>
Carryover	723,330	-	(2)	-		
Total Revenues	<u>6,004,111</u>	<u>2,297,048</u>		<u>2,782,153</u>	<u>485,105</u>	<u>121%</u>
Expenditures						
Central Charges	<u>6,004,111</u>	<u>3,002,056</u>		<u>2,900,605</u>	<u>(101,451)</u>	<u>97%</u>
Revenues Over(Under) Expend	<u>0</u>	<u>(705,008)</u>		<u>(118,452)</u>	<u>586,556</u>	

(1) Open Space Sales Taxes 50%; Open Space Use Tax 45%.

(2) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective.
Carryover (Actual) represents use of prior year fund balance, as budgeted.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.

(4) This was a FYE transfer from General Capital Improvement Fund of carryover funds.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-rated
Legacy Ridge Fund						
Revenues						
Business Fees						
Charges for Services	1,786,943	893,472	(1)	746,383	(147,089)	84%
Interest Income	0	0	(3)	(6,171)	(6,171)	
Miscellaneous	0	0		2,159	2,159	
Refunds	0	0		62	62	
Total Revenues	<u>1,786,943</u>	<u>893,472</u>		<u>742,433</u>	<u>(151,039)</u>	83%
Expenses						
Central Charges	501,529	250,765		239,758	(11,007)	96%
Recreation Facilities	1,285,414	642,707	(2)	523,012	(119,695)	81%
Total Expenses	<u>1,786,943</u>	<u>893,472</u>		<u>762,770</u>	<u>(130,702)</u>	85%
Revenues Over(Under) Expenses	<u>0</u>	<u>0</u>		<u>(20,337)</u>	<u>(20,337)</u>	

(1) Revenues and Expenses projected at 50%, although weather and seasonal flows will impact revenue flows.

(2) The budget for expenses reflects the City Council decision to subsidize the debt service for the Golf Course by \$200,000 for the FY 2002. Legacy's scheduled debt service is \$621,458 for the year; this will be reduced by \$200,000 to \$421,658 for the year.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2002**

Description	Budget	Budget Pro-rated	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-rated
Heritage at Westmoor Fund						
Revenues						
Business Fees						
Charges for Services	1,861,754	930,877	(1)	660,788	(270,089)	71%
Interest Income	0	0	(3)	(1,813)	(1,813)	
Miscellaneous	0	0		(346)	(346)	
Refunds	0	0		0	0	
Total Revenues	<u>1,861,754</u>	<u>930,877</u>		<u>658,630</u>	<u>(272,248)</u>	<u>71%</u>
Expenses						
Central Charges	60,810	30,405		29,955	(450)	99%
Recreation Facilities	1,800,944	766,808	(2)	850,743	83,935	111%
Total Expenses	<u>1,861,754</u>	<u>797,213</u>		<u>880,698</u>	<u>83,485</u>	<u>110%</u>
Revenues Over(Under) Expenses	<u>0</u>	<u>133,664</u>		<u>(222,069)</u>	<u>(355,733)</u>	

(1) Revenues and Expenses projected at 50% although weather and seasonal flows will impact revenue flows.

(2) Debt service payments due in December total \$267,329.

These are not reflected in the pro-rated budget above, in order to give the reader a more clear picture of the operating position of the golf course.

(3) These numbers reflect the reversal of the gain recorded for FYE 2001, as required by the Governmental Accounting Standards Board.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Purchase of Upgraded Library Automation System

Prepared By: Kathy Sullivan, Library Services Manager

Recommended City Council Action

Authorize the City Manager to sign a contract with Epixtech, Inc., in the amount of \$158,981 for an upgraded library automation system for the Westminster Public Library and Front Range Community College Library (FRCC), and authorize the City Manager to sign an agreement with Front Range Community College to share the initial cost of the system on a 60/40 basis.

Summary Statement

- The upgrade is necessary because the library's current automation vendor, Epixtech, Inc., is planning to replace its existing library automation system product with a totally new, SQL-based relational database management system. Over the past several years, many vendors of all types of applications software have been upgrading to this new type of system, and library automation vendors are no exception. The library's current automation system, "Dynix," which has not had a major upgrade since the library first purchased it in 1994, will be phased out by the vendor and replaced with the new graphical system, called "Horizon."
- Westminster Public Library and Front Range Community College share the costs of the current Dynix system on a 50/50 basis. However, due to budget cuts at the State level, Front Range is unable to provide 50% of the initial cost of this new system. Because Front Range Community College has purchased several major pieces of technology, equipment and software over the past few years, which have almost exclusively benefited the City side of the joint venture, Staff recommend that the City fund 60% of the initial cost of this new system. The value of the equipment and software purchased by the College for City library use has been over \$36,000. The cost savings for Front Range in funding 40% rather than 50% of the initial costs of the new Horizon system will be \$15,898.

Expenditure Required: **\$95,389**

Source of Funds: General Fund CIP (\$150,000 budgeted in 2002)

Policy Issues

- Should the City invest \$95,389 to upgrade the library's automation system to a graphical, SQL-based system, to serve both the City and Front Range Community College?
- Should the City agree to share the initial cost of the system on a 60/40 basis?

Alternatives

- 1) Do not approve the contract with Epixtech, Inc. at this time for the system upgrade.
- 2) Direct Staff to select a different vendor of library automation software.
- 3) Approve the contract but require FRCC to share the cost of the upgrade 50/50 with the City.

Staff does not recommend any of these alternatives for the following reasons:

- 1) Not purchasing an upgrade at this time would lead to the Library's automation system being non-functional, since the vendor is proceeding with plans to phase the system out.
- 2) Postponing the purchase of the new system could cost the City substantially more, since the vendor is offering current customers a substantial discount (\$94,285) to migrate to the new system now. In addition, if the system is not purchased in 2002/2003, it is unclear whether the College will be able to provide any funding for this purchase in the near future.
- 3) No other vendor is offering the range of products and services in the same price range as Epixtech. Many of our current services will automatically carry over to the upgraded system if we stay with Epixtech. This will make the transition much easier for patrons and Staff.
- 4) Based on past cooperative actions of FRCC for College Hill Library equipment and services, their offer to fund 40 percent of the new system is fair and equitable.

Background Information

In 1997, when Westminster and FRCC staffs were planning for the joint College Hill Library operation, the two libraries were running two different automated systems. The City and College hired a technology consultant to evaluate whether the new joint library should operate on the City's current Dynix system, the College's CARL system, or jointly purchase a new system. At that time, vendors of other library automation systems, including the CARL system, quoted prices in the \$250,000 to \$300,000 range for a new system. The Dynix system was chosen by both agencies because the cost to expand it to add the College Hill Library to the system was only \$70,750. Since the system had been relatively small to serve the few computers at the 76th Avenue and Kings Mill Libraries, its capacity needed to more than double to serve the new College Hill Library as well.

When WPL and FRCC libraries were planning the new joint library in 1997, Staff investigated the cost of purchasing a totally new (non-Dynix) system, and received quotes from several vendors in the \$300,000 range. Based on that information, City staff requested and Council approved \$150,000 in the 2002 CIP budget to pay for the City's portion of the new system.

During 2001, Front Range Community College worked to identify funds to pay for their share of the system. WPL initially requested that FRCC share the cost of the new system 50/50 with the City.

Due to the State of Colorado's financial situation in 2001/2002, Front Range was unable to commit to an amount that would match the City's \$150,000 allocation. However, they tentatively committed to an amount up to \$75,000, setting the budget for the total project at approximately \$150,000.

Staff contacted Epixtech, Inc. for an initial quote, which was in the \$150,000 range. WPL and FRCC staff then investigated the possibility of contracting with another automation vendor for a new system to see whether any vendor could provide a system for the same or a lower price as the upgrade from “Dynix” to “Horizon.” After receiving verbal assurances from several vendors that they could match or come close to the price quoted by Epixtech, an RFP was sent out in June 2002.

Of the five vendors who received the City’s RFP, two responded that they could not provide a system for less than \$200,000. Three vendors responded to the RFP: Epixtech, Inc.; TLC, Inc.; and LibSys, Inc. The quotes were:

LibSys:	\$197,800
TLC:	\$150,126 (\$196,521 including all necessary components*)
Epixtech:	\$158,981

* Library Staff analyzed all three quotes and found that TLC, which submitted the low bid, had omitted several major pieces of software necessary to maintain the library’s current level of automation services. These included software for self-checkout, collection agency services, enriched content services, enriched content reviews, consolidated searching, telecirculation services, and the connection to the web server. These software modules were listed in the TLC quote as optional add-on services, at a total cost of \$46,395, bringing the total cost of all services provided by TLC to \$196,521.

In addition, TLC did not provide migration of all library data from the old to the new system, whereas Epixtech provided for full migration of all data. For these and other reasons, Library Staff decided to recommend retaining Epixtech, Inc. as the library’s automation vendor. FRCC staff agrees with this recommendation.

The proposals that were received from the three vendors were evaluated based on the following criteria:

- Price
- Quality and adherence to specifications
- Maintenance and service
- Delivery/completion time
- Guarantees & warranties
- Company’s reputation and financial status
- Past experience and cost with similar equipment/services
- Anticipated future cost/experience

Although all three proposals were similar in the range of services that could be provided, only Epixtech could provide all required services and products within the project budget.

Once all quotes were received, Library Staff met again with Front Range Community College staff to discuss sharing the cost of the system. FRCC staff explained that they would be unable to fund 50 percent of the cost of a \$158, 981 system at \$79,491, but that they would be able to fund 40 percent if the City could fund 60 percent of the initial price. They also agreed to share the ongoing cost of maintenance of the system 50/50 with the City. FRCC purchased several pieces of equipment for the library over the past several years with a large technology grant that the College received from the State, including a self-checkout unit that cost over \$24,000 and Telecirc software that cost \$12,740.

FRCC purchased these items to benefit the joint partnership, in the spirit of cooperation upon which the College Hill Library was formed, even though they knew the equipment would be used primarily by Westminster Public Library patrons. These two pieces of equipment have allowed the library to continue to provide excellent service without additional circulation staff, despite the large increase in business over the past several years.

SUBJECT: Purchase of Upgraded Library Automation System

Page 4

Because of the State's current financial situation, it is unlikely that the College will be able to obtain any more funding for this project in the future. Staff believes that the College is making its best effort to find funding for this system now, because it understands that a crisis could occur in future years if the library continues to use a system that is being phased out.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Public Safety Center Furniture Purchase

Prepared By: Marcia Johnson, Records Supervisor
Dan Montgomery, Chief of Police

Recommended City Council Action

Award the bid to the low bidder, Pear Commercial Interiors, in the amount of \$780,025, with a contingency of \$19,975, for the purchase of new furniture and workstations for the Public Safety Center, and charge the expenses to the appropriate Capital Improvement Project budget account.

Summary Statement

- City Council action is requested to award a bid for the purchase of workstation and ancillary furniture for the new Public Safety Center.
- An \$800,000 budget was established within the Public Safety Center total project budget for this expense.
- Existing furniture at the Police Department is in disrepair; much of it was refurbished furniture when originally purchased ten or more years ago. Fire Administration, when relocating from City Hall, will leave their furniture to be used by other City Hall staff.
- The new furniture was selected to maximize space and the functionality of the design of the Public Safety Center.
- The furniture will provide Police and Fire Department staff with ergonomically designed products. The furniture may assist in reduction of work related injuries due to improper back support and assist in reducing risk of repetitive motion injury caused by non-ergonomically designed workspace configurations.
- The new furniture will support the City's philosophy of maintaining a professional image through a quality appearance. The citizens and employees will take pride in the facility.

Expenditure Required: \$ 800,000

Source of Funds: Public Safety Center Capital Improvement Project Account

Policy Issue

Should the City continue to use existing furniture that is old, in disrepair, and that does not support high standards of quality, reliability, safety, and conformance to ergonomic design?

Alternative

Continue to use the existing furniture. This is not recommended, as most furniture is outdated, mismatched, from different manufacturers, of inferior quality and fails to meet suggested ergonomic requirements. The existing furniture would detract from the quality, professionalism and beauty of the Public Safety Center and will not maximize space and functionality of the building's design.

Background Information

The Police Department moved into its current location in 1979. Since that time, the Department has experienced significant growth. Some of the existing furniture has been in use since the original move to the current building. As staffing levels grew, the Police Department also acquired some freestanding furniture that was made available from other departments that was being sent to auction. Recent modular furniture purchases have been from both re-conditioned and new product dealers. The acquired furniture was purchased with budget as the driving force – compatibility with existing furniture, quality and ergonomic design were not addressed.

When the Fire Department relocates from City Hall to the new Public Safety Center, other personnel will take over their existing location and furniture that is currently in use.

Six product lines were evaluated by staff – Herman Miller, Knoll, All Steel, Kimball, Steelcase, and Hayworth. Hayworth was selected as their product offered the most options and configurations, was superior in quality, and best met requirements for durability and flexibility. Selection of the Hayworth product line also allowed for compatibility and consistency between City Hall furniture and the Public Safety Center furniture.

A group of employees representing divisions within the Police and Fire Department established a list of requirements for workstation furniture. These requirements were compiled into “typical” workstations. The “typicals” identified the size of the workstation and necessary furniture components such as number of overhead storage shelves, task lights, tack boards, keyboard trays, pencil drawers, task and side chairs, etc. These typicals were the basis for the bid in addition to hourly design services rate, labor rate, and overtime rate.

Two vendors provide the Hayworth product line – Pear Commercial Interiors (Pear) and Facilitek. These two vendors were solicited for bids. Staff also conducted interviews with Facilitek and Pear, reference checks, and took a tour of each showroom and working office environment where their product lines were displayed.

From this bid and evaluation process, Staff selected Pear Commercial Interiors. They provided a more cost-effective solution and their response was compliant with the proposal request, organized, detailed, and easy to follow. Facilitek's costs were higher and their response was non-compliant in several areas. Pear provided an additional incentive, allowing the City to purchase furniture for any facility at the Public Safety Center's pricing through the end of 2002.

Formal bids, in accordance with City Charter bidding requirements were obtained with the following results:

	PEAR	FACILITEK
<u>Hourly Rates</u>		
Design Services	\$50/hr	\$55/hr
Labor Rates	\$30/hr	\$37/hr
Overtime Rates	\$45/hr	\$55.50/hr
<u>Workstation Pricing</u>		
Typical 1 – Investigation’s Open Offices (6 workstations)	\$14,461	\$15,975
Typical 2 – Victim Advocate Open Offices (4 workstations)	\$11,374	\$11,662
Typical 3 – Police Captain (Individual office)	<u>\$ 2,829</u>	<u>\$ 2,753</u>
Total Typical Workstation Cost	\$28,664	\$30,390

The low bid from Pear Commercial Interiors meets all City specifications.

The entire furniture package includes free standing workstation furniture, office furniture, task chairs, side chairs, lateral files, bookcases, flat files, break room tables and chairs, conference room tables and chairs, keyboard trays, interview room tables and chairs, family and children’s interview room furniture, seating for the lobby, and tables and chairs for the training room/emergency operations center. A contingency amount is included for unforeseen circumstances related to delivery or installation or failure to identify all necessary furniture components.

The existing furniture will be made available for other City department’s use prior to releasing it for resale to a reconditioned office furniture dealer or sending it to auction.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Second reading on Councillor's Bills No. 29, 30 and 31 re the Winters South Annexation, Comprehensive Land Use Plan Amendment and Zoning.

Prepared By: David Falconieri, Planner III

Recommended City Council Action

- Pass Councillor's Bill No. 29 on second reading annexing the Winters South property to the City of Westminster.
- Pass Councillor's Bill No. 30 on second reading amending the Comprehensive Land Use Plan to include the Winters South Property and establishing a designation of Single Family Detached-Medium Density for 3.5 Acres, Public Open Space for 2.4 acres and Private Parks and Open Space for 3 acres.
- Pass Councillor's Bill No. 31 on second reading zoning the Winters South property Planned Unit Development (PUD).

Summary Statement

- The Winters South Property, consisting of approximately 11 acres, is located on the northwest corner of Wadsworth Boulevard and 110th Avenue.
- The applicant is requesting annexation and a CLUP amendment to classify the residential portion as of the property as single family detached-medium density, the area adjacent to Green Knolls as Public Open Space, and the parcel in between those as Private Parks and Open Space. A zoning to PUD is also requested.
- The City Council held a public hearing regarding this case on July 8, 2002, and passed the annexation, zoning and CLUP amendment on first reading.

Expenditure Required: **\$0**

Source of Funds: **Not applicable**

Respectfully Submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **29**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 36 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows:

Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E;

Commencing at the north of ¼ corner of said Section 11; thence along the east line of the NW ¼ of said Section 11 S00°37'18"E a distance of 582.00 to the point of beginning;

Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104;

Thence continuing along said parcel the following five (5) courses:

1. S88°38'00"W a distance of 378.64 feet;

2. Along the arc of a curve to the left, having a radius of 600.00 feet, a central angle of 16°40'00", arc length of 174.53 feet, said curve having a chord length of 173.92 feet, bearing S80°18'01"W;
3. S71°58'00"W a distance of 148.76 feet;
4. N22°00'00"W a distance of 591.00 feet;
5. N16°20'00"E a distance of 140.00 feet to a point on the south line of a parcel of land described in Reception No. 84000237;

Thence continuing along said south line N88°31'56"E a distance of 866.99 feet to a point on the east line of the NW ¼ of said Section 11, also being the point of beginning.

Containing in all an area of 522,574 square feet or 12.00 acres more or less.

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

Section 3. 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 8th day of July, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **30**

SERIES OF 2002

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 City Council has annexed new properties to the City specifically described as A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows: Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E; Commencing at the north ¼ corner of said Section II; thence along the east line of the NW ¼ of said Section II S00°37'18"E a distance of 1202.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104, said point being the point of beginning; Thence continuing along said parcel the following four (4) courses: (1) S88°52'36"W a distance of 716.00 feet; (2) N22°01'08"W a distance of 519.48 feet; (3) N44°01'44"E a distance of 100.00 feet; (4) N70°29'22"E a distance of 192.33 to a point of the south line of a parcel of land described in Reception No. 84000237; Thence continuing along said south line N88°34'20"E a distance of 653.31 feet to a point on the east line of the NW ¼ of said Section II; Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to the point of beginning. Containing in all an area of 501,145 square feet or 11.50 acres more or less; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed 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 Winters South annexation property, legally described above. The Winters South annexation property shall be changed from Unincorporated Jefferson County, to Single Family Detached Residential-Medium Density, Private Parks and Open Space, and Public Open Space, the areas of each as shown on the attached "Exhibit A".

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. 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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **31**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster PUD. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows:

Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E;

Commencing at the north ¼ corner of said Section II; thence along the east line of the NW ¼ of said Section II S00°37'18"E a distance of 1202.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104, said point being the point of beginning;

Thence continuing along said parcel the following four (4) courses:

1. S88°52'36"W a distance of 716.00 feet;
2. N22°01'08"W a distance of 519.48 feet;
3. N44°01'44"E a distance of 100.00 feet;

4. N70°29'22"E a distance of 192.33 to a point of the south line of a parcel of land described in Reception No. 84000237;

Thence continuing along said south line N88°34'20"E a distance of 653.31 feet to a point on the east line of the NW ¼ of said Section II;

Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to the point of beginning.

Containing in all an area of 501,145 square feet or 11.50 acres more or less.

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 8th day of July, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

Mayor

City Clerk

Winters South Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Second Reading of Councillor's Bill No. 33 re Purchasing Procedure Amendments

Prepared By: Carl F. Pickett, Purchasing Specialist
Barbara Gadecki, Assistant to the City Manager

Recommended City Council Action:

Pass Councilor's Bill No. 33 on second reading approving amendments to Chapter 1, Title 15 of the Westminster Municipal Code pertaining to purchasing procedures.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading which updates Chapter 1, Title 15 of the Westminster Municipal Code pertaining to purchasing procedures.
- This Councillor's Bill was passed on first reading on July 8, 2002.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **33**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 15, WESTMINSTER
MUNICIPAL CODE, CONCERNING PURCHASING PROCEDURES.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 1 of Title 15, Westminster Municipal Code, is amended to read as follows:

15-1-1: APPLICATION AND DEFINITIONS:

- A. This Chapter shall apply to every purchase agreement to which the City is a party.
- B. The term "City Manager" includes the City Manager's designee.
- C. The term "purchase agreement" means an agreement for the purchase of materials, equipment, supplies, personal services, or real estate.
- D. The term "personal services" includes construction, architectural, engineering, legal, consulting or other services, which involve primarily the furnishing of labor, time or expertise.
- E. The term "bids" means either bids or proposals submitted in response to a written invitation for bids or a request for proposals.

