



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 (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

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

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Financial Report for July 2010
 - B. Special Legal Services for Retirement Plan
 - C. Second Reading of Councillor's Bill No. 42 re Amendments to W.M.C. Title IV re Time to File Tax Protests
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 43 re FY 2009 Carryover Appropriation into FY 2010
 - B. Councillor's Bill No. 44 re 2010 2nd Quarter Budget Supplemental Appropriation
 - C. Councillor's Bill No. 45 re Adoption of the 2009 International Building and Fire Codes
 - D. Resolution No. 30 re 2010 Great Outdoors Colorado Grant Application
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
 - B. Executive Session
 1. Obtain direction from City Council re proposed economic development incentive agreement with The Bedrin Organization for the former Steve and Barry's space pursuant to WMC 1-11-3(C)(4), WMC 1-11-3(C)(7) and CRS 24-6-402(4)(e)
 2. Discuss strategy and progress on negotiations related to the Westminster Urban Reinvestment Project and provide instructions to the City's negotiators as authorized by W.M.C. 1-11-3(C)(4), W.M.C. 1-11-3(C)(7) and C.R.S. 24-6-402(4)(e) (Verbal)
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 9, 2010 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, staff and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. Councillor Bob Briggs arrived immediately following roll call and joined the meeting in progress. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Mayor Pro Tem Dittman moved, seconded by Kaiser, to approve the minutes of the regular meeting of July 26, 2010, as written. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that the ballot drop-off site at City Hall for the primary election would be open from 7 a.m. to 7 p.m. on August 10.

Today marked the second week of the focused workweek. Last week's initial implementation of the change in operating hours was uneventful, and people still waited outside the doors of City Hall at 7 a.m. to be the Building Division's first customers of the day.

After this meeting, Council would convene in a post-meeting in the Board Room. Mr. McFall announced items on the agenda and informed the public they were welcome to attend.

COUNCIL REPORTS

Mayor McNally announced her accomplishments in the 4-H/Officials competitions at the Adams County Fair and asked that time be allocated on an upcoming Council agenda for presentation of her winnings, which would be donated to research for children's cancer.

PRESENTATIONS

Larry Mugler of the Census Bureau presented a certificate of appreciation to Mayor McNally in recognition of the City's partnership with the Bureau during the 2010 Census count. The partnership had been vital to getting the census count as accurate as possible. Results of the Census were expected to be received in March of 2011.

CITIZEN COMMUNICATION

Carl Wemhoff, owner of Herbal Remedies at 3200 West 72nd Avenue and a resident of 4465 West 94th Avenue, invited the Mayor and Council to a ribbon cutting ceremony on August 10 to celebrate the business's admission to membership in the Metro North Chamber of Commerce, which he believed was the first such membership to a medical marijuana dispensary in Colorado. Mr. Wemhoff provided background information about the business and its operations within the City for the past 18 months.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: rescind action approving a contract with Western Slope Utilities, Inc. for the 2010 Wastewater Collection System Improvement Project – Phase 2, authorize the City Manager to execute a new contract with Wildcat Civil Services, the next lowest bidder,

and authorize a project budget of \$114,386 with a 10% contingency for the large diameter sewer pipe lining; authorize the Community Development Department to pursue a larger Great Outdoors Colorado grant request of \$750,000 for the 2010 fall grant cycle to acquire the Sisters of New Covenant parcel; authorize the City Manager to execute a contract with Carollo Engineers, Inc. in the amount of \$156,517 to provide engineering services for the Water Tanks Major Repair and Replacement Project, authorize a 10% contingency in the amount of \$15,652, and authorize the transfer of \$172,169 from the existing Pressure Zone Enhancements capital account to fund the new Water Tanks Major Repair and Replacement account; and final passage of Councillor's Bill No. 41 on second reading appropriating funds received from Adams County in the amount of \$790,000 for the Park Centre open space acquisition grant and \$345,900 for the Metzger Farm Open Space Master Plan implementation grant.

No items were removed for individual consideration, and it was moved by Councillor Kaiser, seconded by Councillor Major, to approve the consent agenda as presented. The motion carried unanimously.

RESOLUTION NO. 27 MODIFYING MISCELLANEOUS RESIDENTIAL PERMIT FEES

It was moved by Councillor Briggs, seconded by Mayor Pro Tem Dittman, to adopt Resolution No. 27 to increase the fixed fee charged for eleven specific types of miscellaneous residential building permits. The motion passed unanimously at roll call.

RESOLUTION NO. 28 AUTHORIZING DRCOG GRANT APPLICATION

Mayor Pro Tem Dittman moved, seconded by Councillor Major, to adopt Resolution No. 28 supporting the submittal of a comprehensive joint application for the Sustainable Communities Regional Planning Grants Program by the Denver Regional Council of Governments. On roll call vote, the motion carried unanimously.

RESOLUTION NO. 29 CITING COUNCIL'S OPPOSITION TO SPECIFIC NOVEMBER BALLOT ISSUES

Upon a motion by Councillor Winter, seconded by Councillor Kaiser, the Council voted unanimously at roll call to adopt Resolution No. 29 stating the City Council's position in opposition to Constitutional Amendment 60, Constitutional Amendment 61, and Statutory Proposition 101, all of which would appear on the November 2, 2010, General Election ballot.

COUNCILLOR'S BILL NO. 42 AMENDING TITLE IV OF THE WESTMINSTER MUNICIPAL CODE

It was moved by Councillor Major and seconded by Mayor Pro Tem Dittman to pass Councillor's Bill No. 42 on first reading amending Title IV of the Westminster Municipal Code concerning the time to file tax protests. At roll call the motion carried with all members voting favorably.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Kaiser and seconded by Major to adjourn. The motion carried and the meeting adjourned at 7:18 p.m.

ATTEST:

City Clerk

Mayor



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Proclamation re Employee Appreciation Week

Prepared By: Lisa Chrisman, Human Resources Administrator

Recommended City Council Action

Mayor McNally proclaims September 6 through September 10, 2010 as City of Westminster Employee Appreciation Week in recognition of the contributions of City employees to the overall success of the City organization and the quality of life of Westminster citizens.

Summary Statement

- The Mayor and City Council are being requested to proclaim September 6 through September 10, 2010 as City Employee Appreciation Week.
- For many years, the City of Westminster and its citizens have benefited from the hard work and commitment of City employees.
- The purpose of the proposed proclamation is to recognize 957 full and part-time benefited employees, and the more than 864 seasonal and non-benefited employees who comprise the City of Westminster's workforce.
- On September 8, the 21st annual employee appreciation breakfast will be prepared by the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and City Department Heads.
- Members of the City's Employee Advisory Committee and the Employee Recognition Action Team, who represent employees from all City departments, have been invited to attend Monday evening's meeting to accept the proclamation on behalf of all City employees.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The ability of the City of Westminster organization to provide quality municipal services is in no small part due to the commitment, dedication, talent, expertise and knowledge of the City's employee workforce. Currently there are 957 full-time and part-time regular employees working in Information Technology, Police, Fire, Public Works and Utilities, Finance, General Services, Parks, Recreation and Libraries and Community Development Departments, and the City Attorney's and City Manager's Offices. Overall, there are roughly 1,821 employees, including seasonal and non-benefited employees, on the City's payroll. In no small part due to the efforts of these individuals, Westminster is in the forefront of providing high quality facilities and services to its residents. Very positive citizen feedback in biennial surveys and the many national and regional awards the City has received attest to the caliber of the City's workforce.

The attached Proclamation summarizes the contributions of City employees and recognizes their efforts by proclaiming September 6 through September 10, 2010 as City of Westminster Employee Appreciation Week.

One of the highlights of the week will be the Employee Appreciation Breakfast at the City Park Recreation Center. It will mark the 21st year in a row that the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and Department Heads have arrived at 5:00 a.m. to prepare a full breakfast with pancakes, hash browns, eggs, fruit, ham, link sausage and juice for employees at the start of their workday. Employees will stop by anytime between 6:00 a.m. and 8:30 a.m. to partake in the breakfast and comradery prior to the start of their normal workday, or in some cases after working through the night on a late shift.

In addition, the Employee Recognition Action Team has created an electronic thank you note that will be available to send to City employees during the week. This special thank you note helps employees remember to thank their coworkers for their teamwork and inspiration throughout the year. ERAT has planned other activities and events throughout Employee Appreciation Week.