15-1-2: GENERAL REQUIREMENTS:

- A. Every purchase agreement shall be evidenced by a written contract or by a standard written or computerized purchase order.
- B. Every purchase agreement in an amount which exceeds FIFTY THOUSAND DOLLARS (\$50,000) ~~25,000~~ shall be approved or ratified by City Council. An agreement for the purchase of utilities, postage, or employee services need not be approved by express action, but shall be considered approved by City Council if the budget appropriation for such purchase has been approved.
- C. A purchase agreement for materials, equipment, supplies or personal services to be provided on an ongoing basis shall contain a maximum amount payable under the agreement or a termination date for the agreement.
- D. A purchase agreement in an amount of FIFTY THOUSAND DOLLARS (\$50,000) ~~25,000~~ or less shall be approved by the City Manager.
- E. A purchase agreement shall be submitted to the City Attorney and approved as to legal form and content before it is executed whenever the agreement is for the purchase of (1) personal services, (2) real estate, INCLUDING LEASES, EASEMENTS, OR OTHER REAL PROPERTY INTERESTS, or (3) supplies, equipment or materials, in an amount exceeding \$50,000. This subsection (E) shall not apply to an employment agreement with an employee or officer of the City.

F. Before any purchase agreement in an amount of \$50,000 or more is executed, the City Manager shall certify that an appropriation has been made or that other sufficient funds such as bond proceeds, special assessments, or matching funds will be available to pay the amounts required in the agreement.

15-1-3: PROHIBITION OF FINANCIAL INTEREST: Every officer and employee of the City is expressly prohibited from knowingly:

A. Seeking or accepting any personal gift or money rebate, directly or indirectly, from any person, company, firm or corporation in connection with a purchase agreement;

B. Underestimating or exaggerating requirements to a prospective bidder for the purpose of influencing bids;

C. Misrepresenting the quality of a bidder's products or services;

D. Influencing the City to enter into a purchase agreement, which will benefit the officer or employee either directly or indirectly.

E. Approving a purchase involving an amount in excess of one hundred dollars (\$100) in which any elective or appointive officer of the City or member of the officer's family has a pecuniary interest, as defined in section 5.12 of the City Charter, without the unanimous approval of all members of the City Council.

15-1-4: FORMAL BIDDING REQUIRED:

A. Formal bidding procedures shall be followed when the amount of a purchase exceeds THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty-five thousand dollars (\$25,000)~~, unless:

1. City Council determines by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with or from another unit of government, or

2. City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor.

B. When the amount of the purchase is THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty-five thousand dollars (\$25,000)~~ or less, the procedures in section 15-1-6 shall apply.

C. In case of emergency affecting the public peace, health or safety, City Council may waive all requirements for formal bidding. In such cases, the City Manager may direct the appropriate department head to procure emergency needs by informal, open-market procedures, at no more than commercial prices, as expeditiously as possible. The City Manager shall present a full report of the circumstances necessitating the emergency action at the next City Council meeting.

15-1-5: FORMAL BIDDING PROCEDURES AND SELECTION CRITERIA:

A. An invitation for bids or request for proposals shall be published at least once in an area newspaper selected for maximum impact on prospective bidders or shall be sent to three or more potential vendors or contractors OR POSTED VIA ELECTRONIC SOLICITATION at least five days prior to the deadline for receipt of bids or proposals.

B. A bid bond or deposit shall be required when deemed necessary by the City Manager. If a bid is not accepted or a bidder is unsuccessful, the bid bond or deposit shall be refunded. When a bid is awarded, but the successful bidder fails to enter into a contract within ten days of the award, the bid bond or deposit shall be forfeited.

C. Sealed bids shall be opened in public at the time and place stated in the public notice, unless all bidders have been notified of a change in such time or place by written addendum. A tabulation of all bids received shall be available for public inspection.

D. After the bids have been reviewed, the City Manager shall submit a report to City Council that contains an analysis of the bids, a recommendation for an award and the reasons for the recommendation. The purchase shall be awarded to the lowest, responsible bidder meeting the bid specifications unless City Council determines, after reviewing the City Manager's report, that the public interest would be better served by accepting a higher bid.

E. In determining whether the public interest would be better served by accepting a bid other than the lowest bid, the following factors shall be considered:

1. The bidder's skill, ability, and capacity to perform the personal services or to furnish the materials, equipment or supplies required;

2. Whether the bidder can perform the services or furnish the materials, equipment or supplies promptly, or within the time period specified, without delay or interference;

3. The bidder's character, integrity, reputation, judgment, experience and efficiency;

4. The quality of the bidder's performance of previous purchase agreements;

5. The bidder's previous and current compliance with statutes, ordinances and rules relating to the purchase;

6. The sufficiency of the bidder's financial resources necessary for the performance of the purchase agreement;

7. The bidder's ability to provide future maintenance or service;

8. The number and nature of any conditions attached to the bid;

F. Upon recommendation of the City Manager, the City Council may reject all bids when it determines that such action is in the public interest.

15-1-6: COMPARATIVE PRICE QUOTATIONS:

A. When the amount of a purchase is THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty-five thousand dollars (\$25,000)~~ or less, comparative price quotations shall be obtained, unless:

1. The City Manager determines that the public interest would be best served by negotiated contract with a single vendor or contractor or by joint purchase with or from another unit of government, or

2. The City Manager determines that the public interest would be best served by obtaining the goods or services through a formal bidding process.

B. When required, comparative price quotations shall be obtained from at least three vendors or contractors by telephone, in person, or by written document.

15-1-7: AMENDMENTS TO PURCHASE AGREEMENTS:

A. The City Manager shall have authority to approve an amendment to a purchase agreement when the amount of the amendment does not exceed five percent of the original agreement or FIFTY THOUSAND DOLLARS (\$50,000) ~~\$25,000~~, whichever is greater, and the amount of the cumulative amendments does not exceed ten percent (10%) of the original agreement or FIFTY THOUSAND DOLLARS (\$50,000) ~~\$25,000~~, whichever is greater. Amendments, or change orders, to agreements for the purchase of construction services shall be reported to City Council.

B. All other amendments to a purchase agreement shall be approved or ratified by City Council.

15-1-8: PROHIBITION AGAINST SUBDIVISION: No single purchase transaction shall be subdivided for the purpose of circumventing the dollar value limitations of this Chapter.

15-1-9: RULES AND ADMINISTRATIVE PROCEDURES: The City Manager is authorized to promulgate rules and administrative procedures to implement the provisions of this Title.

15-1-10: PREQUALIFICATION OF BIDDERS:

(A) The City Manager or designee is hereby authorized to prequalify contractors who wish to bid on a construction project for the City. The City Manager may exercise this authority when he determines that it is in the best interest of the City and:

1. A particular contract for construction requires:
 - (a) Complex or unusual construction techniques or expertise; or
 - (b) An unusually tight construction time; or
 - (c) Experience in a construction field not generally held by general contractors; or
2. The construction project has a projected budget of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) or more (excluding design and related architectural/engineering tasks).

(B) When the City Manager or designee has determined that a specific project requires prequalification of bidders, no bids will be received from any person or firm who has not been prequalified.

(C) In order to be considered for prequalification for such construction project, potential bidders shall furnish to the City evidence of the following and, when checking references, the City may ask about the following:

1. Availability of equipment necessary to accomplish the project;
2. Availability of trained personnel to accomplish the project;
3. Contractor's organization and technical staff with the size, training, experience and capability to accomplish the project;
4. Financial capability to perform the project;
5. Demonstrated experience in the type of work required for the project;
6. Satisfactory performance of similar projects, including but not limited to, compliance with all contract terms and specifications, satisfactory quality of workmanship, and consistent on-time performance;
7. Whether the contractor is in any jurisdiction under notice of debarment or debarred;
8. Whether the contractor has made false, deceptive or fraudulent statements in the application for prequalification or any other information submitted to the City;
9. Listing of all projects of the type and size for which prequalification is sought, or projects similar to it, performed by contractor within the last FIVE (5) years, with name, address, and phone number of owner's representative on each project;
10. Any additional criteria necessary to determine qualification for the specific project; and
11. Statement of understanding that the City or City's agent will check any or all previous projects for evidence of quality of workmanship, compliance with contract terms, timeliness and other factors indicating ability to perform the project.

(D) Any contractor who is disqualified from bidding on a project by the prequalification process may request a reconsideration of his application for prequalification, by submitting a written request within FIVE (5) days to the Project Manager from date of notification. The City Manager and the Project Manager shall meet with the contractor for such reconsideration within five (5) days of the contractor's request. The contractor may present additional information and request a summary of the information the City has used in its decision, but contractor will not be entitled to names of those persons the City contacted for references or the statements of reference.

15-1-11: ACQUISITION OF REAL PROPERTY REMAINDERS RELATED TO PUBLIC PROJECTS: Whenever a part of a parcel of land is to be taken for public purposes and the remainder is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, the City may acquire by purchase or condemnation the whole parcel. The City may sell or lease the remainder of said parcel or may exchange the same for other property needed for public purposes.

Section 2. This ordinance shall take effect August 1 upon its passage after second reading.

Section 3. 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 second reading.

Section 4. This ordinance will be effective August 1, 2002.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of July, 2002.

PASSED, ENACTED ON SECOND READING, EFFECTVE AUGUST 1, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

Subject: Second Reading of Councillor's Bill No. 34 re: Supplemental Appropriation for Standley Lake Renovations

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Pass Councillor's Bill No. 34 on second reading authorizing a supplemental appropriation of \$3,000,000 for the commencement of construction of the renovations at Standley Lake.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading appropriating \$3.0 million for commencing construction of renovations at the Standley Lake Dam and surrounding area.
- This Councillor's Bill was passed on first reading on July 8, 2002.

Expenditure Required: \$3,000,000

Source of Funds: Appropriation of part of the \$19.75 million bond proceeds prior to bond issuance.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **34**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$25,286,775 is hereby increased by \$3,000,000 which, when added to the fund balance as of the City Council action on July 8, 2002 will equal \$38,984,974. The actual amount in the Water Portion of the Utility 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 early appropriation of bond proceeds.

Section 2. The \$3,000,000 increase in the Water Portion of the Utility 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			
Bond Proceeds 2000.46020.0216	\$0	<u>\$3,000,000</u>	\$10,000,000
Total Change to Revenues		<u>\$3,000,000</u>	
EXPENSES			
Standley Lake Campground 80220050525.80400.8888	\$0	\$350,000	\$350,000
Standley Lake Renovation 80220035525.80400.8888	\$0	<u>\$2,650,000</u>	\$2,650,000
Total Change to Expenditures		<u>\$3,000,000</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. 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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Second Reading of Councillor's Bill No. 35 re Appropriation of FY2001 Carryover Funds Into FY2002

Prepared By: Barbara Gadecki, Assistant to the City Manager

Recommended City Council Action:

Pass Councilor's Bill No. 35 on second reading appropriating carryover funds into the FY2002 budgets of the General, General Capital Improvement, Utility, Open Space and Workers Compensation Funds.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading appropriating carryover funds into the FY2002 budgets of the General, General Capital Improvement, Utility, Open Space and Workers Compensation Funds.
- This Councillor's Bill was passed on first reading on July 8, 2002.

Expenditure Required: \$4,634,745

Source of Funds: General, General Capital Improvement, Utility, Open Space and Workers Compensation Funds

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **35**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENTS, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$2,216,494 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$75,034,031. 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 carryover funds from 2001.

Section 2. The \$2,216,494 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 1000.40020.0000	\$4,279,983	<u>\$2,216,494</u>	\$6,496,477
Total Change to Revenues		<u>\$2,216,494</u>	
EXPENSES			
Professional Services 10003120.65100.0000	\$37,500	\$8,635	\$46,135
Office Equipment 10005050.75200.0000	0	1,250	1,250
Professional Services 10010900.65100.0000	166,078	83,000	249,078
Professional Services 10015220.65100.0000	66,420	13,750	80,170
Professional Services 10030050.65100.0000	10,000	53,324	63,324
Professional Services 10030360.65100.0000	79,997	100,000	179,997
Professional Services 10030340.65100.0000	0	100,000	100,000
Lease Payments 10020272.67700.0000	256,738	134,535	391,273
Career Development 10025260.61800.0546	25,683	5,645	31,328
Lease Payments 10025260.67700.0000	239,149	27,705	266,854
Vehicles 10025260.75600.0546	104,000	105,000	209,000
Vehicles 10025260.75600.0000	0	110,000	110,000
Vehicles 10050550.75600.0000	81,050	53,637	134,687
Other Equipment 10050720.76000.0860	7,200	36,200	43,400
Electronic Information Resources 10050620.70600.0000	56,800	6,730	63,530
Library Materials 10050620.71600.0000	357,500	20,000	377,500
Electricity and Gas 10050550.67200.0000	45,000	5,000	50,000
Professional Services 10050760.65100.0504	0	11,310	11,310
Temporary Salaries 10050760.60600.0504	70,400	3,050	73,450
Special Promotions-Youth Scholarship 10050760.67600.0528	0	5,923	5,923
Transfer to Capital Projects Fund 10010900.79800.0750	3,582,650	981,800	4,564,450

Description	Current Budget	Increase	Final Budget
Transfer to Workers Comp Fund 10010900.79800.0480	355,470	<u>350,000</u>	705,470
Total Expenditures		\$2,216,494	

Section 3. The 2002 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$981,800 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$16,005,760. 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 carryover funds from 2001.

Section 4. The \$981,800 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Transfer from General Fund 7500.45000.0100	\$3,582,650	<u>\$981,800</u>	\$4,564,450
Total Change to Revenues		<u>\$981,800</u>	
EXPENSES			
Fire Station 2 Relocation 80175025014.80400.8888	\$2,498,561	\$15,900	\$2,514,461
Public Safety Center 80175020086.80400.8888	873,370	765,900	1,639,270
Optical Scanning 80175005197.80400.8888	240,000	<u>200,000</u>	440,000
Total Change to Expenditures		<u>\$981,800</u>	

Section 5. The 2002 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$1,717,675 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$7,721,786. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of carryover funds from 2001.

Section 6. The \$1,717,675 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 5400.40020.0000	\$723,330	\$1,717,675	\$2,441,005
Total Change to Revenues		<u>\$1,717,675</u>	
EXPENSES			
Land Purchases 54010900.76600.0000	\$1,898,515	\$1,668,175	\$3,566,690
Engineering Design 54010900.65600.0000	50,000	<u>49,500</u>	99,500
Total Change to Expenditures		<u>\$1,717,675</u>	

Section 7. The 2002 appropriation for the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$38,085,609 is hereby increased by \$700,576 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$54,484,384. The actual amount in the Utility 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 carryover funds from 2001.

Section 8. The \$700,576 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover – Water 2000.40020.0000	\$4,598,304	\$628,056	5,226,360
Carryover – Wastewater 2100.40200.0000	4,414,473	<u>72,520</u>	4,486,993
Total Change to Revenues		<u>\$700,576</u>	
EXPENSES			
Utility Fund Fiscal Model 80220035530.80400.8888	\$0	\$50,000	\$50,000
Gregory Hill Tanks 80220035531.80400.8888	0	467,984	467,984
Vehicles 20035470.75600.0000	95,000	49,704	144,704
Parts 20035470.73600.0000	10,500	6,508	16,508
Ditch Assessments 20035480.66400.0000	331,586	15,000	346,586
Professional Services 20035480.65100.0000	338,000	38,860	376,860
Vehicles 21035470.75600.0000	50,700	48,520	99,220
Contractual Services-Biosolids 21035470.67800.0401	607,135	18,500	625,635
Professional Services 21035490.65100.0000	13,200	5,500	18,700
Total Change to Expenditures		<u>\$700,576</u>	

Section 9. – 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 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. 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 8th day of July, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Resolution No. 37 re Resignation and Appointment to Board of Adjustment

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action

Adopt Resolution No. 37 formally accepting the resignation of Kim Wolf from the Board of Adjustment and moving Jim Hall from alternate member of the Board of Adjustment to regular member and appointing a new member as alternate member to the Board of Adjustment.

Summary Statement

- City Council recently received the resignation of Kim Wolff from the Board of Adjustment. (See attached letter.)
- Currently, City Council has a list of persons within the “pool” to be considered when vacancies occur on the various boards during the year.
- Jim Hall is the current alternate member of the Board of Adjustment.
- Council action is now requested to adopt the attached resolution formally accepting the resignation of Kim Wolf from the Board of Adjustment and appointing a new member to the Board of Adjustment.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT: Resolution re Resignation and Appointment to Boards of Adjustment - Page 2

Policy Issue

Should City Council appoint a new member to the Board of Adjustment since the City has received a resignation?

Alternative(s)

Council could decide not to appoint a member to the Board of Adjustment at this time.

Background Information

Kim Wolf was appointed to the Board of Adjustment in March of 1998, and has served continually until his recent resignation.

Currently there are 15 citizens within the pool of applicants interested in vacancies on the Boards and Commissions.

Council should reviewed the chart of citizens within the 2002 “pool” and direct Staff to prepare the Resolution with the designated appointment.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **37**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

CITY OF WESTMINSTER BOARD OF ADJUSTMENT

WHEREAS, A resignation has been received from Kim Wolf of the Board of Adjustment; and

WHEREAS; A reappointment to the Board of Adjustment is being made at this time; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Kim Wolf from the Board of Adjustment and appoint the following individuals to the City of Westminster Board of Adjustment as indicated below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Jim Hall (Moved from Alternate to Regular Member)	Board of Adjustment	December 31, 2002
Raymond Selix (Alternate member)	Board of Adjustment	December 31, 2003

Passed and adopted this 22nd day of July, 2002.

ATTEST:

Mayor

City Clerk

2002 BOARD AND COMMISSION POOL

Name	County	Bldg Codes	BOA	Election	Environ	Human Svcs	Library	Open Space	P&R	Personnel	Planning	SP&LB	Trans
Candis Chain	Adams										1		
Gail Forker	Adams				2			1					
Clifford Gemmell	JeffCo									1			
Robert Hartley	Adams	Y	Y	Y	Y	Y	3	Y	2	1	Y	Y	Y
Deborah Ann Jones	Adams							1					
George Kiefer	Adams	Y	Y	Y	Y	Y	Y	1	3	Y	2	Y	Y
Mary Lindsey	JeffCo		3	4	1		5	6	2			Y	7
Jill Manaly	Adams			3					2		1	Y	
Jan Mead	Adams					2				1		Y	
Paul Nilles	Adams							1				Y	
Cheryl Parker	Adams	Y	3	Y	1	Y	Y	Y	Y	Y	2	Y	Y
Raymond Selix	Adams		3			2					1		
Gary Simpson	Adams							1-3					
Edwin Ulmer	Adams				X		X	X					
Brian Whitford	JeffCo	Y	Y	Y	Y	Y	Y	3	2	Y	1	Y	Y

X - indicates an interest in a Board with no priority ranking

4/02

Y - Indicates person was contacted on 4-4-02 and interested in Boards other than their priority



Agenda Item 10 B & C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Councillor's Bill No. 36 re Adoption of the International Building and Fire Codes and Resolution No. 40 re Establishing Building and Permit Fees

Prepared By: Dave Horras, Chief Building Official
Bill Work, Fire Marshal

Recommended City Council Action

Pass Councillor's Bill No. 36 on first reading adopting the International Building and Fire Codes.

Adopt Resolution No. 40 establishing the fees for building and fire permits and other related services.

Summary Statement

- Staff is asking City Council to adopt, by reference, the International Building Codes developed and published by the International Code Council (ICC) as the building and fire codes for the City of Westminster. These codes would replace the Uniform Building and Fire Codes that have been adopted as the City's building codes since the 1960's.
- The Uniform codes that are currently being utilized by the City, have been published by the International Conference of Building Officials (ICBO), will no longer be published.
- Staff is proposing the adoption of the following codes published by the International Code Council:
 - The International Building Code, 2000 Edition
 - The International Fire Code, 2000 Edition
 - The International Residential Code, 2000 Edition
 - The International Plumbing Code, 2000 Edition
 - The International Mechanical Code, 2000 Edition
 - The International Fuel Gas Code, 2000 Edition
 - The International Energy Conservation Code, 2000 Edition
- In addition to the above referenced codes, staff is also proposing the adoption of the 2002 edition of the National Electrical Code (NEC). The 2002 NEC is published by the National Fire Protection Association and is the latest edition of the electrical code.
- Staff is also asking City Council to adopt the proposed resolution that establishes the fees for building and fire permits and other charges for services provided by the Building Division and the Fire Prevention Bureau. Staff is in the process of analyzing development and building related fees and will be providing recommendation to City Council on any changes in the near future.