Several of the members of the City's Employee Advisory Committee and the Employee Recognition Action Team will be present Monday evening to accept this proclamation from the City Council on behalf of all City employees.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Westminster citizens have given the City very high service ratings in each of the past citizen surveys attesting to the high quality of services provided by Westminster employees; and

WHEREAS, Westminster employees are in large part responsible for the City's national and regional reputation for quality, progressive municipal government; and

WHEREAS, the 957 full-time and part-time benefited employees and over 864 seasonal and non-benefited employees have contributed significantly to the quality of life of Westminster citizens; and

WHEREAS, these employees who are employed in the City Attorney's Office, City Manager's Office, Community Development, Finance, Fire, General Services, Information Technology, Parks, Recreation, and Libraries, Police, and Public Works and Utilities Departments, comprise a workforce that is unquestionably one of the City's most valuable resources; and

WHEREAS, on September 8, 2010, the City Manager, Assistant City Manager, City Attorney, Presiding Judge, and all City Department Heads will be preparing an Employee Appreciation Breakfast in recognition of all City employees at City Park Recreation Center; and

WHEREAS, the week of September 6, 2010, will include several other activities designed to express appreciation to City Employees.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council do hereby proclaim September 6 through September 10, 2010 as

**CITY OF WESTMINSTER
EMPLOYEE APPRECIATION WEEK**

Signed this 23rd of August, 2010.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Financial Report for July 2010
Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

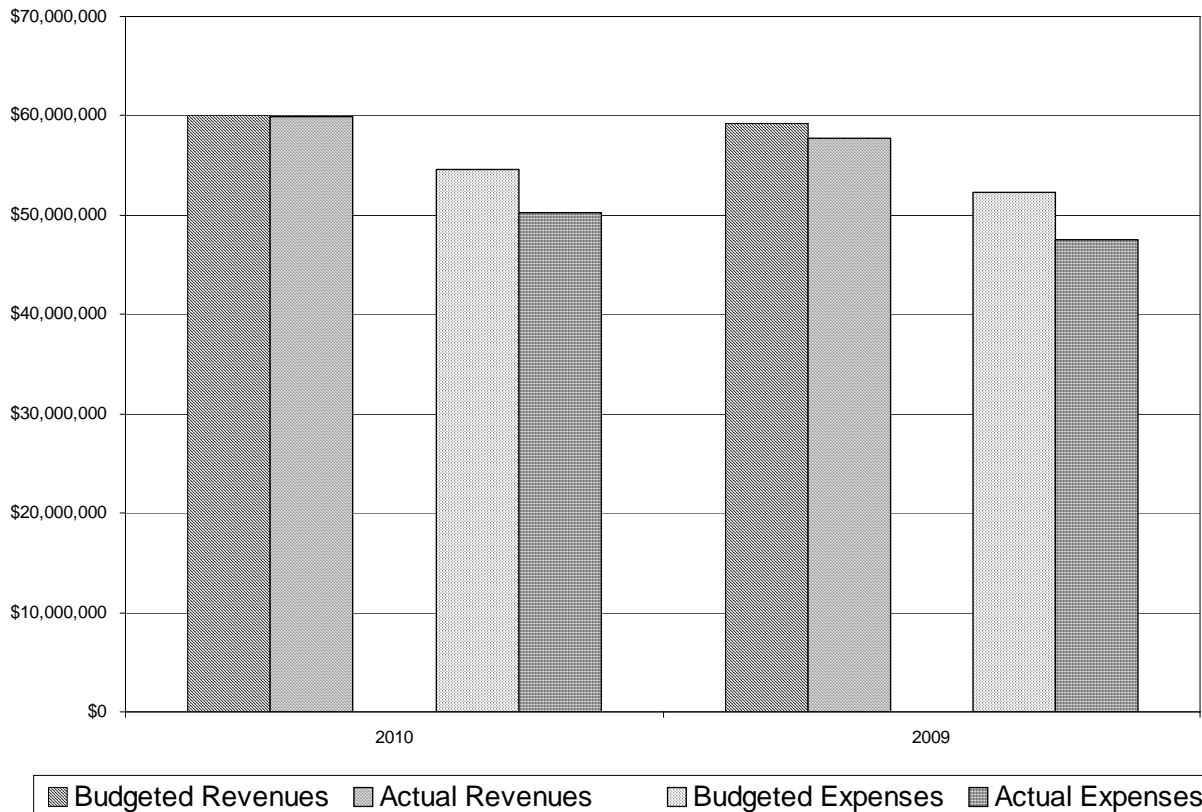
Accept the Financial Report for July as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 9-year historical averages.