Expenditure Required: Approximately \$5,000 for code books and new handout materials.

Source of Funds: Building Division and Fire Prevention operating budgets.

Policy Issue(s)

Should the City of Westminster adopt by reference the International codes as the building and fire codes for the City?

Should the City of Westminster establish the fees for building and fire permits by resolution instead of by ordinance adoption?

Alternative(s)

- Continue with the currently adopted 1994 edition of the Uniform codes. This alternative would allow staff to continue to enforce codes with which they are very familiar. This alternative would also not require the purchase of new code books. However, the building code development process is designed to evolve along with constantly changing building processes. This alternative would not keep the adopted building codes current with the latest technologies or provide for the use of advancements in building construction techniques or materials. This could discourage owners and developers from building in Westminster. Westminster would soon become an exception as other jurisdictions adopted newer versions of building codes.
- Wait until the 2003 editions of the International codes are published to allow for three additional years of code change proposals to be considered and integrated into the new code. This would allow an additional two years of code training for staff and allow additional jurisdictions to implement the International Codes. However, this would push the adoption of new building codes back approximately another two years, and as mentioned above, not allow for the application of new materials and processes.
- Adopt a mix of codes published by different code development groups that could include some of the International codes, the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), and the Uniform Fire Code published by the Western Fire Chiefs. This would eliminate any potential conflict with the State of Colorado adopted plumbing code. However, using a mix of codes developed and published by different entities would create conflicts and inconsistencies in the application of the building codes. The correlation of code requirements is of utmost importance to users of the building codes.
- Continue to establish the fees for building and fire permits and other related fees as part of the building and fire code ordinances.

Background Information

In 1994, the three model code organizations, consisting of the Southern Building Code Congress International (SBCCI), Building Officials Code Administration (BOCA), and International Conference of Building Officials (ICBO) joined forces to form the International Code Council (ICC) with the goal to develop a single national set of codes that could be used across the country. These model code groups that make up the ICC have a combined 190 years of experience in developing codes that are currently used by an overwhelming majority (97%) of cities, counties and states that have adopted building codes.

Many in the building trades, including designers, builders, manufacturers and suppliers, have requested a single set of building codes to aid them in the delivery of services and products more efficiently nationwide. The International Code Council was formed and the International codes were developed in an effort to provide a complete set of consistent, comprehensive, correlated code regulations nationwide.

The new International Codes (I-Codes) are an all-inclusive set of building codes covering all aspects of construction, including mechanical, plumbing, fire protection, and accessibility. The International Codes incorporate elements of each of the previous model codes and apply to new construction or alteration of existing structures.

The adoption of the full family of International Codes is fully endorsed by many prominent national organizations. Some of the organizations that have formally shown support for the International Codes include:

- The American Institute of Architects (AIA)
- The National Home Builders Association (NAHB)
- The Federal Emergency Management Agency (FEMA)
- The American Gas Association (AGA)
- The Building Owners and Managers Association (BOMA)
- The Federal Housing and Urban Development Agency (HUD)

At last count there were about 30 Colorado jurisdictions or authorities that had adopted one or more of the International Codes. Locally, Jefferson County, Thornton and Superior have adopted the full set of International Codes. There are currently many more jurisdictions, both locally and statewide, that are either in the process of, or are considering, adopting the I-Codes.

Building code technology is constantly evolving and building code regulations need to continually be updated to keep pace with new ideas and products. The City of Westminster needs to update the adopted building codes so that owners, designers and contractors will not be restricted from taking advantage of new technologies and building practices. The International Codes are currently the only published set of codes available to adopt as a correlated, contemporary set of building code regulations. The International Codes have been developed as a compilation of codes from throughout the United States. There are actually no newly created code provisions in the International Codes, simply different existing code provisions taken from the other model codes that have proven to be effective.

Staff has proposed a limited number of amendments to the proposed International Codes. All of the proposed amendments fall into one of the following categories:

- Amendments that are needed to “fill in the blanks” in the model codes to localize them to the City of Westminster based on weather factors and soil conditions.
- Amendments that are unique to the City of Westminster such as our restriction on the installation of solid fuel burning devices or the allowing of State “permissible fireworks” for a limited number of days.
- Amendments that retain requirements from the Uniform codes that proved effective and are no longer included as part of the International Codes.
- Amendments that have been voted on and approved as changes to the International Codes that will be part of the 2003 editions.

These proposed amendments will address requirements such as maintaining the current fire-rated separation between a house and garage and the requirement for emergency egress from basements.

One item that is not part of this code adoption proposal is a change to the building and fire permit fee schedule. It is proposed that the building and fire permit fee schedule and related fees be established by the proposed resolution instead of as part of the code adoption. The proposed resolution will not be including any changes to the current fee schedule. However it will include increases in charges or fees for specific types of inspections.

These proposed increases include the following:

- An increase in the fee assessed for work started without obtaining a required permit.
- An increase in reinspection fees.
- Increased fees for mobile home inspections.
- An increase in elevator inspection fees.
- Establishing a new fee for the issuance of a temporary certificate of occupancy.
- Establishing a new fee for removal of posted stop work order.

The proposed new codes and local code amendments have been reviewed by the Westminster Board of Building Code Appeals as well as the Denver Metro Home Builders Association. Both of these groups have indicated support for the International Codes and the proposed local amendments.

It is proposed that the effective date of the adoption of the International Codes and permit fee resolution be September 1, 2002. This will allow for proper notification of the public and the building community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **40**

INTRODUCED BY COUNCILMEMBERS

SERIES OF 2002

ESTABLISHING BUILDING AND FIRE PERMIT FEES

WHEREAS, Ordinance ____ adopts the 2000 editions of the International Codes as the building and fire codes for the City of Westminster; and

WHEREAS, the 2000 International Codes provide for fees to be paid to the City of Westminster for each building permit issued; and

WHEREAS, the City Council wishes to provide fair and uniform fees for building permits and services.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Council hereby adopts the schedule of fees associated with the International Building and Fire Codes as adopted by the City, as shown below; and
2. The fees shall become effective on September 1, 2002, and shall become due and payable by all persons applying for or holding a Building Permit issued by the City of Westminster

Fee Schedule. The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

BUILDING PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1 to \$500	\$17.00
\$501 to \$2,000	\$17.00 for the first \$500 plus \$2.30 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$51.50 for the first \$2,000 plus \$10.35 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$289.55 for the first \$25,000 plus \$7.45 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$475.80 for the first \$50,000 plus \$5.15 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$733.30 for the first \$100,000 plus \$4.00 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,333.30 for the first \$500,000 plus \$3.45 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,058.30 for the first \$1,000,000 plus \$2.30 for each additional \$1,000 or fraction thereof

Other Permit Fees

Miscellaneous Permit Fees:

Mobile Home Set-up w/elec	\$125.00
Construction trailer w/elec	\$125.00
Banners	\$25.00
Bus Bench	\$25.00
Election Sign	\$25.00
Permanent Sign	Per Fee Schedule

Miscellaneous Residential Permit Fees:

Detached Storage Shed	\$17.00
Re-Siding	\$17.00
Re-Roofing	\$17.00
Water Heater Replacement	\$17.00
Air Conditioner*	\$17.00
Furnace Replacement*	\$17.00
Evaporative Cooler*	\$17.00
Lawn Irrigation Sprinkler	\$17.00
Aboveground Pool	\$37.00
Spas/Hot Tub*	\$17.00
Gas Log	\$17.00 **
Fence	\$17.00

Fire Department Fees

- | | |
|-----------------------------------|--|
| 1. Operational permits, per event | \$50.00 |
| 2. Construction permits | Based on valuation and assessed in accordance with the building permit fee schedule. |

Other Inspections and Fees:

- | | |
|--|--|
| 1. Inspections outside of normal business hours (minimum charge of two hours) | \$50.00 per hr. |
| 2. Reinspection fees | \$50.00 |
| 3. Inspections for which no fee is specifically indicated | \$50.00 per hr. |
| 4. Additional plan review required by changes, additions, or other revisions to plans. | \$50.00 per hr. |
| 5. For use of outside consultants for plan review and inspection, or both | actual costs*** |
| 6. Copies of previously issued Certificate of Occupancy | \$5.00 each |
| 7. Letter of code compliance | \$25.00 |
| 8. Removal of stop work order | \$250.00 |
| 9. Temporary Certificate of Occupancy | 5% of building permit fee but not less than \$100.00 |

* May also require an electrical permit fee.

** See Section 11-9-3(E)2 for exceptions.

***Actual costs are those above and beyond the plan review fee as established by Section 11-9-3(E)4.

PASSED AND ADOPTED this 22nd day of July, 2002 AS AMENDED

Mayor

ATTEST:

City Clerk

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2002

COUNCILLOR'S BILL NO. **36**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ADOPTING THE 2000 INTERNATIONAL BUILDING CODE AND THE 2000 INTERNATIONAL FIRE CODE . . .

THE CITY OF WESTMINSTER ORDAINS:

Section 1 Chapter 9 of Title 11 of the Westminster Municipal Code is hereby repealed and reenacted to read as follows:

11-9-1: ADOPTION OF BUILDING CODES:

(A) **Intent and Findings.** The intent of this chapter is to adopt by reference and with modifications the International Building Code, 2000, the International Residential Code, 2000 Edition, the National Electrical Code, 2002 Edition; the International Plumbing Code, 2000 Edition; the International Mechanical Code, 2000 Edition; the International Fuel Gas Code, 2000 Edition, and the International Energy Conservation Code, 2000 Edition.

Hereinafter, all such Codes may be referred to as "Building Codes." The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster. City Council finds that it is necessary to protect the health, safety and welfare of the citizens of the City to exempt the procedural requirements specified in Colorado Revised Statutes, Section 31-16-203, as the procedures contained therein are duplicative of existing procedures established in the City Charter and Ordinances.

(B) **Adoption of Building Codes.** The following documents, one copy each of which is on file in the Office of the City Clerk, being marked and designated as stated, are hereby referred to, adopted, and made a part hereof as if fully set forth in this codification with, however, the amendments indicated in the following sections of this chapter.

1. **International Building Code.** The "International Building Code, 2000 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, and in particular Chapters 2 through 35 inclusive and Appendix Chapters G, I and J inclusive are hereby adopted as the Building Code of and for the City of Westminster.

2. **International Residential Code.** The "International Residential Code, 2000 Edition", published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, and in particular Chapters 2 through 43 inclusive and Appendix Chapters G, H, J, and K inclusive are hereby adopted as the Residential Building Code of and for the City of Westminster.

3. **National Electrical Code.** The "National Electrical Code, 2002 Edition", published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and in particular Article 70, Chapters 1 through 9 inclusive and Appendix Chapters A, B, C, D, and E inclusive are hereby adopted as the Electrical Code of and for the City of Westminster.

4. **International Plumbing Code.** The "International Plumbing Code, 2000 Edition", published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church,

Virginia 22041-3401, in particular Chapters 2 through 13 inclusive and Appendix Chapters C, E, and G inclusive is hereby adopted as the Plumbing Code of and for the City of Westminster.

5. International Mechanical Code. The "International Mechanical Code, 2000 Edition", published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 and in particular Chapters 2 through 15 inclusive is hereby adopted as the Mechanical Code of and for the City of Westminster.

6. International Fuel Gas Code. The "International Fuel Gas Code, 2000 Edition", published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 and in particular Chapters 2 through 7 inclusive is hereby adopted as the Fuel Gas Code of and for the City of Westminster.

7. International Energy Conservation Code. The "International Energy Conservation Code, 2000 Edition", published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, and in particular Chapters 2 through 9 inclusive and the Appendix, is hereby adopted as the Energy Code of and for the City of Westminster.

11-9-2: ADMINISTRATIVE PROVISIONS:

(A) Purpose and Scope.

1. The provisions of the Building Codes shall apply to the construction, installation, alteration, moving, enlargement, replacement, abatement, demolition, repair, use, occupancy, location or maintenance of any building or structure or part thereof; electrical system; plumbing system; heating, ventilating, cooling, and refrigeration system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system within the City, except structures and equipment specifically exempted or not specifically regulated by this chapter or the Building Codes.

2. Where, in any specific case, different sections of the Building Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

3. Whenever in the Building Codes reference is made to an appendix, the provisions of such appendix shall not apply unless specifically adopted.

4. The codes and standards referenced in the Building Codes shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of the Building Codes and the referenced codes and standards, the provisions of the Building Codes shall apply.

5. The Building Codes adopted by reference in this chapter do not include "administrative" provisions. Whenever an administrative provision is referred to in a Building Code, the respective provision in the Westminster Municipal Code shall apply.

(B) Alternate Materials and Methods of Construction.

1. **General.** The provisions of the Building Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Building Codes, provided any alternate material or method has been approved and its use authorized by the Building Official. The Building Official may approve an alternate material or method, provided he finds that the proposed design is satisfactory and complies with the provisions of the Building Codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the Building Codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Building Official shall require that sufficient

evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be documented by the Building Official and shall include the reasons therefor.

2. **Tests.** Whenever there is insufficient evidence of compliance with the provisions of the Building Codes regarding the use of an alternate material or method of construction, or evidence that a proposed material or method of construction does not conform to the requirements of the Building Codes, the Building Official may require that tests be made at the expense of the proponent of the questioned material or method of construction.

- (a) Test methods shall be as specified by the Building Official or by other recognized test standards. In the absence of recognized and accepted test methods of the proposed alternate material or method of construction, the Building Official shall determine which test procedures are appropriate.
- (b) All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official.

(C) Modifications. Whenever there are practical difficulties involved in complying with the provisions of the Building Codes, the Building Official shall have the authority to grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the Building Codes impractical; that the modification is consistent with the intent and purpose of this Code; and that such modification not lessen health, life, fire safety, accessibility or structural requirements. Any decision granting a modification shall be documented by the Building Official and shall include the reasons therefor.

(D) Enforcement of Building Codes.

1. **General.** The Building Official is authorized to enforce all the provisions of this Chapter and the Building Codes. For such purposes, he and those persons to whom enforcement authority is delegated shall be deemed a peace officer. The Building Official shall have the power to render interpretations of the Building Codes and to adopt policies and procedures, as he may deem necessary in order to clarify the application of the provisions of the Building Codes. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the building codes. The Building Official may delegate certain duties for the administration and authority to enforce the Building Codes to qualified officers, inspectors, and other qualified employees.

2. **Right of Entry.** Whenever it is necessary to make an inspection to enforce the provisions of the Building Codes, or whenever the Building Official or his authorized representative has probable cause to believe that there exists in any building or upon any premises any condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Building Official by this Code, provided that if such building is occupied, he shall first present his credentials to the occupant and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises and mailed to the property owner at his last known address. The notice shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made upon issuance of a search warrant by the Municipal Judge of the City.

- (a) After entry is refused or 24 hours after the building has been posted, the Building Official may appear before the Municipal Judge and, upon showing of probable

cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of unoccupied premises, the Building Official may enter upon the premises using such reasonable force as may be necessary to gain entry.

- (b) For purposes of Subsection (D) of this section, "probable cause" exists where the facts and circumstances within the Building Official's knowledge are sufficient to warrant a person of reasonable caution in the belief that there exists a condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous to life or property. The Building Official shall not be required to demonstrate specific knowledge of the conditions of the particular premises in issue to obtain a search warrant.
- (c) It is unlawful for any owner or occupant of the premises to resist reasonable force used by the Building Official acting pursuant to Subsection (D) of this section.

3. **Stop Orders.** Whenever any work is being done in violation of the provisions of the Building Code or other ordinances implemented through the enforcement of this Code, or in a dangerous or unsafe manner, or in a manner so that construction debris accumulates on the site, the Building Official may order the work stopped by issuing a notice in writing and serving it upon any persons engaged in doing such work or causing such work to be done. Upon receipt of the notice, such persons shall stop work until authorized by the Building Official to proceed with the work. It is unlawful to continue any work after receipt of a notice to stop work except such work as directed to remove a violation or unsafe condition. In instances where a stop work order has been issued, a fee as set forth in the fee schedule shall be paid to the City by the holder of the permit before any additional work is performed. Each day that work is continued after receipt of a notice shall constitute a separate violation of this Code.

4. **Authority to Disconnect Utilities in Emergencies.** In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, the Building Official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the Building Code. The Building Official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

- (a) It is unlawful to make connections from any energy, fuel, or power supply which has been disconnected or to supply energy or fuel to any equipment regulated by the Building Codes which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be disconnected by the Building Official. Each day that such unlawful connection or supply continues shall be considered a separate violation of this Code.

(E) Unsafe Buildings, Structures and Equipment.

1. **Unsafe Buildings, Structures, and Equipment.** Any building, structure, or equipment regulated by the Building Codes which is structurally unsafe, unsanitary or not provided with adequate egress, or not provided with adequate light and ventilation or which constitutes a fire or health hazard or is otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy is deemed unsafe.

- (a) Any building or structure which has any of all of the conditions or defects herein described shall be deemed to be a unsafe building, provided that such condition or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.
 - 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Rental Property Maintenance Code, or of any law or ordinance of this state or Jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
19. A vacant structure that is not secured against entry shall be deemed unsafe.

- (b) In addition to the above unsafe conditions, any use of buildings, structures, or equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are deemed unsafe building appendages.

2. Abatement of Unsafe Buildings. All buildings or portions thereof which are determined after inspection by the Building Official to be unsafe as defined in this section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in section 11-9-2(E)3 of this code.

- (a) Any building declared an unsafe building shall be made to comply with one of the following:

1. The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
2. The building shall be demolished at the option of the building owner; or
3. If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

(b) If the building is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public and its occupants, it shall be ordered to be vacated.

3. **Notice and Orders.** When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is unsafe, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

(a) **Notice and Order.** The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and legal description of the property that the unsafe building is located.
2. A statement that the Building Official has found the building to be unsafe with a brief and concise description of the conditions found to deem the building unsafe under the provisions of this section.
3. A statement of action required to be taken and the time period allowed for such action.
4. Statements advising that if the required action is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charged the costs thereof against the property or its owner.
5. A statement advising that any person having any record title or legal interest in the building may appeal the notice and order or any action of the Building Official to the Board of Building Code Appeals, provide that the appeal is made in writing as provide in this code within 30 days from the date of service of such notice and order and that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

(b) **Service.** The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the building affected by such notice. The Building Official may serve additional such notice and order on any parties that may have interest in the property. The failure of the Building Official to serve any person required to be served shall not invalidate any proceedings herein or relieve any person from any duty or obligation imposed by the provisions of this code.

(c) **Method of Service.** Service of the notice and order shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.

(d) **Recordation of Notice and Order.** If compliance is not had with the notice and order within the specified time, and no appeal has been properly filed, the Building Official may file in the

office of the county recorder a certificate describing the property and certifying that the building is unsafe and the owner has been so notified.

- (e) **Notice to Vacate.** Every notice to vacate shall, in addition to being served as required in this section, be posted at or upon each exit of the building. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such posting until the required repairs, demolition or removal have been completed.

4. **Appeal and Procedure for Conduct of Hearing Appeals.** Appeals shall be made to the Board of Building Code Appeals. Appeals and hearings shall be as set forth in Chapter 10 of Title II of the Westminster Municipal Code.

- (a) **Effects of Failure to Appeal.** Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

- (b) **Scope of Hearing on Appeal.** Only those matters or issues raised by the appellant shall be considered in the hearing of the appeal.

- (c) **Staying of Orders of Appeal.** Except for vacation orders, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

5. **Enforcement of Orders.** After any order of the Building Official or the Board of Building Code Appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with such order is guilty of a misdemeanor.

- (a) **Failure to Obey Order.** If, after any order of the Building Official or the Board of Building Code Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted per paragraph F of section 11-9-2 below, or (ii) institute any appropriate action to abate such building as a public nuisance.

- (b) **Failure to Commence Work.** Whenever the required repair or demolition is not commenced within the specified time as required in the notice and order the Building Official may cause the building to be vacated.

- (c) **Extension of Time.** Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

- (d) **Interference with Repair or Demolition.** No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

6. **Performance of Work.** When any work of repair or demolition is to be done pursuant to this Code, the Building Official shall issue his order therefor and the City of Westminster may decide to delay the work, perform the work with City personnel, or contract with a private entity to do the work. Plans and specification therefor may be prepared by the City or outside consultants under contract with the City.

(a) **Costs.** The costs of such work may be collected in the same manner as provided in Section 8-4-5 of the Westminster Municipal Code.

(F) Compliance With Building Codes.

1. **Violation.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause or permit the same to be done in violation of any of the provisions of the Building Codes.

2. **Nuisance.** It is a public nuisance to use a building, structure, or equipment in violation of the Building Codes. This condition may be abated pursuant to the provisions of Chapter 4 of Title VIII of this Code.

3. **Penalties.** Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1 of Chapter 8 of Title I of this Code. Any violation of the provisions of this chapter shall be a criminal offense.

4. **Notice of Violation.** Prior to causing a summons to be issued for a violation of the provisions of this chapter, the Building Official may, at his discretion, issue a written notice to the person found in violation, describing the violation and ordering the person to correct or remedy the violation within a stated period of time.

(G) **Board of Building Code Appeals.** Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief regarding the application or interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code Appeals pursuant to Chapter 10 of Title II of this Code.

11-9-3: PERMITS AND FEES:

(A) Permits Required.

1. **General.** No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; gas system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa or hot tub; elevator, escalator, or moving walk; fire protection system, or other work regulated by this code, or portion thereof, in the City, or cause the same to be done without first obtaining a building permit for all such work from the Building Official, except as follows:

(a) A public utility, duly franchised or authorized as such in the City, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property; provided, however, that the public utility shall obtain a permit for the work as soon as it is practical to do so.

(b) Public utilities, duly franchised or authorized as such in the City, shall not be required to obtain a permit for the installation, alteration or repair of generation,

transmission, or distribution equipment that is under the ownership and control of the public utility.

2. **Exempt work.** Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of this Code or any other laws or ordinances of the City. A building permit shall not be required for the following:

- (a) One-story, detached accessory buildings used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed 120 square feet;
- (b) Oil derricks;
- (c) Movable cases, counters, and movable partitions not over 5 feet 9 inches in height;
- (d) Retaining walls which are not over 3 feet in height when measured from the grade level on the low side to the top of the wall, unless supporting an additional load due to a surcharge of earth; a structure; or impounding Class I, II, or IIIA flammable liquids;
- (e) Water tanks supported directly upon the grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one (2:1);
- (f) Platforms, patios, or decks associated with Group R occupancies not more than 30 inches above grade at any point and not over any basement or story below or which are not part of an accessible route;
- (g) Non-structural concrete slabs on grade;
- (h) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (i) Temporary motion picture, television, and theater sets and scenery, except that, the Fire Code provisions shall apply;
- (j) Window awnings supported by an exterior wall of any structure regulated by the International Residential Code or accessory thereto, when projecting not more than 54 inches beyond the plane of the wall;
- (k) Agricultural buildings as defined in Appendix Chapter C of the International Building Code;
- (l) Portable heating, ventilating, and cooling appliances or equipment; unit refrigeration systems; and the replacement of any component part or assembly or an appliance so long as the appliance continues to comply with other applicable requirements of this Code;
- (m) Portable wading pools constructed of flexible plastic, rubber, or similar materials 24 inches or less in depth;
- (n) The repair of broken or defective electrical receptacles, switches or lamps;
- (o) The clearing of stoppages or the repair of leaks in pipes, valves, or fixture drains, provided such maintenance or repair does not involve or require the replacement or rearrangement of valves or pipes, or the replacement of fixtures provided such replacement does not involve the replacement or relocation of valves or pipes;
- (p) Fences not over 30" high.

3. **Separate Permits.** Unless otherwise exempt, separate plumbing, electrical, or mechanical permits may be required for work on the buildings or structures listed in subsection (A)2 of this section.

(B) Contractor Registration/License Required.

1. **Contractor Registration Required.** Only persons, firms, or corporations holding a current City contractor's registration certificate, issued pursuant to Chapter 5 of Title V of this Code may obtain a building permit, except as follows:

- (a) Any person who intends to build and occupy a single family detached home, or a building or structure accessory thereto, may apply for a building permit without a City contractor's registration certificate provided, however, that only one such permit may be issued in any calendar year.
- (b) Homeowners shall not be required to obtain a City contractor's registration certificate for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any building regulated by the International Residential Code, or accessory thereto, which they own.

2. **License Required.** The State of Colorado laws applicable to licensing of electricians and plumbers shall apply within the City.

(C) Application for Permit.

1. **Application.** To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the Building Official for that purpose. Each application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made.
 - (b) Describe the land on which the proposed work is to be done by street address and legal description, or similar description that will readily identify and definitely locate the proposed building or work.
 - (c) Fully describe the use or occupancy for which the proposed work is intended. For non-residential uses, state the name of the user and describe the nature of the use or business.
 - (d) Include plans, diagrams, computations, specifications, and other data as required in Subsection (C)2 of this section.
- (e) State the valuation of the proposed work.
- (f) Be signed by the applicant or the applicant's authorized agent.
 - (g) Give such other data and information as may be required by the Building Official.

2. **Plans and Specifications.** Plans, engineering calculations, diagrams, and other data shall be submitted in accordance with the City's submittal requirements with each application for a permit. The construction documents shall be prepared by an architect or engineer licensed by the State of Colorado when required by section 11-9-3(C)3. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared. The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

3. **Design Professional.** All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in this section. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that the State law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

Exemptions. Any applicant may prepare plans, calculations, and specifications for construction, alterations, remodeling, additions to, or repair of any of the following:

- (a) One, two, three, and four unit family dwellings, including accessory buildings commonly associated with such dwellings;
- (b) Garages, industrial buildings, offices, farm buildings and buildings for the marketing, storage, or processing of farm products, and warehouses, which do not exceed one story in height, exclusive of a one-story basement, and which under the provisions of this Code are not designed for occupancy by more than ten people.
- (c) Additions, alterations, or repairs to the foregoing buildings which do not cause the completed buildings to exceed the applicable limitations set forth in this subsection.
- (d) Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

An architect's or engineer's design and stamp will be required on plans, engineering calculations, diagrams, and other data on the following types of projects:

- (a) Smoke Control Systems;
- (b) Elevators, escalators and moving walks;
- (c) Foundation designs for all buildings or structures excluding accessory structures to buildings regulated by the International Residential Code;
- (d) Retaining walls over 3 feet in height when measured from the grade level on the low side to the top of the wall.

4. **Structural Observation.** When special inspection and/or structural observation is required by Chapter 17 of the International Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals and firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

5. **Information on Construction Documents.** Construction documents shall be dimensioned and drawn to scale upon substantial paper. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and shall show in detail that it will conform to the provisions of the Building Codes and all relevant laws, ordinances, rules, and regulations, as determined by the Building Official.

6. **Expiration of Permit Applications or Plan Review.** Applications for which no permit is issued within 180 days following the date of application shall expire by limitation unless

such application has been pursued in good faith, and the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(D) Permit Issuance.

1. Issuance.

- (a) The application, plans, specifications, computations, and other data submitted by the applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other City departments to substantiate compliance with any applicable laws under their control. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the Building Codes and other pertinent laws, and that all applicable fees have been paid, a building permit shall be issued to the applicant.
- (b) When the Building Official issues a permit for which plans are required, the plans shall be approved in writing or by stamp. The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans
- (c) The Building Official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the Building Codes have been submitted and approved for that portion of the building or structure. A permit issued based on partial plan approval will be restricted to the portion of the work that has been reviewed and approved and the holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

2. Retention of Plans. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein, and one set of approved plans shall be returned to the applicant and shall be kept on the job site at all times during which work is in progress.

3. Validity of Permit. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for or an approval of any violation of any of the provisions of the Building Codes or other ordinances of the City. Permits presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall not be valid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from ordering the work being carried on to be stopped when in violation of the Building Codes or other ordinances of the City. The building official is also authorized to prevent occupancy or use of a structure in violation of the building code or of any other ordinance of the City.

4. Expiration of Permit.

- (a) Every permit issued by the Building Official under the provisions of the Building Codes shall expire if the building or work authorized by such permit is not commenced within 180 days from the date the permit was issued, or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days

at any time after the work is commenced. Before such work can be resumed, a new permit shall be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes are to be made in the original plans and specifications for such work and, provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the work authorized by such permit has been suspended or abandoned for more than one year, the permittee shall pay a new, full permit fee.

- (b) When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. **Suspension or Revocation.** The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Codes or any other ordinance or regulation of the City whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information supplied by the applicant.

(E) Fees and Taxes.

1. **General.** A permit shall not be valid until the prescribed fees have been paid. Fees shall be assessed in accordance with the provisions of this subsection.

- (a) Building use tax shall be paid in accordance with this Code.
- (b) Park development fees shall be paid in accordance with this Code.
- (c) Water and sanitary sewer tap fees shall be paid in accordance with this Code.

(d) School Land Dedication fees shall be paid in accordance with this code.

2. **Permit Fees.** A fee for each building permit shall be paid to the City of Westminster as specified in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council; except that, the City, the Counties of Adams and Jefferson, the State of Colorado, the United States Government, and all agencies and departments thereof, shall be exempt from payment of building permit fees for the construction or repair of buildings or structures owned wholly by such agencies and departments and devoted to governmental use. Fees shall be reduced by twenty percent (20%) for building permits issued for work within the boundaries of the urban renewal area of the city.

EXCEPTION: The Building Official shall indefinitely waive the permit fees and use tax for the conversion of existing non-conforming solid fuel burning devices to gas, electric, EPA certified phase II, Colorado Phase III, or devices meeting the emission standard for solid fuel burning devices established under the State statutes and/or regulations promulgated by the Colorado Department of Public Health and Environment, as demonstrated by a test by an EPA accredited laboratory. This exemption shall be in effect for those devices purchased or installed on or after September 1, 1993.

3. **Valuation.** The applicant for a permit shall provide an estimated permit value at time of permit application. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. The final determination of value or valuation shall be made by the Building Official.

4. **Plan Review Fees.** When plans or other data are required to be submitted by the building codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in the fee schedule adopted by the City Council. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the fee schedule.

5. **Work Commenced Without a Permit.** When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall be double the prescribed permit fee as set forth in the fee schedule, but not less than two hundred fifty dollars (\$250) for the first such offense, triple the prescribed permit fee as set forth in the fee schedule, but not less than five hundred dollars (\$500) for the second such offense, and the immediate revocation of the contractors license for the third such offense. These provisions shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of fees as outlined above. Payment of such increased permit fee shall not relieve any persons from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed herein.

6. **Reinspection Fees.** Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which an inspection is requested, or for deviating from plans requiring the approval of the Building Official. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the building codes but as a means of controlling the practice of calling for inspections before the work is ready for inspection or reinspection. In instances where a reinspection fee has been assessed, a reinspection fee as set forth in the fee schedule shall be paid by the holder of the permit to the City of Westminster before any additional inspections or reinspections may be made.

7. **Fee Refunds.** The Building Official may authorize fee refunds as follows:

- (a) The Building Official may authorize the refund of any fee which was erroneously paid or collected.
- (b) The Building Official may authorize the refund of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
- (c) The Building Official may authorize the refund of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.
- (d) The Building Official shall not authorize the refund of any fee paid except upon receipt of a written request, by the original permittee, filed not later than 180 days after the date such fee was paid.

11-9-4: INSPECTIONS:

(A) Inspection Procedures.

1. General.

- (a) All construction or work for which a permit is required shall be subject to inspection by the Building Official, and all such construction or work shall remain accessible and exposed for inspection until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in the Building Codes. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material to allow inspection.
- (b) Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions of the building code or other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of the Building Codes shall not be valid.
- (c) A survey of the lot may be required by the Building Official, at the permittee's expense, to verify that the structure is located in accordance with the approved plans.
- (d) Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

2. Inspection Record Card. Work requiring a permit shall not be commenced, and required inspections of such work shall not be made, until the permittee or his authorized agent has posted or has otherwise made an inspection record card available to the inspector to make the required entries thereon regarding inspection of the work. This card shall be kept available by the permittee until final approval has been granted by the Building Official.

3. Inspection Requests. It shall be the responsibility of the person doing the work authorized by a permit to notify the Building Official that the work is ready for inspection. The Building Official may require that every request for inspection be filed at least one day prior to the day the inspection is desired. The request shall be by telephone as specified on the inspection record card or other means approved by the Building Official. It shall be the duty of the person requesting any inspection required by this Code to provide access to and means for inspection of the work.

4. Approval Required. Work shall not be done beyond the point indicated in each successive inspection. The Building Official, upon notification, shall make the requested inspection and shall indicate the portion of the work that is satisfactory as completed, or shall notify the permit holder or authorized agent wherein the same fails to comply with the building code. Any provisions that do not comply shall be corrected and such work shall not be covered or canceled until authorized by the Building Official.

(B) Required Inspections.

1. General. The Building Official, upon notification, shall make an inspection required by this subsection. The following are required inspections:

- (a) **Footing Inspection.** Shall be made after excavations are completed, all forms are in place, any required reinforcing steel is in place, and the footing is ready for the placement of concrete but before any concrete is placed.
- (b) **Caisson/Drilled Pier Inspection.** Shall be made after caisson drilling has been completed and prior to any concrete being placed.

- (c) **Foundation Inspection.** For concrete foundations, all forms, required void material, and required reinforcement shall be in place prior to the placement of any concrete. Where the foundation is to be constructed of approved, treated wood, additional inspections may be required by the Building Official.
- (d) **Underslab or Underground Inspection.** Shall be made after all underslab or underground building service equipment, electrical conduit, plumbing piping, and other ancillary equipment items are in place, but before any such equipment, conduit, or piping is buried or any concrete is placed. Required pressure tests of underground piping or ductwork shall be performed at this time, as specified in the Building Codes.
- (e) **Rough Inspection.** Shall be made after all rough-in work is completed and ready for inspection; all circuits are made up, electrical boxes, and plaster rings are installed, electrical panels are set, neutrals and grounds are made up, and all grounding is completed; all air or water tests required by the Building Codes have been performed; all ductwork, venting, and piping are completely roughed in; the roofing, all framing, fire blocking and bracing are complete; and when the job is ready for drywall but prior to the installation of any insulation.
- (f) **Wallboard Inspection.** Gypsum wallboard which is part of a required fire assembly or designed to resist shear forces shall be inspected after all gypsum board, interior and exterior, is in place and properly fastened but before any gypsum board joints or fasteners are taped or finished.
- (g) **Final Inspection.** Shall be made after all work, including final grading, is completed, and the building or space is ready for occupancy.

2. **Other Inspections.** In addition to the inspections specified in Subsection (B) of this section, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Codes and other laws which are enforced by the City.

3. **Special Inspections.** Special inspections shall be conducted as required by the building code and Building Division procedures.

(C) CERTIFICATES OF OCCUPANCY.

1. **Use and Occupancy.** No building or structure, except Group U occupancies, shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a certificate of occupancy therefor. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the building codes or other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall be invalid.

2. **Change in Use.** Changes in the character or use of a building shall not be made without the approval of the Building Official.

3. **Certificate Issued.** After all required final inspections have been made, finding no violations of the provisions of the Building Codes or any other laws or ordinances of the City, all fees have been collected, and all improvements required by the City have been made in accordance with City specifications, including the installation of sidewalks, curbs, gutters, street paving, and any required landscaping, the Building Official shall issue a certificate of occupancy. However, the Building Official may issue the certificate of occupancy prior to the completion of the required improvements provided the City has entered into an agreement with the owner of the property regarding delayed completion. Only those improvements specified in such agreement with the City shall be considered for delayed completion, and the certificate of

occupancy shall not be issued if required improvements, other than those included in the agreement with the City, have not been completed. The certificate of occupancy shall contain the following information:

- (a) The building permit number.
- (b) The address and legal description of the building.
- (c) The name and address of the owner.
- (d) A description of the portion of the building for which the certificate was issued, including the occupancy group classification.
- (e) A statement that the described portion of the building has been inspected for compliance with the requirements of the Building Codes for the group and division of occupancy and the use for which the proposed occupancy is classified.
- (f) The edition of the code under which the permit was issued.
- (g) The type of construction
- (h) Any special stipulations and conditions of the building permit or certificate of occupancy
- (i) The date of issuance of the certificate.
- (j) The signature of the Building Official or his representative.

4. **Temporary Certificate.** If the Building Official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Building Official shall set a time period for which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance or reissuance of a temporary certificate of occupancy as set forth in the fee schedule. The fee for the temporary certificate of occupancy shall be based upon the permit fee paid for the building or portion thereof.

5. **Revocation.** The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the Building Codes whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of the Building Codes or any ordinance or regulation of the City.

11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS:

(A) Section 302.3.3, exception #2 of the International Building Code is amended to read:

302.3.3 Separated uses. Exception #2. The private garage shall be separated from the residence and its attic area by means of minimum 5/8-inch type X gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Other openings between the garage and the residence shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch in thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or 20-minute fire-rated doors. Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

(B) Section 310.4 of the International Building Code is added to read:

310.4 Dwelling unit security. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access, door openings in attached garages shall be in accordance with the provisions of this section.

310.4.1 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of chapter 10 of this code.

310.4.2 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by the use of a door viewer with a 180 degree field of view.

310.4.3 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch in thickness, a metal door constructed with at least 18-gauge metal or similar approved material.

310.4.3.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the wood with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

310.4.3.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a nonremovable hinge pin. Not less than three 4 1/2 inch steel butt hinges shall be fastened to both the door and frame with not less than four No. 9 by 3/4 inch wood screws or to metal with not less than four No. 8 machine screws. In wood construction, an open space between trimmers and wood doorjamb shall be solid shimmed extending not less than 6 inches above and below each hinge.

310.4.3.3 Locking Hardware. Single swinging doors and the active leaf of doors in pairs shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least 3/4 of an inch. See chapter 10 of this code for requirements on door operation for exiting.

(C) Section 708.3, exception #2 of the International Building Code is deleted:

Section 708.3 Fire-resistive rating. Exception #2
Delete in its entirety.

(D) Section 1003.3.3.5.2 of the International Building Code is amended to read:

1003.3.3.5.2. Outdoor conditions. Outdoor stairways and outdoor approaches to stairways shall be designed so that water will not accumulate on walking surfaces.

(E) The following sections of Chapter 11 of the International Building Code are amended to read:

1103.2.11 Residential Group R-1. Buildings of Group R-1 containing not more than five sleeping units for rent or hire that are also occupied as the residence of the proprietor, are not required to be accessible.

1103.2.12 Day care facilities. Where a day care facility (Groups E, I-4, and R-3) is part of a dwelling unit, only the portion of the structure utilized for the day care facility is required to be accessible.

1104.4 Multilevel buildings and facilities,

Exception 1.1 Multiple tenant facilities of Group M occupancies containing five or more tenant spaces.

1107.3 Dwelling Units and Sleeping Units

1107.3.1 General. In addition to the other requirements of this Chapter, occupancies having dwelling units or sleeping units shall be provided with accessible features in accordance with Section 1107.3.2 through 1107.5.5.

1107.3.2 Design. Dwelling units and sleeping units which are required to be accessible units shall comply with this code and the applicable provisions of Chapters 1-9 of ICC/ANSI A117.1. Type A and Type B units shall comply with the applicable provisions of Chapter 10 of ICC/ANSI A117.1. Units required to be Type A units are permitted to be designed and constructed as accessible units. Units required to be Type B units are permitted to be designed and constructed as accessible units or as Type A units.

1107.3.3 Accessible spaces. Rooms and spaces available to the general public or available for use by residents and serving accessible units, Type A units or Type B units shall be accessible. Accessible spaces shall include toilet and bathing rooms, kitchen, living and dining areas and any exterior spaces, including patios, terraces and balconies.

Exception: Recreational facilities in accordance with Section 1108.14.

1107.3.4 Accessible route. At least one accessible route shall connect accessible building or facility entrances with the primary entrance of each accessible unit, Type A unit and Type B unit within the building or facility and with those exterior and interior spaces and facilities that serve the unit.

Exceptions: 1. If the slope of the finished ground level between accessible facilities and buildings exceeds one unit vertical in 12 units horizontal (1:12), or where physical barriers prevent the installation of an accessible route, a vehicular route with parking that complies with Section 1106 at each public or common use facility or building is permitted in place of the accessible route.

2. Exterior decks, patios or balconies that are part of Type B units and have impervious surfaces, and are not more than 4 inches below the finished floor level of the adjacent interior space of the unit.

1107.4 Group I. Occupancies in Group I shall be provided with accessible features in accordance with 1107.4.1 through 1107.4.5.

1107.4.1 Group I-1. Group I-1 occupancies shall be provided with accessible features in accordance with Section 1107.4.1.1 and 1107.4.1.2.

1107.4.1.1 Accessible units. At least 4 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

1107.4.1.2 Type B units. In structures with four or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

Exception: The number of Type B units is permitted to be reduced in accordance with 1107.5

1107.4.2 Group I-2 Nursing homes. Nursing homes of Group I-2 shall be provided with accessible features in accordance with Section 1107.4.2.1 and 1107.4.2.2.

1107.4.2.1 Accessible units. At least 50 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

1107.4.2.2 Type B units. In structures with four or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

Exception: The number of Type B units is permitted to be reduced in accordance with 1107.5.

1107.4.3 Group I-2 Hospitals. General purpose hospitals, psychiatric facilities, detoxification facilities and residential care/assisted living facilities of Group I-2, shall be provided with accessible features in accordance with Section 1107.4.3.1 and 1107.4.3.2.

1107.4.3.1 Accessible units. At least 10 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

1107.4.3.2 Type B units. In structures with four or more dwelling or sleeping units intended to be occupied as a residence, every dwelling unit and sleeping unit shall be a Type B unit.

Exception: the number of Type B units in permitted to be reduced in accordance with Section 1107.5.

1107.4.4 Group I-2 Rehabilitation facilities. In hospitals and rehabilitation facilities of Group I-2 which specialize in treating conditions that affect mobility, or units within either which specialize in treating conditions that affect mobility, 100 percent of the dwelling units and sleeping units shall be accessible units.

1107.4.5 Group I-3. In occupancies in Group I-3, at least 5 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

1107.4.6 Group R. Occupancies in Group R shall be provided with accessible features in accordance with Section 1107.4.6.1 and 1107.4.9.2.

1107.4.6.1 Group R-1. Group R-1 occupancies shall be provided with accessible features in accordance with Section 1107.4.6.1.1 and 1107.4.6.1.2.

1107.4.6.1.1 Accessible units. In occupancies in Group R-1, accessible dwelling and sleeping units shall be provided in accordance with table 1107.4.6.1.1. All facilities on a site shall be considered in determining the total number of accessible units. Accessible units shall be dispersed among the various classes of units. Roll in showers provided in accessible units shall include a permanently mounted folding shower seat.

TABLE 1107.4.6.1.1
Accessible Dwelling and Sleeping Units

Total Number of Units Provided	Minimum Required Number of Accessible Units Associated with Roll-in Showers	Total Number of Required Accessible Units
1 to 15	0	1
26 to 50	0	2
51 to 75	1	4
76 to 100	1	5
101 to 150	2	7
151 to 200	2	8
201 to 300	3	10
301 to 400	4	12
401 to 500	4	13
501 to 1,000	1% of total	3% of total
Over 1,001	10 plus 1 for each 100 over 1,000	30 plus 2 for each 100 over 1,000

1107.4.6.1.2 Type B units. In structures with four or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit shall be a type B unit.

Exception: The number of Type B units is permitted to be reduced in accordance with Section 1107.5.

1107.4.7 Group R-2. Type A and Type B units shall be provided in occupancies in Group R-2 in accordance with Sections 1107.4.7.1 and 1107.4.7.2.

1107.4.7.1 Type A units. In buildings containing more than 20 dwelling or sleeping units, at least 2 percent, but not less than one, of the units shall be a Type A unit.

Exception: The number of Type A units is permitted to be reduced in accordance with Section 1107.5.

1107.4.7.2 Type B units. Where there are more than four dwelling or sleeping units intended to be occupied as a residence in a single structure, every dwelling and sleeping unit intended to be occupied as a residence shall be a type B unit.

Exception: The number of Type B units is permitted to be reduced in accordance with section 1107.5.

1107.4.8 Group R-3. In occupancies in Group R-3 where there are four or more dwelling or sleeping units intended to be occupied as a residence in a single structure, every dwelling and sleeping unit intended to be occupied as a residence shall be a type B unit.

Exception: The number of Type B units is permitted to be reduced in accordance with Section 1107.5.

1107.4.9 Group R-4. Group R-4 occupancies shall be provided with accessible features in accordance with Section 1107.4.9.1 and 1107.4.9.2.

1107.4.9.1 Accessible units. At least one of the dwelling or sleeping units shall be an accessible unit.

1107.4.9.2 Type B units. In structures with four or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit shall be a type B unit.

Exception: The number of Type B units is permitted to be reduced in accordance with Section 1107.5.

1107.5 General exceptions. Where specifically permitted, by sections 1107.4 or 1107.4.6, the required number of Type A and Type B units is permitted to be reduced in accordance with Sections 1107.5.1 through 1107.5.5.

1107.5.1 Buildings without elevator service. Where no elevator service is provided in a building, only the dwelling and sleeping units that are located on stories indicated in Section 1107.5.1.1 and 1107.5.1.2 are required to be Type A and Type B units. The number of Type A units shall be determined in accordance with Section 1107.4.7.

1107.5.1.1 One story with Type B units required. At least one story containing dwelling or sleeping units intended to be occupied as a residence shall be provided with accessible entrances from the exterior of the building and all units intended to be occupied as a residence on that story shall be Type B units.

1107.5.1.2 Additional stories with Type B units. On all other stories that have a building entrance in proximity to arrival points intended to serve units on that story, as indicated in 2.1 and 2.2, all dwelling and sleeping units intended to be occupied as a residence served by that entrance on that story shall be Type B units.

2.1 Where the slopes of the undisturbed site measured between the planned entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance are 10% or less, and

2.2 Where the slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance are 10% or less.

Where no such arrival points are within 50 feet of the entrance, the closest arrival point shall be used unless that arrival point serves the story required by Section 1107.5.1.1.

1107.5.2 Multistory units. A multistory dwelling or sleeping unit which is not provided with elevator service is not required to be a Type B unit. Where a multistory unit is provided with external elevator service to only one floor, the floor provided with elevator service shall be the primary entry to the unit, shall comply with the requirements for a Type B unit, and a toilet facility shall be provided on that floor.

1107.5.3 Elevator service to the lowest story with units. Where elevator service in the building provides an accessible route only to the lowest story containing dwelling or sleeping units intended to be occupied as a residence, only the units on that story which are intended to be occupied as a residence are required to be Type B units.

1107.5.4 Site impracticality. On a site with multiple non-elevator buildings, the number of units required by Section 1107.5.1 to be Type B units is permitted to be reduced to a percentage which is equal to the percentage of the entire site having graded, prior to development, which are 10 percent, provided that all of the following conditional are met:

Not less than 20 percent of the units required by Section 1107.5.1 on the site are Type B units; and

Units required by Section 1107.5.1, where the slope between the building entrance serving the units on that story and a pedestrian or vehicular arrival point is no greater than 8.33 percent, are Type B units, and

Units required by Section 1107.5.1, where an elevated walkway is planned between a building entrance serving the units on that story and a pedestrian or vehicular arrival point and the slope between them is 10 percent or less are Type B units, and

Units served by an elevator in accordance with 1107.5.3 are Type B units.

1107.5.5 Base flood elevation. The required number of Type A and Type B units shall not apply to a site where the lowest floor or the lowest structural building members of non-elevator buildings are required to be at or above the base flood elevation resulting in:

A difference in elevation between the minimum required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50 feet exceeding 30 inches, and

A slope exceeding 10 percent between the minimums required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50 feet.

Where no such arrival points are within 50 feet of the property entrances, the closest arrival point shall be used.

1108.14.1 Group R-2 and R-3. In Group R-2 and R-3 occupancies where recreational facilities are provided serving a single building containing Type A or Type B units, 25 percent, but not less than one, of each type of recreational facility shall be accessible. Every recreational facility of each type on a site shall be considered to determine the total number of each type which are required to be accessible.

1108.14.2 Facilities serving multiple buildings. In Group R-2 and R-3 occupancies on a single site where multiple buildings containing Type A or Type B units are served by recreational facilities, 25 percent, but not less than one, of each type of recreational facility serving each building shall be accessible. The total number of each type of recreational facility which is required to be accessible shall be determined by considering every recreational facility of each type serving each building on the site.

1108.14.3 Other occupancies. All recreational facilities not falling within the purview of Section 1108.14.1 or 1108.14.2 shall be accessible.

1108.15 Stairways. Stairway located along accessible routes connecting floor levels that are not connected to an elevator shall be designed and constructed to comply with ICC/ANSI A117.1 and Chapter 10.

(F) Section 1608.2 of the International Building Code is amended to read:

1608.2 Ground snow loads. The ground snow load to be used within the City of Westminster in determining the design snow loads for roofs is 30 pounds per square foot. Exposure C shall be used unless specified as exposure B by the Building Official.

(G) Section 1609.3 of the International Building Code is amended to read:

1609.3 Basic wind speed. The minimum basic wind speed for any site within the limits of the City of Westminster shall be a minimum of 90 to 110 miles per hour fastest mile or 110 to 130 three second gust as established by Building Division operations and procedures. Exposure C shall be used unless specified as exposure B by the Building Official.

(H) Sections 1612.3 and 1612.4 of the International Building Code are amended to read:

1612.3 Establishment of flood hazard areas. The flood hazard areas of the City of Westminster are as established in Article 11, Chapter 8 of the Westminster Municipal Code.

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and ASCE 24, whichever is the most restrictive.

(I) Section 1805.2.1 of the International Building Code is amended to read:

Section 1805.2.1 Frost protection. Except where protected from frost and specifically designed by an Engineer or Architect as required by section 11-9-3(C)2, foundations of buildings and structures larger than 400 square feet in area or more than one story in height or connected thereto shall extend to a depth of at least 36 inches. Spread footings, foundation walls, piles, piers or other permanent supports shall be provided where necessary to properly distribute the load within the allowable load-bearing value of the soil. Footings shall not bear on frozen soils.

(J) Section 2111.1 of the International Building Code is amended to read:

2111.1 General. A masonry fireplace is a fireplace constructed of concrete or masonry, hereafter referred to as masonry. Masonry fireplaces shall be constructed in accordance with this section, Table 2111.1 and Figure 2111.1 and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(K) Section 2902.2, exception #4 of the International Building Code is added to read:

Separate facilities. Exception #4. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load of 50 or less and food and beverages are not being served.

(L) Section 3007 of the International Building Code is added to read:

Section 3007 Permits - Certificates of Inspection.

3007.1 Permits required. It shall be unlawful to hereafter install any new elevator or conveying system, or to make major alterations to any existing elevator or conveying system without first obtaining a permit for such installation from the building official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificate of inspection required. It shall be unlawful to operate any elevator or conveyance system without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of the prescribed fees and the presentation of a valid inspection report indicating that the elevator or conveyance system is safe and that the inspections and tests have been performed in accordance with Part X of the ANSI code.

Exception: Elevators or conveyance systems within individual dwelling units.

3007.3 Fees. A fee for each elevator permit shall be paid to the City of Westminster as set forth in this Code. A fee for each certificate of inspection shall be paid to the Building Official as follows:

Annual Certification of Inspection:

For each elevator:	\$150.00
For each escalator or moving walk*:	\$150.00
For each commercial dumbwaiter:	\$150.00

*Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.

(M) Section 3109.4.1 of the International Building Code is amended to read:

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remaining unchanged)

3109.4.1.1 through 3109.4.1.6 are unchanged.

3109.4.1.7 Gates. Access gates shall comply with the requirements of section 3109.4.1.1 through 3109.4.1.6, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where egress hardware is required by Chapter 10 of this code, it shall be used instead of the required latching device. If egress hardware is used, the gate or fence shall have no openings larger than ½ inch within 18 inches of the hardware.

3109.4.1.7.1 Where a wall of a dwelling unit serves as part of the barrier, doors from the dwelling unit need not be equipped with self-closing or self-latching devices.

3109.4.1.8 Pools, spas or hot tubs equipped with locking covers or a powered safety cover in compliance with ASTM F1346 may be surrounded by a barrier not less than 36 inches in height provided that the barrier meets the requirements of Section 3109.4.1.1 through Section 3109.4.1.7. The required latching device shall be located on the pool side of the gate and have no openings larger than ½ inch within 18 inches of the latch.

3109.4.1.9 is unchanged.

3109.4.2 and 3109.4.3 are unchanged.

(N) The following referenced standards of Chapter 35 of the International Building Code are amended to read:

ASME A17.12000 Safety Code for Elevators and Escalators.

ASME18.1-1999 Safety Standards for Platform Lifts and Stairway Chairlifts.

ASME B 20.1 – 97 Safety Standards for Conveyors and Related Equipment – with B20.1a– 98 Addendum

11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS:

(A) Table R301.2(1) of the International Residential Code is amended to read:

Roof Snow Load	Wind	Seismic Design Category	Subject to Damage From				Winter Design Temp
	Speed*		Weathering	Frost Depth	Termite	Decay	
30 PSF	90-110MPH	B	Severe	36"	Slight to Moderate	to None to Slight	1° F

*Fastest Mile

(B) Section R301.2.4 of the International Residential Code is amended to read:

R301.2.4 The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and ASCE 24, whichever is the most restrictive.

(C) Section R305.1, exception #2 of the International Residential Code is amended to read:

R305.1 Exception #2. Ceilings in basements shall have a ceiling height as required for habitable spaces. In basements, a minimum clear height of 6 foot 8 inches is permitted under beams, ducts, pipes and other obstructions. The finished clear height under such beams, ducts, pipes and other obstructions may be 6 foot 6 inches.

(D) Sections R309.1 and R309.2 of the International Residential Code are amended to read:

R309.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch in thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or 20-minute fire-rated doors.

R309.2 Separation Required. The garage shall be separated from the residence and its attic space by not less than 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent.

(E) The first sentence of Section R310.1 and Section 310.4 of the International Residential Code is amended to read:

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. (the rest of the paragraph is unchanged)

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or removal of any part of the window assembly.

(F) The following sentence of Section R315.1 of the International Residential Code is amended to read:

Section 315.1 Handrails. All required handrails shall be continuous the full length of the stairs with four or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight.

(G) Section R316.2 of the International Residential Code is amended and section R316.3 is added to read:

Section R316.2 Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures that do not allow the passage of a sphere 4 inches or more in diameter.
(no change to the exception)

Section R316.3 Guard live loads. Guards shall be able to resist a single concentrated load of 200 pounds applied in any direction at any point along the top, and have attachment devices and supporting structure to transfer this loading to appropriate structural elements of the building.

(H) Section R326 of the International Residential Code is amended to read:

R326.1 Scope. Detached one-and two- family dwellings and accessory structures, and their associated site and facilities, are not required to be accessible. Townhomes, as defined herein and constructed in accordance with section R321.2, shall comply with the provisions of Chapter 11 of the International Building Code. Where there are four or more dwelling units or sleeping units in a single structure, the provisions of Chapter 11 of the International Building Code for Group R-3.

(I) Section R328 of the International Residential Code is added to read:

R328 BUILDING SECURITY.

R328.1 General. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access, door openings in attached garages shall be in accordance with the provisions of this section.

R328.2 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of section R311 of this code.

R328.3 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by the use of a door viewer with a 180 degree field of view.

R328.4 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch in thickness or a metal door constructed with at least 18-gauge metal or similar approved material.

R328.4.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjambs shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the wood with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

R328.4.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a nonremovable hinge pin. Not less than three 4 1/2 inch steel butt hinges shall be fastened to both the door and frame with not less than four No. 9 by 3/4 inch wood screws or to metal with not less than four No. 8 machine screws. In wood construction, an open space between trimmers and wood doorjambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

R328.4.3 Locking Hardware. Single swinging doors and the active leaf of doors in pairs shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least 3/4 of an inch. See section R311 for requirements on door operation for exiting.

(J) Section R329 of the International Residential Code is added to read:

Section R329. Elevators and vertical transportation installed within structures regulated by this code shall be in accordance with the 2000 Edition of ASME A17.1, and the 2001 Edition of ASME A18.1. Hoistways shall be in accordance with Chapter 30 of the International Building Code (IBC)

(K) Section R502.3.1 and Table R502.3.1(1) of the International Residential Code is deleted and section R502.3.2 is amended to read:

R502.3.1 Sleeping areas and attic joist. - Delete.

Table R502.3.1(1). – Delete

R502.3.2 Other floor joist. Table 502.3.1(2) shall be utilized to determine the maximum allowable span of floor joist that support all areas of the building provided that the design live load does not exceed 40 psf and the design dead load does not exceed 10 psf.

(L) Sections R1003.1 and R1004.1 the International Residential Code are amended to read:

R1003.1 General. Masonry fireplaces shall be constructed in accordance with this section and the applicable provisions of Chapters 3 and 4 of this code and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

R1004.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(M) Section R1415 of the International Residential Code is added to read:

M1415 UNVENTED ROOM HEATERS

M1415.1 General. Unvented room heater, fireplaces, gas logs or other similar devices are prohibited.

(N) Section M1703.3 of the International Residential Code is deleted:

M1703.3 Single opening or duct. Delete section.

(O) Section G2443 of the International Residential Code is deleted:

G2443 UNVENTED ROOM HEATERS. Delete section 2443 in its entirety.

(P) Section R2903.9.3 of the International Residential Code is amended to read:

P2903.9.3 Valve requirements. Valves serving individual fixtures, appliances, risers and branches shall be provided with access. An individual shutoff valve shall be required on the water supply pipe to each fixture.

(Q) Section R3103.1 of the International Residential Code is amended to read:

P3103.1 Roof extension. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six inches above the roof not less than one foot from any vertical surface.

(R) The General Statement of Chapter 33 and section E3301.1 of the International Residential Code are amended to read:

CHAPTER 33 GENERAL REQUIREMENTS

The Electrical Part is produced and copyrighted by the National Fire Protection Association (NFPA) and is based on the 2002 National Electrical Code, copyright 2002 National Fire Protection Association, all rights reserved. Use of the Electrical part is pursuant to license with the NFPA.

E3301.1 Applicability. Add the following to the section: Whenever there is a conflict between this code and the 2002 NEC, the provisions of the NEC will govern.

(S) The first sentence of section AG105.2(1) of the International Residential Code is amended and section AG105.2, items 8 and 9 are replaced to read:

Section AG 105.2 Outdoor swimming pool.

1. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remaining unchanged)

Replace items 8 and 9 with the following:

8. Access gates shall comply with the requirements of section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate.

8.1. Where a wall of a dwelling unit serves as part of the barrier, doors through the wall need not be equipped with self-closing or self-latching devices.

9. Pools, spas or hot tubs equipped with locking covers or a powered safety cover in compliance with ASTM F1346 may be surrounded by a barrier not less than 36 inches in height provided that the barrier meets the requirements of AG105.2, Items 2 through 7. The required latching device shall be located on the pool side of the gate and have no openings larger than ½ inch within 18 inches of the latch.

11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS:

(A) Article 230.70(A)(1) of the National Electrical Code is amended to read:

Article 230.70 (A)(1) Location. The service disconnecting means shall be installed at a readily accessible location on the outside of the building unless approved by the Building Official. No service disconnecting means shall be installed inside a residential dwelling unit.

Exception: The service disconnecting means may be installed inside the garage of a residential dwelling unit when it is located back-to-back to the meter.

(B) Article 408.16(A) of the National Electrical Code is amended to read:

Article 408.16(A) Overcurrent Protection. Each lighting and appliance branch-circuit panelboard shall be individually protected on the supply side by not more than two main circuit breakers or two sets of fuses having a combined rating not greater than that of the panelboard. No circuit breaker shall be added to the upper section of an existing split bus panelboard unless main overcurrent protection is provided for the panelboard.

Exception No. 1: Individual protection for a lighting and appliance panelboard shall not be required if the panelboard feeder has overcurrent protection not greater than the rating of the panelboard.

Exception No. 2: Is deleted.

11-9-8: INTERNATIONAL PLUMBING CODE AMENDMENTS:

(A) Section 601.5 of the International Plumbing Code is added to read:

Section 601.5 Water conservation. Water recycling systems shall be mandatory for all automatic full-service commercial car wash facilities constructed in the City after December 23, 1982. Water recycling systems shall not be mandatory for manual self-service commercial car wash facilities.

(B) Section 904.1 of the International Plumbing Code is amended to read:

904.1 Roof extension. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six inches above the roof not less than one foot from any vertical surface.

(C) Section 1003.2 and section 1003.3.4.1 of the International Plumbing Code are amended to read:

Section 1003.2 Approval. The size, type and location of each grease interceptor shall be designed and installed in accordance with City of Westminster specifications, the manufactures installation instructions, the requirements of this section and the anticipated conditions of use.

Section 1003.3.4.1 Grease trap capacity. When, in the judgment of the Building Official, it would be impractical or unnecessary to install a grease interceptor due to the anticipated use of an establishment, the installation of a grease trap may be approved. Grease traps shall be sized in accordance with City specifications and have the grease retention capacity indicated in Table 1003.3.4.1 for the flow-through rates indicated.

11-9-9: INTERNATIONAL MECHANICAL CODE AMENDMENTS:

(A) Section 506.3.11, exceptions #1 and #2 of the International Mechanical Code are amended to read:

Section 506.3.11, Exception #1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration firestop system classified in accordance with ASTM E814 and having an "F" and "T" rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall or floor to the outlet terminal with a classified and labeled material system or product specifically evaluated for such purpose, in accordance with ICBO ES AC101.

Exception #2. Delete in its entirety.

(B) Section 903.1 of the International Mechanical Code is amended to read:

Section 903.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

11-9-10: INTERNATIONAL FUEL GAS CODE AMENDMENTS:

(A) Section 303.3, exceptions #2 and #3 of the International Fuel Gas Code are deleted:

Section 303.3 Prohibited location. Delete Exceptions #3 and #4

(B) Section 304.11.2 of the International Fuel Gas Code is deleted:

Section 304.11.2 One opening method. Delete in its entirety.

(C) Section 620 of the International Fuel Gas Code is amended to read:

Section 620.1 General. Unvented room heater, fireplaces, gas logs or other similar devices are prohibited.

(remainder of section 620 is deleted)

11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS:

(A) Table 302.1 of the International Energy Conservation Code is amended to read:

Condition	Value
Winter, Design Dry-bulb (°F)	1°F
Summer, Design Dry-bulb (°F)	91°F
Summer, Design Wet-bulb (°F)	63°F
Degree days heating	6150
Degree days cooling	695
Climate zone	13B

11-9-12: MOBILE HOMES:

(A) Permits Required.

1. **General.** Building permits for work on mobile homes or accessory buildings shall be obtained in accordance with the provisions of the Building Codes unless the work is specifically exempt pursuant to the provisions of the Building Codes.

2. **Initial Installation.** No person shall install or set up a mobile home on any mobile home space without first obtaining a separate permit for each installation from the Building Official. Such permit issuance and fees therefore shall be in accordance with the Building Codes. No utility service shall be provided to any building service equipment without a building permit.

3. **Accessory Buildings and Structures.** Building permits shall be required for the installation of all accessory buildings and structures and their building service equipment, unless the work is specifically exempt pursuant to the provisions of the Building Codes. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

4. **Additions, Alterations, and Repairs to Mobile Homes.** No person shall alter, remodel, repair, or enlarge a mobile home or accessory building subsequent to its initial installation without first obtaining a separate building permit for each such alteration, addition, enlargement, or repair from the Building Official. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

(B) Installation Requirements.

1. **General.** The installation of a mobile home upon a mobile home space shall comply with the manufacturer's installation instructions as well as the provisions of this subsection, the Building Codes, and other provisions of the City codes. If the manufacturer's installation instructions are not available the installation of such mobile home shall comply with the following standards:

Non-permanent Installation: Provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 – 1994 amended.

Permanent foundation installations: Permanent foundation, Guide for Manufactured Housing, September 1996, amended; and

Engineered foundation systems as designed by an architect or engineer licensed by the State of Colorado.

2 **Pier Construction.** Piers shall be designed and constructed to distribute loads evenly. Such piers shall be considered to resist vertical forces acting in a downward direction only and shall not be considered as providing any resistance to horizontal or uplift loads. The construction and spacing of piers shall be as specified in the manufacturer's installation instructions or in accordance with section 11-9-10(B)1. Alternate materials and methods of construction may be used for piers when designed by an architect or engineer, licensed as such in the State of Colorado and approved by the Building Official.

3 **Anchorage.** Ground anchors shall be of the auger type and shall be designed and installed to transfer the anchoring loads to the ground. The installation and spacing of all ground anchoring equipment shall be specified in the manufacturer's installation instructions or in accordance with section 11-9-10(B)1. Alternate materials and methods of construction may be used for the anchoring systems when designed by an architect or engineer licensed as such in the State of Colorado and approved by the Building Official.

4 **Building Service Equipment.** The installation, alteration, repair, replacement, addition to, or maintenance of all building service equipment within the mobile home park shall comply with the applicable plumbing, mechanical, and electrical provisions of the Building Codes. Utility service shall not be provided to any building service equipment which is regulated by the Building Codes, and for which a mobile home set up permit is required by the Building Codes, until the building service equipment has been inspected and approved by the Building Official.

5 **Stairs and Landings.** Landings and stairways with handrailings and guardrailings shall be provided at each exterior door from a mobile home. Landings, stairways, guardrails and handrails shall comply with the provisions of the Building Code and shall be in place prior to requesting the set-up inspection.

6 **Skirting.** The area beneath each mobile home unit shall be enclosed with full perimeter skirting of material that is compatible with the exterior cladding of the mobile home unit. At least one access opening not less than 18" in any dimension and not less than 3 square feet in area shall be provided and located so that any water supply and sewer drain connections located under the unit are accessible. The skirting shall not be installed prior to the approval of the set-up inspection but shall be installed as soon as it is practical to do so after such inspection.

7 **Smoke Detectors.** Smoke detectors shall be located in each mobile home unit. A detector shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to each separate sleeping area. Smoke detectors added to satisfy the requirements of this subsection may be of the battery-operated type and shall be installed in accordance with their listing.

Exception: New mobile homes may have smoke detectors located per the State of Colorado, Division of Housing approval.

(C) Additions, Alterations, and Repairs to Mobile Homes.

1. **Permanent Additions.** No permanent additions of any type shall be built onto or become part of any mobile home unless designed and constructed to conform with the applicable provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994. A certificate of compliance issued by the manufacturer and verified by the State of Colorado shall be provided to the Building Official for any such addition.

2. **Carport and Patio Cover Structures.** Temporary carport and patio cover structures may be attached to and structurally supported by a mobile home when justified by engineering calculations or when approved by the Building Official. All such structures shall be of light-weight metal, fiberglass, plastic, or other material similar in type and color to the exterior cladding of the mobile home unit and shall be entirely open on two or more sides. All such structures shall be designed and approved in accordance with the applicable provisions of the Building Codes and other provisions of the City code.

3. **Structural Additions.** Accessory buildings or structures shall not be structurally supported by or attached to any mobile home unless engineered calculations are submitted to the Building Official to substantiate any proposed structural connection and approved by the Building Official; except that the Building Official may waive the submission of engineering calculations if he finds that engineering calculations are not necessary to show conformance to the requirements of the Building Codes.

4. **Fences.** Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces. Such fences shall be constructed of the chain link fencing and shall be of a standard design for the entire mobile home park. The top of such fences shall not exceed 36 inches in height. Fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.

Section 2. Chapter 10 of Title 11 of the Westminster Municipal Code is hereby repealed and reenacted to read as follows:

Title 11 Chapter 10
FIRE CODES

- 11-10-1: INTENT
- 11-10-2: ADOPTION OF FIRE CODE
- 11-10-3: CHAPTER 1 AMENDMENTS-ADMINISTRATION
- 11-10-4: CHAPTER 5 AMENDMENTS-~~FIRE SERVICE FEATURES~~
- 11-10-5: CHAPTER 9 AMENDMENTS-~~FIRE PROTECTION SYSTEMS~~
- 11-10-6: CHAPTER 33 AMENDMENTS-~~EXPLOSIVES AND FIREWORKS~~
- 11-10-7: CHAPTER 38 AMENDMENTS-~~LIQUIFIED PETEROLEUM GASES~~

Deleted: ¶

11-10-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the International Fire Code, 2000 Edition. Hereinafter, this Code may be referred to as the "Fire Code." The City Council of the City of Westminster finds that the adoption of the Fire Code is essential for fire prevention and the preservation of the health, safety, and welfare of the citizens of Westminster. The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster. City Council finds that it is necessary to protect the health, safety and welfare of the citizens of the City to exempt the procedural requirements specified in Colorado Revised Statutes, Section 31-16-203, as the procedures contained therein are duplicative of existing procedures established in the City Charter and Ordinances.

11-10-2: ADOPTION OF FIRE CODE: That certain document, one (1) copy of which is on file in the Office of the City Clerk, being marked and designated as the International Fire Code, 2000 Edition, published by the International Code Council, 5360 Workman Mill Road, Whittier, California 90601, and, in particular, Appendix B – Fire Flow Requirements For Buildings, Appendix C – Fire Hydrant Location And Distribution, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking, and Appendix G – Cryogenic Fluids – Weight And Volume Equivalents is hereby adopted as the Fire Code of and for the City. These sections of the Fire Code, as modified in this chapter, are hereby referred to, adopted, and made a part of the Code as if fully set forth.

11-10-3: CHAPTER 1 ADMINISTRATION AMENDMENTS:

(A) BOARD OF APPEALS. Subsection 108.1 of the International Fire Code is amended to read as follows:

Subsection 108.1 Appeals of orders, decisions, or determinations made by the Building Official or Fire Code Official relative to the application and interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code of Appeals pursuant to Title II, Chapter 10, of this Code.

(B) PENALTIES. Subsection 109.3 Violation penalties of the International Fire Code is amended to read as follows:

Subsection 109.3 Violation Penalties. Any person who violates any of the provisions of this Code, or who fails to comply therewith, or who builds any structure in violation of a detailed statement of specifications or plans submitted and approved pursuant to this Code and from which no appeal has been taken, or who fails to comply with a final order issued pursuant to this Code within the time fixed therein shall be guilty of a misdemeanor punishable by a fine or imprisonment pursuant to the limits set forth in Section 1-8-1 of the Westminster Municipal Code, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. The imposition of a criminal penalty shall not prevent the abatement of prohibited conditions.

(C) REQUIRED OPERATIONAL PERMITS. Subsection 105.6 of the International Fire Code is amended to read as follows. All other provisions of Subsection 105.6 are hereby deleted.

Subsection 105.6 Permit Required operational permits. An operational permit shall be obtained from the Prevention Bureau prior to engaging in the following activities, functions, operations, or practices as defined in accordance with the Fire Code, unless otherwise specified in this Code:

105.6.2 Amusement buildings

105.6.4 Carnivals and fairs

105.6.11 Cryogenic Fluids

105.6.15 Explosives, explosive materials, and fireworks

105.6.17 Flammable and combustible liquids

To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.

To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.

105.6.20 Fumigation and thermal insecticidal fogging

105.6.20.1 Fumigation and/or associated operations for removing biological, chemical, or other naturally occurring agents, chemicals, organisms, or substances

105.6.21 Hazardous Materials

105.6.27 Liquid- or gas-fueled vehicles or equipment in buildings for display, demonstrating, or operation. This shall not apply to parking garages, private garages, repair garages, or other buildings normally utilized for the operation, repair, restoration, and storage of motor vehicles.

105.6.28 LP-gas

105.6.29 Magnesium

105.6.31 Open burning

105.6.35 Private fire hydrants

105.6.36 Pyrotechnic special effects material

105.6.43 Temporary membrane structures, tents and canopies

(D) REQUIRED CONSTRUCTION PERMITS. Subsection 105.7 shall be amended to read as follows: Upon approval of required construction documents, as required by Subsection 105.4, a fire protection permit shall be obtained from the Fire Prevention Bureau prior to initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the Fire Code. The following fire protection systems shall require submittal of plans, specifications, design and installation criteria, as required by the Fire Code Official, prior to issuance of a fire protection permit, those not listed are excluded from the requirements of this Section:

105.7.1 Automatic fire-extinguishing systems

105.7.2 Compressed gases

105.7.3 Fire alarm and detection systems and related equipment

105.7.4 Fire pumps and related equipment

105.7.5 Flammable and combustible liquids

105.7.6 Hazardous materials

105.7.8 LP-gas

105.7.9 Private fire hydrants

105.7.10 Spraying and dipping

105.7.11 Standpipe systems

105.7.12 Temporary membrane structures, tents and canopies

(E) FEES. Section 105 of the International Fire Code is amended by the addition of the following subsections:

Subsection 105.8 Operational Permit Fees. The fee for operational permits required by Subsection 105.6 of this Code shall be as set forth in the fee schedule adopted by Resolution by the City Council. Fees shall be collected by the Fire Prevention Bureau.

Subsection 105.9 Construction Permit Fees. Permit fees and taxes are required for fire protection and life safety systems required by Subsection 105.7 of this Code for initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the Fire Code. These fees shall be assessed by and paid to the City of Westminster in accordance with the provisions of the fee schedule adopted by Resolution by the City Council.

11-10-4: CHAPTER 5 FIRE SERVICE FEATURES AMENDMENTS:

(A) MARKINGS. Subsection 503.3 of the International Fire Code is amended by the addition of the following subsection:

Subsection 503.3.1. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Code Official in accordance with the Fire Code and the Uniform Traffic Control Manual.

(B) OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Subsection 503.4 of the Uniform Fire Code is amended by the addition of the following section:

Subsection 503.4.1. The Fire Code Official or any of his subordinates, or the Police Department with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued. In the event of a fire, the Fire Department shall have the authority to cause the vehicle blocking a fire hydrant or fire lane to be removed with any subsequent damage to the vehicle being paid by the owner of said vehicle. The towing of any vehicle pursuant to this section shall comply with the provisions of Chapter 1 of Title X of the Westminster Municipal Code.

(C) PRIVATELY OWNED HYDRANT SYSTEMS. Section 508 of the International Fire Code is amended by the addition of the following subsections:

Subsection 508.5.3.1. Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed and tested periodically according to the Fire Code. In the event

such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the Fire Code Official and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of or adjacent to fire hydrants shall be designated by the Fire Code Official and implemented at the expense of the owner of the property. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Code Official.

Subsection 508.5.7. Existing Private Fire Hydrants. Existing hydrants which do not conform to City specifications or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Code Official, shall be changed to meet the City's requirements by the property owner and at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its resident agent.

11-10- 5: CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS:

(A) **AUTOMATIC SPRINKLER SYSTEMS.** Section 903 of the International Fire Code shall be amended by the addition of the following paragraphs:

Subsection 903.2.8.1. New Construction. Group R-2 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-2 Occupancies.

Exception: Existing R-2 buildings and occupancies constructed prior to the adoption of this code.

Subsection 903.2.9.1 New Construction. Group R-4 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-4 Occupancies.

Exception: Existing R-4 buildings and occupancies constructed prior to the adoption of this code.

Subsection 903.3.2 Quick-response and residential sprinklers, of the International Fire Code shall be deleted and amended by adding the following:

903.3.2 Residential automatic sprinkler heads. Where automatic sprinkler systems are required by this code, only residential automatic sprinkler heads shall be permitted in:

Throughout all spaces within a smoke compartment containing patient sleeping rooms in Group I-2 in accordance with the *International Building Code*.

Dwelling units, guestrooms, and sleeping rooms in Group R and I-1 occupancies.

903.3.2.1 Quick-response automatic sprinkler heads. Quick-response sprinkler heads shall be installed in light hazard occupancies as defined in NFPA 13. Residential automatic sprinkler heads are prohibited.

903.3.2.2 Residential and quick-response automatic sprinkler heads. All installation of residential and quick-response automatic sprinkler heads shall be in strict accordance with their listings. Where listings authorize installation where prohibited in 903.3.2 and 903.3.2.1 the Fire Code Official may waive the requirements mandated by 903.3.2 and 903.3.2.1.

Subsection 903.3.7 of the International Fire Code shall be amended by adding the following:

Subsection 903.3.7.1 The fire department connection (FDC) shall be located whenever possible on the street addressed side of the building in a location visible to the responding fire engine. The FDC shall be located at a location visible from the exterior of the main entrance door where the fire alarm annunciator is located. The FDC shall have a fire hydrant within 100 feet in a location approved by the fire department.

(B) STANDPIPE SYSTEMS. Section 905 of the International Fire Code shall be amended by the addition of the following paragraphs:

Subsection 905.3.1. Building Height shall be amended by adding the following exceptions:

Exception 5: Class I standpipes are allowed to be manual systems.

Exception 6: Fire hose is not required for Class I standpipes. Standpipe hose outlets shall be 2-1/2-inch outlets with a 2-1/2-inch to 1-1/2-inch reducing cap.

(C) FIRE ALARM AND DETECTION SYSTEMS. Section 907 of the International Fire Code is amended by the following:

Subsection 907.2 Where required-new buildings and structures:

907.2.1 Group A. The exceptions are deleted.

907.2.2 Group B. The exceptions are deleted.

907.2.4 Groups F and S. A manual fire alarm system shall be installed in Group F and Group S occupancies that are two or more stories in height or have an occupant load of 500 or more. The exceptions are deleted.

907.2.5 Group H. A manual fire alarm system shall be required in all Group H occupancies. The exceptions are deleted.

907.2.7 Group M. The exceptions are deleted.

Subsection 907.9 Zones

The fire code official shall determine the extent of zone coverage for fire alarm systems in all buildings and structures.

11-10-6: CHAPTER 33 EXPLOSIVES AND FIREWORKS AMENDMENTS:

(A) GENERAL. Section 3301 of the International Fire Code is amended by the following:

Subsection 3301.1.3 Fireworks is amended by deleting the following exceptions:

Storage and handling of fireworks as permitted in Section 3304.

Manufacture, assembly and testing of fireworks as permitted in Section 3305.

The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500—1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.

Subsection 3301.1.3 Fireworks is amended by adding the following exception:

State of Colorado defined “permissible fireworks” will be allowed for possession, handling, and use only during the timeframe beginning at 12:00 AM on July 3rd and ending at 12:00 PM on July 5th of any given calendar year.

(B) EXPLOSIVES MATERIALS STORAGE AND HANDLING. Section 3304 of the International Fire Code is amended by adding the following:

Subsection 3304.1.1 General storage limitations. The storage of explosives and blasting agents is prohibited within all zones except 01 and PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in aggregate quantities involving less than 500 pounds of explosive material.

11-10-7: CHAPTER 38 LIQUEFIED PETROLEUM GASES AMENDMENTS:

(A) Subsection 3804.2 of the International Fire Code is amended **by adding the following:**

Deleted :

Subsection 3804.2 Maximum capacity within established limits.

This maximum capacity limitation specifically applies to the following zoning areas: RA, RE, R1, R2, R3, R4, R5, B1, C1, T1, and PUD (Planned Unit Development) zoned districts.

Section 3 This ordinance shall take effect September 1, 2002.

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 ____ day of _____, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 2002.

Mayor

ATTEST:

City Clerk



Agenda Item 10 D
Agenda item number changed 7/22/02

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Resolution No. 38 re GOCO Grant for Fairways Office Park Open Space

Prepared By: Lynn Wodell, Open Space Coordinator

Recommended City Council Action:

Adopt Resolution No. 38 authorizing the City Manager to execute the necessary documents in order to accept the Great Outdoors Colorado Trust Fund grant of \$100,000 for the acquisition of open space at Fairways Office Park property along Big Dry Creek..

Summary Statement

- City Council is requested to authorize the City Manager to execute and Staff to submit the necessary documentation required by GOCO in order to receive the \$100,000 grant.
- City Council authorized Staff to submit an application to GOCO for an open space grant for the 31.5-acre purchase of the Fairways Office Park north of the new extension of Federal Boulevard at approximately W. 124th Avenue and Zuni Street.
- GOCO Board of Trustees awarded the City a grant of \$100,000, which will be available in the Fourth Quarter of 2002.
- In order to receive this grant, the City must submit the necessary documentation to GOCO and designate a third party to hold either a conservation easement or declaration and covenants in order to preserve the property in perpetuity. Although GOCO prefers that a third party hold a conservation easement on the property to ensure that it is preserved in perpetuity, with our other awards, GOCO has accepted a declaration and covenant held by Jefferson County that preserves the property. Staff has requested that Adams County meet this requirement on the City's behalf.

Expenditure Required: Up to \$ 5,000 to be paid to Adams County

Source of Funds: Open Space Land Purchases Account

Policy Issue(s)

Should the City accept the \$100,000 grant from GOCO, ask Adams County to hold the necessary conservation easement or declaration and covenants required by GOCO and pay up to \$5,000 to Adams County for this commitment.

Alternative(s)

1. Council could choose not to accept the \$100,000 grant from GOCO because there is the requirement to place a conservation easement or declaration and covenant on the property. Staff does not recommend this alternative because we would lose this \$100,000.
2. Council could choose to pursue other governmental or non-profit preservation organizations to hold the conservation easement or declaration and covenants instead of Adams County. Staff does not recommend this alternative because Adams County provided a grant of \$300,000 to the City for this purchase.
3. Council could choose not pay any funds to the holder of the conservation easement or declaration and covenants. Staff does not recommend this alternative because Adams County has paid stipends of \$5,000 to the third parties that hold their conservation easements.

Background Information

The City has been successful in receiving grants from Great Outdoors Colorado Trust Fund. Past acquisition grants have been received for the Cooper acquisition along Walnut Creek at Wadsworth Parkway and the Snow/Standley Lake Co. property at Colorado Hills. Receiving open space grants from GOCO is highly competitive and difficult to receive because of the limited funds, number of applications, complicated application process, and the complexity of meeting GOCO's requirements after the award has been made.

The most difficult requirement to meet is the placement of a conservation easement or declaration and covenants on the property. Jefferson County, through the Open Space Program, has been our partner and holds the declaration and covenants for the two grants the City has received from GOCO in the past. Staff has requested that Adams County, through the Open Space Program, provide the same service for this grant. Adams County has asked that a formal request be made to the Board of County Commissioners for this action. City Council is requested to authorize Staff to make this request as part of this action.

The City has already received \$300,000 from Adams County Open Space Program for this acquisition. Receipt of the additional \$100,000 from GOCO would allow the City to continue to leverage its open space tax dollars and add GOCO along with Adams County as a partner in the preservation of this key property.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **38**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

A RESOLUTION SUPPORTING THE AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND.

WHEREAS, the City of Westminster supports the completion of the Big Dry Creek Acquisition Project, GOCO Log # 2212; and

WHEREAS, The City of Westminster has received a grant from Great Outdoor Colorado to fund the Big Dry Creek Acquisition Project, subject to the execution of a grant agreement and other documents; and

WHEREAS, the City of Westminster has acquired approximately 31.5 acres at W. 124th Avenue and Zuni Street along Big Dry Creek for open space purposes; and

WHEREAS, the City of Westminster recognizes and appreciates Great Outdoors Colorado as a preservation partner and acknowledges that funds received from the Great Outdoors Colorado significantly enhance the City's ability to acquire more open space in the City.

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

SECTION 1: The City Council of the City of Westminster hereby authorizes the City Manager to sign the grant agreement and all other necessary documents with Great Outdoors Colorado.

SECTION 2: The City Council of the City of Westminster hereby authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.

SECTION 3: This resolution to be in full force and effect from and after its passage and approval.

Passed and adopted this 22nd day of July, 2002.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Resolution No. 39 re Adams County Open Space Grant for Hidden Lake Acquisition and West 104th Avenue and Grove Street

Prepared By: Lynn Wodell, Open Space Coordinator

Recommended City Council Action:

Adopt Resolution No. 39 authorizing the City to apply for Adams County Open Space Program Grants and to sponsor the application from Hyland Hills Park and Recreation District

Summary Statement

- City Council is requested to authorize Staff to re-submit a grant application to the Adams County Open Space Program for the acquisition of 8.61 acres at the west end of Hidden Lake, adjacent to Sheridan Boulevard, and for the additional acquisition of the 1.25 acre parcel adjacent and to the south of the City's property in a partnership that is being pursued with the City of Arvada.
- City Council is also requested to authorize Staff to re-submit a grant application to the Adams County Open Space Program for the acquisition of 2.4 acres at W. 104th Avenue and Grove Street.
- City Council is also request to authorize Staff to sponsor an application from Hyland Hills Park and Recreation District for the acquisition of a .25-acre parcel to add to the Valley View Park at W. 105th Avenue and Decatur Street and the development of a park on the site.

Expenditure Required: \$0

Source of Funds: Open Space Land Purchases Account and Hyland Hills Park and Recreation District Funds.

Policy Issue(s)

Should the City apply for grants from Adams County Open Space Program for the acquisition of open space at Hidden Lake and W. 104th and Grove Street and sponsor the application by Hyland Hills for Valley View Park.

Alternative(s)

1. Council could choose not to pursue the additional funding for these open space acquisitions. The Hidden Lake property has already been acquired for \$850,000 with City Open Space Funds only and W. 104th and Grove Overlook is under final contract negotiations.
2. Council could choose to pursue funding for other open space acquisitions in Adams County.
3. Council could choose not to sponsor the application by Hyland Hills for acquisition at Valley View Park.

Background Information

Although the City has been successful in receiving grants from Adams County Open Space

Program in the past, in the spring cycle for 2002, the City did not receive any funds for either of the two applications submitted for Hidden Lake and W. 104th and Grove Street Overlook. Receipt of these grant funds would allow the City to continue to leverage its open space tax dollars with Adams County as a partner in the preservation of these key properties.

In addition, the City has been requested to sponsor the application by Hyland Hills Park and Recreation District for the acquisition of .25 acres at Valley View Park **and the development of the park**. Hyland Hills cannot apply for funds from Adams County Open Space Program without a sponsor.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **39**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

GRANT REQUEST TO ADAMS COUNTY OPEN SPACE PROGRAM – FALL CYCLE

WHEREAS, Adams County has established an Open Space Program to assist entities within the County with the acquisition of open space and parkland; and

WHEREAS, The City of Westminster has acquired 8.61 acres on the west end of Hidden Lake along Sheridan Boulevard for open space purposes and desires to partner with the City of Arvada for the acquisition of the adjacent property to the south; and

WHEREAS, the City of Westminster is in the process of acquiring approximately 2.4 acres at W. 104th and Grove Street for open space purposes; and

WHEREAS, the City of Westminster is willing to sponsor the application by Hyland Hills Park and Recreation District for the acquisition of .25 acres at Valley View Park **and the development of the park.**

WHEREAS, the City of Westminster recognizes and appreciates Adams County as a preservation partner and acknowledges that funds received from the County significantly enhance the City's ability to acquire more open space and parkland in Adams County portion of the City.

NOW, THEREFORE, the Westminster City Council hereby resolves that City staff submit grant applications to the Adams County Open Space Program for the projects described above and sponsor the application from Hyland Hills Park and Recreation District.

Passed and adopted this 22nd day of July, 2002.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Thornton Treated Water Contract Amendment

Prepared By: Michael Happe, Senior Water Resources Engineer

Recommended City Council Action

Authorize the Mayor to execute an amendment to the January 7, 1982 Thornton Treated Water Contract for the lease of treated water from the City of Thornton.

Summary Statement

- In 1982, Westminster and Thornton entered into an agreement whereby Thornton was to deliver to Westminster up to 3 million gallons per day (MGD) of treated water into Westminster's water system on a continuous basis.
- Westminster's annual payment to Thornton for this water is approximately \$2.9 million dollars per year.
- Westminster and Thornton Staff have proposed a temporary reduction in the Thornton treated water delivery to Westminster in order to help alleviate water supply problems in Thornton during the current drought. The reduction of water leased from Thornton would be from 3 million gallons per day to 2 million gallons per day for a one-year period.
- Westminster would have the option of resuming full delivery of 3 million gallons per day at any time during the next year with 30 days notice.
- Westminster would have the option of making the reduction from 3 million gallons per day to 2 million gallons per day permanent, after the one-year period.
- Although the City is currently undergoing voluntary water restrictions during the drought, Staff believes that it has sufficient water supplies, even with the reduced deliveries from Thornton. If this situation changes, Westminster can resume full Thornton water deliveries.
- This Agreement gives Westminster the opportunity to potentially replace the relatively expensive water from Thornton with another more cost effective source of water in the future.

Expenditure Required: \$750,000 savings over the next one year period

Source of Funds: Utility Fund

Policy Issues

Should the City lower the temporarily reduced amount of treated water received from Thornton during a drought event in order to reduce expenditures?

Should the City of Westminster take this opportunity to investigate replacing the Thornton treated water with another more cost effective permanent source of water?

Alternative

Leave the existing contract as is and not pursue this amendment.

Background Information

The Thornton treated water contract entered into in 1982 accounts for approximately 12% of Westminster's current water supply. In the early 1980's Westminster's rate of growth was outpacing its water supply and this contract was viewed as a way to increase Westminster's supply. At the time, Thornton's water rates were favorable and Westminster did not have to pay system development charges (tap fees) for this water. However, since the agreement was entered into, Thornton's rate structure has changed and the water rate has increased at a faster pace than Westminster's, causing this water to become very expensive to Westminster.

The current drought is impacting all Front Range water users. Thornton is in the process of developing several long-term water supplies that are not currently on line. In order to help alleviate a potential water shortage, Thornton Staff approached Westminster with the concept of temporarily reducing its treated water deliveries for the next year. During the next year, Westminster would reduce its payments to Thornton and evaluate the potential for making this reduction permanent. If, however, Westminster decides that the current drought conditions are worse than anticipated, Westminster can return to full deliveries of Thornton's treated water with 30 days notice to Thornton.

Relative to many other water supplies in the metro area, Westminster's water supply situation is in fairly good shape considering the severity of the current drought. This is due to the long-term planning that Westminster has engaged in over the last 30 years and also to the fact that Westminster has reserves for future growth. It is Staff's belief that Westminster can meet the anticipated demand for the foreseeable future with these reduced treated water deliveries from Thornton.

This amendment allows Westminster to make this reduction permanent after the first year of the reduced flows. Water Resources Staff will evaluate alternatives to permanently replace the Thornton water during that time and present these alternatives to City Council prior to June of 2003.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Resolution No. 41 re Mandatory Water Use Restrictions

Prepared By: Stuart Feinglas, Water Resource Analyst
Bob Krugmire, Water Resource Engineer
Kelly DiNatale, Water Resources and Treatment Manager

Recommended City Council Action

Adopt Resolution No. 41 establishing mandatory water use restrictions as per 8-7-24 “Water Shortage or Drought”, of the City Code.

Summary Statement

The City of Westminster is experiencing a drought of unprecedented proportions. Current voluntary water use restrictions are not producing water demand reductions sufficient to ensure that the City can maintain adequate water supply reserves in the event of a multi-year drought. Water consumption by Westminster customers for the past week was substantially greater than the same period last year. In comparison, other water providers on mandatory restrictions, such as Denver Water customers, Boulder, Greeley and Louisville experienced reductions in water use of 25 to more than 50 percent. In addition, Westminster staff learned this week that a number of lower South Platte reservoirs that are senior to Westminster’s winter water rights will be taking the unprecedented step of placing a call on the river. These reservoirs did not place a river call during the 1950’s drought, the worst drought on record. This action, if fully implemented, could impact Westminster’s water supply. At this point, it is prudent to be conservative and ensure that additional water is carried forward to 2003 in Standley Lake in the event of additional dry years. The mandatory water restrictions are anticipated to reduce outside water demand by approximately 15-20% for the remainder of the year and result in additional 700 acre-feet of savings. Section 8-7-24 of the City Code allows water restrictions to be established by resolution.

Expenditure Required: Approximately \$45,000 from current Public Works and Utilities Fund Budget for printing and mailing costs for the remainder of 2002 and the reassignment of the equivalent of 4 existing FTE’s for the remainder of the irrigation system.

Source of Funds: Public Works and Utilities operating budgets

Policy Issue(s)

Should the City implement mandatory water use restrictions, as outlined in 8-7-24 of the City Code, in an effort to stabilize and maximize Westminster's water supply, through water demand reduction.

Alternative(s)

City Council could decide to take no action at this time and rely on water demand savings produced through voluntary water use restrictions previously implemented.

City Council could instruct Staff to add enforcement and customer education temporary Staff positions to actively enforce the Water Restrictions rather than reallocating existing Staff from current assignments.

Background Information

The City of Westminster relies on several sources for its water supply. Annual stream flows developed from snow pack within the Clear Creek Basin provides approximately two-thirds of the City's water supply. Raw water deliveries through the Moffatt Tunnel through contracts with Denver Water and treated water deliveries through contracts with the City of Thornton also supply Westminster's water system. Other sources including reclaimed water make up the remaining portion of the water supply. All raw water supply used to produce treated water is stored in Standley Lake.

The State of Colorado, including the City of Westminster, is currently experiencing a drought of unprecedented proportions. Snow pack from winter snows are producing record low stream flow to feed Standley Lake. The 2002 cumulative water volume is currently 39% of the 27-year average. Compared to 1954, the lowest previous year on record, June 2002 flows were 84% and to date, the July flows are at 79% of this date in July of 1954. As a result Standley Lake levels are down 15 feet from this time last year and are expected to drop at least an additional 10 feet through the end of 2002.

Approximately 50% of the water used in the City of Westminster is used to maintain landscape and lawns. Typical summer rains temper the need to provide irrigation to these areas. This year the rains are not developing and irrigation is required to provide virtually all the water for plant requirements. This puts a further strain on the City's water system by increasing demand over a normal year at the same time the City's supply is experiencing record lows.

The duration of current weather patterns is unclear. The possibility exists for a second drought year to occur in 2003. This would have significant repercussions on the City's ability to maintain a comfortable level of water supply. At this point it is anticipated that a normal year in 2003 may not completely modify the effects of the current drought at current demand levels.

Staff has developed a set of mandatory water use restrictions designed to maximize demand reduction while minimizing negative effects on the community. Section 8-7-24 of the City Code allows water restrictions to be established by resolution. Through the use of these demand reduction techniques and the enforcement of the Waste of Water Ordinance, it is anticipated that the City will improve the current water supply and add to the safety factor in its ability to weather a second year of drought. These restrictions would remain in place until rescinded by the City Manager or City Council. The attached City of Westminster Mandatory Drought Program describes the mandatory conservation program.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

RESOLUTION

RESOLUTION NO. **41**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

**A RESOLUTION OF THE CITY COUNCIL ESTABLISHING MANDATORY
WATER USE RESTRICTIONS**

WHEREAS, the City of Westminster is suffering from a record drought, which has caused unprecedented low levels of stream flow to supply the City's reservoirs; and

WHEREAS, Westminster water customers have already reduced water demand in response to requests for voluntary conservation measures; and

WHEREAS, current water consumption by Westminster's customers exceeds the ability of water supply sources to maintain sufficient reserve in the event of additional drought years; and

WHEREAS, the City Council has determined that it is in the best interest of the City to implement mandatory water use restrictions as outlined in 8-7-24 of the Westminster Municipal Code.

NOW, THEREFORE, be it resolved that the City Council of Westminster hereby directs and authorizes the City Manager to implement mandatory water use restrictions including the development, publication, and enforcement of administrative regulations concerning all matters necessary for, affecting or related to the conservation of water within Westminster.

This resolution shall be effective on August 1, 2002.

Passed and adopted this 22nd day of July, 2002.

ATTEST:

Mayor

City Clerk

THE CITY OF WESTMINSTER'S MANDATORY DROUGHT PROGRAM

Effective August 1, 2002 and in effect until cancelled

Mandatory Restrictions:

Residential Customers:

Residential watering is limited to every third day, matching the address to the circle, diamond and square Watering Calendar.

Total watering time is limited to 3 hours each watering day.

Customers may water only before 9:00 a.m. and after 6:00 p.m.

Trees, shrubs, perennials and vegetable gardens may be watered by hand or through drip irrigation any day, but only before 9:00 a.m. and after 6:00 p.m. Hand watering means holding a hose in the hand or with a watering can; it does not allow sprinkling.

No sod landscaping or seeding will be allowed before September 15, 2002 unless a special permit has been issued.

Personal vehicles may be washed only on one's watering day.

There will be no cleaning of pavements, driveways or sidewalks with water except where necessary for public health or safety.

Non-residential Customers:

Non-residential customers, such as commercial, industrial, homeowner association common areas and parks, must implement, by August 1, a mandatory watering schedule that will ensure that no areas are watered more than every third day and are only watered before 9:00 a.m. and after 6:00 p.m. Because non-residential use is so varied, City of Westminster Conservation Specialists are available to work with customers to design a plan by which they can save water most effectively. All customers must participate in the mandatory restrictions. Until the plan is approved, the watering schedule must follow the every third day and hourly schedule for the meter service address listed on the water bill.

No sod landscaping or seeding will be allowed before September 15, 2002 unless a special permit has been issued.

Vehicle fleets and vehicles in auto dealerships may not be washed more than once each week.

There will be no cleaning of pavements, driveways or sidewalks with water except where necessary for public health or safety.

Restaurants may serve water only upon request.

The use of decorative fountains is discouraged.

Customers utilizing Reclaimed Water

Golf courses, parks and recreation centers, business parks and other properties utilizing reclaimed water ~~must participate in~~ ARE NOT SUBJECT TO the mandatory restrictions. City of Westminster Conservation Specialists will work with these customers to design a plan by which they can save water most effectively.

Customers utilizing private wells or ditch water:

Golf courses, parks and recreation centers, business parks and other properties utilizing private wells or ditch water are exempt from the mandatory restrictions, but must display a sign indicating that the site is irrigated with well or ditch water.

Effective Date: August 1, 2002.

Penalties for Violations: A warning will be given for the first violation. The second violation will carry a penalty of \$50, the third a penalty of \$150 and the fourth a penalty of \$250 and the possibility of having a flow restrictor installed on the water line.

Enforcement: Violation notices will be delivered by City of Westminster employees who will hang the notice on the property door. Any City of Westminster employee seeing a violation is authorized to write a violation notice or report it for action by the water patrol.

Exemptions by Permit: Upon payment of an administrative fee, customers may apply for and be granted permits for:

- a. New turf sod or grass seed landscaping before September 15, 2002.
- b. Irrigation of new turf sod or grass seed landscaping installed on or after September 15, 2002.
- c. Exceptional hardship due to individual circumstances.

Appeal Process: Any person subject to a charge for violation of a provision of this or whose application for a permit is denied may appeal on a form designed by the City of Westminster. The form must be received by the City of Westminster within 15 days of the date of the violation notice or the application denial.

Modifications to the Restrictions: The City Manager is authorized to make modifications to these mandatory restrictions as deemed necessary to protect the health, safety and welfare of the citizens of Westminster.

Duration: These restrictions will be in place until rescinded by the Westminster City Council or the City Manager.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 22, 2002

SUBJECT: Second Reading of Councillor's Bill No. 32 re Northpoint CLUP Amendment

Prepared By: Max Ruppeck, Senior Project Manager

Recommended City Council Action:

- Pass Councillor's Bill No. 32 on second reading amending the Comprehensive Land Use Plan from District Center to Retail/Commercial.

Summary Statement

- The Northpoint Lot 6C property, consisting of 7.04 acres, is located on the west side of Westminster Boulevard approximately 500 feet south of 104th Avenue.
- The property is currently vacant and zoned Planned Unit Development in Jefferson County. The applicants are requesting a Comprehensive Land Use Plan Amendment to reclassify the property to "Retail/Commercial" from "District Center" This will limit the number of automobile dealerships in the vicinity to only one since the rest of the surrounding area will remain District Center.
- The City Council held a public hearing regarding this case on July 8, 2002, and passed the Comprehensive land Use Plan amendment on first reading.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES 2002

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 City Council has annexed new properties to the City specifically described as Lot 6C, third replat, Northpoint Center Filing No. 1, County of Jefferson, State of Colorado. Together with the beneficial interest in and to all easements, covenants, restrictions and other rights set forth in that certain easements, covenants and restrictions agreement by and between 104th & Pierce Development LLC and T. Michael & Associates LTD., dated July 3, 1997 and recorded July 3, 1997 at Reception No. F0439091 and first amendment dated April 9, 1998 and recorded May 29, 1998 at Reception No. F0620500. Also together with the beneficial interest in and to drainage and maintenance easements agreement recorded July 3, 1997 at Reception No. F0439089 at County of Jefferson, State of Colorado; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed 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 Northpoint Center Filing No. 1, Lot 6C, legally described in "Exhibit A" attached hereto. Northpoint property shall be changed from "District Center" to "Retail/Commercial".

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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

Mayor

City Clerk
Northpoint Center Filing No. 1

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, July 22, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent None.

The minutes of the July 8, 2002 meeting were approved.

Council accepted the resignation of Kim Wolf from the Board of Adjustment, moved Jim Hall from alternate member to regular member of the Board of Adjustment and appointed Raymond Selix as the new alternate member.

Council approved the following: Financial Report for June 2002; Upgraded Library Automation System with Epixtech, Inc., for \$95,389; Public Safety Center Furniture Purchase with Pear Commercial Interiors for \$800,000 and Thornton Treated Water Contract Amendment.

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

A BILL FOR AN ORDINANCE ADOPTING THE 2000 INTERNATIONAL BUILDING CODE AND THE 2000 INTERNATIONAL FIRE CODE purpose: adoption of the 2000 International Building and Fire Codes

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 15, WESTMINSTER MUNICIPAL CODE, CONCERNING PURCHASING PROCEDURES

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENTS, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS

The following Resolutions were adopted:

Resolution No. 37 re Resignation and Appointments to Board of Adjustment

Resolution No. 38 re GOCO Grant for Fairway Office Park Open Space

Resolution No. 39 re AdCo Open Space Grant of Hidden Lake and 104th Ave & Grove Street

Resolution No. 40 re Building and Permit Fees

Resolution No. 41 re Mandatory Water Use Restrictions

At 7:52 P.M. the meeting was adjourned.
By order of the Westminster City Council
Michele Kelley, CMC, City Clerk
Published in the Westminster Window on August 1, 2002.

BY AUTHORITY

ORDINANCE NO. **2957**

COUNCILOR'S BILL NO. **29**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

Kauffman-Dixon

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 36 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows:

Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E;

Commencing at the north of ¼ corner of said Section 11; thence along the east line of the NW ¼ of said Section 11 S00°37'18"E a distance of 582.00 to the point of beginning;

Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104;

Thence continuing along said parcel the following five (5) courses:

1. S88°38'00"W a distance of 378.64 feet;

2. Along the arc of a curve to the left, having a radius of 600.00 feet, a central angle of 16°40'00", arc length of 174.53 feet, said curve having a chord length of 173.92 feet, bearing S80°18'01"W;
3. S71°58'00"W a distance of 148.76 feet;
4. N22°00'00"W a distance of 591.00 feet;
5. N16°20'00"E a distance of 140.00 feet to a point on the south line of a parcel of land described in Reception No. 84000237;

Thence continuing along said south line N88°31'56"E a distance of 866.99 feet to a point on the east line of the NW ¼ of said Section 11, also being the point of beginning.

Containing in all an area of 522,574 square feet or 12.00 acres more or less.

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

Section 3. 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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

BY AUTHORITY

ORDINANCE NO. **2958**

COUNCILLOR'S BILL NO. **30**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

Kauffman-Dixon

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 City Council has annexed new properties to the City specifically described as A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows: Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E; Commencing at the north ¼ corner of said Section II; thence along the east line of the NW ¼ of said Section II S00°37'18"E a distance of 1202.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104, said point being the point of beginning; Thence continuing along said parcel the following four (4) courses: (1) S88°52'36"W a distance of 716.00 feet; (2) N22°01'08"W a distance of 519.48 feet; (3) N44°01'44"E a distance of 100.00 feet; (4) N70°29'22"E a distance of 192.33 to a point of the south line of a parcel of land described in Reception No. 84000237; Thence continuing along said south line N88°34'20"E a distance of 653.31 feet to a point on the east line of the NW ¼ of said Section II; Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to the point of beginning. Containing in all an area of 501,145 square feet or 11.50 acres more or less; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed 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 Winters South annexation property, legally described above. The Winters South annexation property shall be changed from Unincorporated Jefferson County, to Single Family Detached Residential-Medium Density, Private Parks and Open Space, and Public Open Space, the areas of each as shown on the attached "Exhibit A".

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. 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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

BY AUTHORITY

ORDINANCE NO. **2959**

COUNCILOR'S BILL NO. **31**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

Kauffman-Dixon

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster PUD. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows:

Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E;

Commencing at the north ¼ corner of said Section II; thence along the east line of the NW ¼ of said Section II S00°37'18"E a distance of 1202.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104, said point being the point of beginning;

Thence continuing along said parcel the following four (4) courses:

1. S88°52'36"W a distance of 716.00 feet;
2. N22°01'08"W a distance of 519.48 feet;
3. N44°01'44"E a distance of 100.00 feet;

4. N70°29'22"E a distance of 192.33 to a point of the south line of a parcel of land described in Reception No. 84000237;

Thence continuing along said south line N88°34'20"E a distance of 653.31 feet to a point on the east line of the NW ¼ of said Section II;

Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to the point of beginning.

Containing in all an area of 501,145 square feet or 11.50 acres more or less.

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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

BY AUTHORITY

ORDINANCE NO. **2960**

COUNCILLOR'S BILL NO. **33**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

Atchison-McNally

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 15, WESTMINSTER
MUNICIPAL CODE, CONCERNING PURCHASING PROCEDURES.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 1 of Title 15, Westminster Municipal Code, is amended to read as follows:

15-1-1: APPLICATION AND DEFINITIONS:

- A. This Chapter shall apply to every purchase agreement to which the City is a party.
- B. The term "City Manager" includes the City Manager's designee.
- C. The term "purchase agreement" means an agreement for the purchase of materials, equipment, supplies, personal services, or real estate.
- D. The term "personal services" includes construction, architectural, engineering, legal, consulting or other services, which involve primarily the furnishing of labor, time or expertise.
- E. The term "bids" means either bids or proposals submitted in response to a written invitation for bids or a request for proposals.

15-1-2: GENERAL REQUIREMENTS:

- A. Every purchase agreement shall be evidenced by a written contract or by a standard written or computerized purchase order.
- B. Every purchase agreement in an amount which exceeds FIFTY THOUSAND DOLLARS (\$50,000) ~~25,000~~ shall be approved or ratified by City Council. An agreement for the purchase of utilities, postage, or employee services need not be approved by express action, but shall be considered approved by City Council if the budget appropriation for such purchase has been approved.
- C. A purchase agreement for materials, equipment, supplies or personal services to be provided on an ongoing basis shall contain a maximum amount payable under the agreement or a termination date for the agreement.
- D. A purchase agreement in an amount of FIFTY THOUSAND DOLLARS (\$50,000) ~~25,000~~ or less shall be approved by the City Manager.
- E. A purchase agreement shall be submitted to the City Attorney and approved as to legal form and content before it is executed whenever the agreement is for the purchase of (1) personal services, (2) real estate, INCLUDING LEASES, EASEMENTS, OR OTHER REAL PROPERTY INTERESTS, or (3) supplies, equipment or materials, in an amount exceeding \$50,000. This subsection (E) shall not apply to an employment agreement with an employee or officer of the City.

F. Before any purchase agreement in an amount of \$50,000 or more is executed, the City Manager shall certify that an appropriation has been made or that other sufficient funds such as bond proceeds, special assessments, or matching funds will be available to pay the amounts required in the agreement.

15-1-3: PROHIBITION OF FINANCIAL INTEREST: Every officer and employee of the City is expressly prohibited from knowingly:

A. Seeking or accepting any personal gift or money rebate, directly or indirectly, from any person, company, firm or corporation in connection with a purchase agreement;

B. Underestimating or exaggerating requirements to a prospective bidder for the purpose of influencing bids;

C. Misrepresenting the quality of a bidder's products or services;

D. Influencing the City to enter into a purchase agreement, which will benefit the officer or employee either directly or indirectly.

E. Approving a purchase involving an amount in excess of one hundred dollars (\$100) in which any elective or appointive officer of the City or member of the officer's family has a pecuniary interest, as defined in section 5.12 of the City Charter, without the unanimous approval of all members of the City Council.

15-1-4: FORMAL BIDDING REQUIRED:

A. Formal bidding procedures shall be followed when the amount of a purchase exceeds THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty-five thousand dollars (\$25,000)~~, unless:

1. City Council determines by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with or from another unit of government, or

2. City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor.

B. When the amount of the purchase is THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty-five thousand dollars (\$25,000)~~ or less, the procedures in section 15-1-6 shall apply.

C. In case of emergency affecting the public peace, health or safety, City Council may waive all requirements for formal bidding. In such cases, the City Manager may direct the appropriate department head to procure emergency needs by informal, open-market procedures, at no more than commercial prices, as expeditiously as possible. The City Manager shall present a full report of the circumstances necessitating the emergency action at the next City Council meeting.

15-1-5: FORMAL BIDDING PROCEDURES AND SELECTION CRITERIA:

A. An invitation for bids or request for proposals shall be published at least once in an area newspaper selected for maximum impact on prospective bidders or shall be sent to three or more potential vendors or contractors OR POSTED VIA ELECTRONIC SOLICITATION at least five days prior to the deadline for receipt of bids or proposals.

B. A bid bond or deposit shall be required when deemed necessary by the City Manager. If a bid is not accepted or a bidder is unsuccessful, the bid bond or deposit shall be refunded. When a bid is awarded, but the successful bidder fails to enter into a contract within ten days of the award, the bid bond or deposit shall be forfeited.

C. Sealed bids shall be opened in public at the time and place stated in the public notice, unless all bidders have been notified of a change in such time or place by written addendum. A tabulation of all bids received shall be available for public inspection.

D. After the bids have been reviewed, the City Manager shall submit a report to City Council that contains an analysis of the bids, a recommendation for an award and the reasons for the recommendation. The purchase shall be awarded to the lowest, responsible bidder meeting the bid specifications unless City Council determines, after reviewing the City Manager's report, that the public interest would be better served by accepting a higher bid.

E. In determining whether the public interest would be better served by accepting a bid other than the lowest bid, the following factors shall be considered:

1. The bidder's skill, ability, and capacity to perform the personal services or to furnish the materials, equipment or supplies required;

2. Whether the bidder can perform the services or furnish the materials, equipment or supplies promptly, or within the time period specified, without delay or interference;

3. The bidder's character, integrity, reputation, judgment, experience and efficiency;

4. The quality of the bidder's performance of previous purchase agreements;

5. The bidder's previous and current compliance with statutes, ordinances and rules relating to the purchase;

6. The sufficiency of the bidder's financial resources necessary for the performance of the purchase agreement;

7. The bidder's ability to provide future maintenance or service;

8. The number and nature of any conditions attached to the bid;

F. Upon recommendation of the City Manager, the City Council may reject all bids when it determines that such action is in the public interest.

15-1-6: COMPARATIVE PRICE QUOTATIONS:

A. When the amount of a purchase is THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty-five thousand dollars (\$25,000)~~ or less, comparative price quotations shall be obtained, unless:

1. The City Manager determines that the public interest would be best served by negotiated contract with a single vendor or contractor or by joint purchase with or from another unit of government, or

2. The City Manager determines that the public interest would be best served by obtaining the goods or services through a formal bidding process.

B. When required, comparative price quotations shall be obtained from at least three vendors or contractors by telephone, in person, or by written document.

15-1-7: AMENDMENTS TO PURCHASE AGREEMENTS:

A. The City Manager shall have authority to approve an amendment to a purchase agreement when the amount of the amendment does not exceed five percent of the original agreement or FIFTY THOUSAND DOLLARS (\$50,000) ~~\$25,000~~, whichever is greater, and the amount of the cumulative amendments does not exceed ten percent (10%) of the original agreement or FIFTY THOUSAND DOLLARS (\$50,000) ~~\$25,000~~, whichever is greater. Amendments, or change orders, to agreements for the purchase of construction services shall be reported to City Council.

B. All other amendments to a purchase agreement shall be approved or ratified by City Council.

15-1-8: PROHIBITION AGAINST SUBDIVISION: No single purchase transaction shall be subdivided for the purpose of circumventing the dollar value limitations of this Chapter.

15-1-9: RULES AND ADMINISTRATIVE PROCEDURES: The City Manager is authorized to promulgate rules and administrative procedures to implement the provisions of this Title.

15-1-10: PREQUALIFICATION OF BIDDERS:

(A) The City Manager or designee is hereby authorized to prequalify contractors who wish to bid on a construction project for the City. The City Manager may exercise this authority when he determines that it is in the best interest of the City and:

1. A particular contract for construction requires:
 - (a) Complex or unusual construction techniques or expertise; or
 - (b) An unusually tight construction time; or
 - (c) Experience in a construction field not generally held by general contractors; or
2. The construction project has a projected budget of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) or more (excluding design and related architectural/engineering tasks).

(B) When the City Manager or designee has determined that a specific project requires prequalification of bidders, no bids will be received from any person or firm who has not been prequalified.

(C) In order to be considered for prequalification for such construction project, potential bidders shall furnish to the City evidence of the following and, when checking references, the City may ask about the following:

1. Availability of equipment necessary to accomplish the project;
2. Availability of trained personnel to accomplish the project;
3. Contractor's organization and technical staff with the size, training, experience and capability to accomplish the project;
4. Financial capability to perform the project;
5. Demonstrated experience in the type of work required for the project;
6. Satisfactory performance of similar projects, including but not limited to, compliance with all contract terms and specifications, satisfactory quality of workmanship, and consistent on-time performance;
7. Whether the contractor is in any jurisdiction under notice of debarment or debarred;
8. Whether the contractor has made false, deceptive or fraudulent statements in the application for prequalification or any other information submitted to the City;
9. Listing of all projects of the type and size for which prequalification is sought, or projects similar to it, performed by contractor within the last FIVE (5) years, with name, address, and phone number of owner's representative on each project;
10. Any additional criteria necessary to determine qualification for the specific project; and
11. Statement of understanding that the City or City's agent will check any or all previous projects for evidence of quality of workmanship, compliance with contract terms, timeliness and other factors indicating ability to perform the project.

(D) Any contractor who is disqualified from bidding on a project by the prequalification process may request a reconsideration of his application for prequalification, by submitting a written request within FIVE (5) days to the Project Manager from date of notification. The City Manager and the Project Manager shall meet with the contractor for such reconsideration within five (5) days of the contractor's request. The contractor may present additional information and request a summary of the information the City has used in its decision, but contractor will not be entitled to names of those persons the City contacted for references or the statements of reference.

15-1-11: ACQUISITION OF REAL PROPERTY REMAINDERS RELATED TO PUBLIC PROJECTS: Whenever a part of a parcel of land is to be taken for public purposes and the remainder is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, the City may acquire by purchase or condemnation the whole parcel. The City may sell or lease the remainder of said parcel or may exchange the same for other property needed for public purposes.

Section 2. This ordinance shall take effect August 1 upon its passage after second reading.

Section 3. 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 second reading.

Section 4. This ordinance will be effective August 1, 2002.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, EFFECTIVE AUGUST 1, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

BY AUTHORITY

ORDINANCE NO. **2961**

COUNCILLOR'S BILL NO. **34**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

Dittman-Hicks

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$25,286,775 is hereby increased by \$3,000,000 which, when added to the fund balance as of the City Council action on July 8, 2002 will equal \$38,984,974. The actual amount in the Water Portion of the Utility 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 early appropriation of bond proceeds.

Section 2. The \$3,000,000 increase in the Water Portion of the Utility 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			
Bond Proceeds 2000.46020.0216	\$0	<u>\$3,000,000</u>	\$10,000,000
Total Change to Revenues		<u>\$3,000,000</u>	
EXPENSES			
Standley Lake Campground 80220050525.80400.8888	\$0	\$350,000	\$350,000
Standley Lake Renovation 80220035525.80400.8888	\$0	<u>\$2,650,000</u>	\$2,650,000
Total Change to Expenditures		<u>\$3,000,000</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. 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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

BY AUTHORITY

ORDINANCE NO. **2962**

COUNCILOR'S BILL NO. **35**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

Dixon-Atchsion

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENTS, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$2,216,494 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$75,034,031. 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 carryover funds from 2001.

Section 2. The \$2,216,494 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 1000.40020.0000		\$4,279,983	\$2,216,494
Total Change to Revenues			<u>\$2,216,494</u>
EXPENSES			
Professional Services 10003120.65100.0000		\$37,500	\$8,635
Office Equipment 10005050.75200.0000		0	1,250
Professional Services 10010900.65100.0000		166,078	83,000
Professional Services 10015220.65100.0000		66,420	13,750
Professional Services 10030050.65100.0000		10,000	53,324
Professional Services 10030360.65100.0000		79,997	100,000
Professional Services 10030340.65100.0000		0	100,000
Lease Payments 10020272.67700.0000		256,738	134,535
Career Development 10025260.61800.0546		25,683	5,645
Lease Payments 10025260.67700.0000		239,149	27,705
Vehicles 10025260.75600.0546		104,000	105,000
Vehicles 10025260.75600.0000		0	110,000
Vehicles 10050550.75600.0000		81,050	53,637
Other Equipment 10050720.76000.0860		7,200	36,200
Electronic Information Resources 10050620.70600.0000		56,800	6,730
Library Materials 10050620.71600.0000		357,500	20,000
Electricity and Gas 10050550.67200.0000		45,000	5,000
Professional Services 10050760.65100.0504		0	11,310
Temporary Salaries 10050760.60600.0504		70,400	3,050
Special Promotions-Youth Scholarship 10050760.67600.0528		0	5,923
Transfer to Capital Projects Fund 10010900.79800.0750		3,582,650	981,800

Description	Current Budget	Increase	Final Budget
Transfer to Workers Comp Fund 10010900.79800.0480	355,470	<u>350,000</u>	705,470
Total Expenditures		\$2,216,494	

Section 3. The 2002 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$981,800 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$16,005,760. 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 carryover funds from 2001.

Section 4. The \$981,800 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Transfer from General Fund 7500.45000.0100	\$3,582,650	<u>\$981,800</u>	\$4,564,450
Total Change to Revenues		<u>\$981,800</u>	
EXPENSES			
Fire Station 2 Relocation 80175025014.80400.8888	\$2,498,561	\$15,900	\$2,514,461
Public Safety Center 80175020086.80400.8888	873,370	765,900	1,639,270
Optical Scanning 80175005197.80400.8888	240,000	<u>200,000</u>	440,000
Total Change to Expenditures		<u>\$981,800</u>	

Section 5. The 2002 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$1,717,675 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$7,721,786. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of carryover funds from 2001.

Section 6. The \$1,717,675 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 5400.40020.0000	\$723,330	\$1,717,675	\$2,441,005
Total Change to Revenues		<u>\$1,717,675</u>	
EXPENSES			
Land Purchases 54010900.76600.0000	\$1,898,515	\$1,668,175	\$3,566,690
Engineering Design 54010900.65600.0000	50,000	<u>49,500</u>	99,500
Total Change to Expenditures		<u>\$1,717,675</u>	

Section 7. The 2002 appropriation for the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$38,085,609 is hereby increased by \$700,576 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$54,484,384. The actual amount in the Utility 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 carryover funds from 2001.

Section 8. The \$700,576 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover – Water 2000.40020.0000	\$4,598,304	\$628,056	5,226,360
Carryover – Wastewater 2100.40200.0000	4,414,473	<u>72,520</u>	4,486,993
Total Change to Revenues		<u>\$700,576</u>	
EXPENSES			
Utility Fund Fiscal Model 80220035530.80400.8888	\$0	\$50,000	\$50,000
Gregory Hill Tanks 80220035531.80400.8888	0	467,984	467,984
Vehicles 20035470.75600.0000	95,000	49,704	144,704
Parts 20035470.73600.0000	10,500	6,508	16,508
Ditch Assessments 20035480.66400.0000	331,586	15,000	346,586
Professional Services 20035480.65100.0000	338,000	38,860	376,860
Vehicles 21035470.75600.0000	50,700	48,520	99,220
Contractual Services-Biosolids 21035470.67800.0401	607,135	18,500	625,635
Professional Services 21035490.65100.0000	13,200	5,500	18,700
Total Change to Expenditures		<u>\$700,576</u>	

Section 9. – 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 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. 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 8th day of July, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

BY AUTHORITY

ORDINANCE NO. **2963**

COUNCILLOR'S BILL NO. **32**

SERIES 2002

INTRODUCED BY COUNCILLORS

Hicks-Dixon

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 City Council has annexed new properties to the City specifically described as Lot 6C, third replat, Northpoint Center Filing No. 1, County of Jefferson, State of Colorado. Together with the beneficial interest in and to all easements, covenants, restrictions and other rights set forth in that certain easements, covenants and restrictions agreement by and between 104th & Pierce Development LLC and T. Michael & Associates LTD., dated July 3, 1997 and recorded July 3, 1997 at Reception No. F0439091 and first amendment dated April 9, 1998 and recorded May 29, 1998 at Reception No. F0620500. Also together with the beneficial interest in and to drainage and maintenance easements agreement recorded July 3, 1997 at Reception No. F0439089 at County of Jefferson, State of Colorado; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed 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 Northpoint Center Filing No. 1, Lot 6C, legally described in "Exhibit A" attached hereto. Northpoint property shall be changed from "District Center" to "Retail/Commercial".

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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

Northpoint Center Filing No. 1