The General Fund revenues exceed expenditures by \$9,640,455. The following graph represents Budget vs. Actual for 2009-2010.

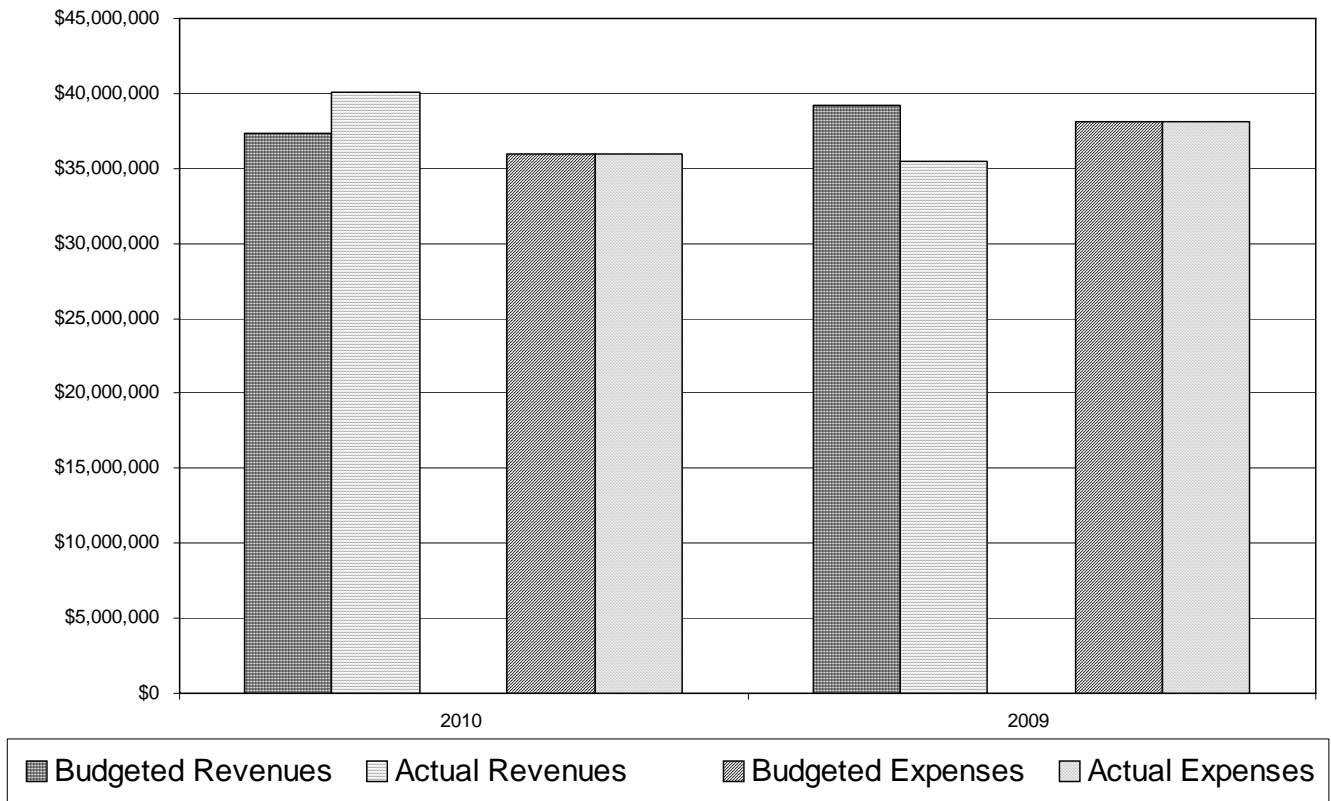
**General Fund
Budget vs Actual**



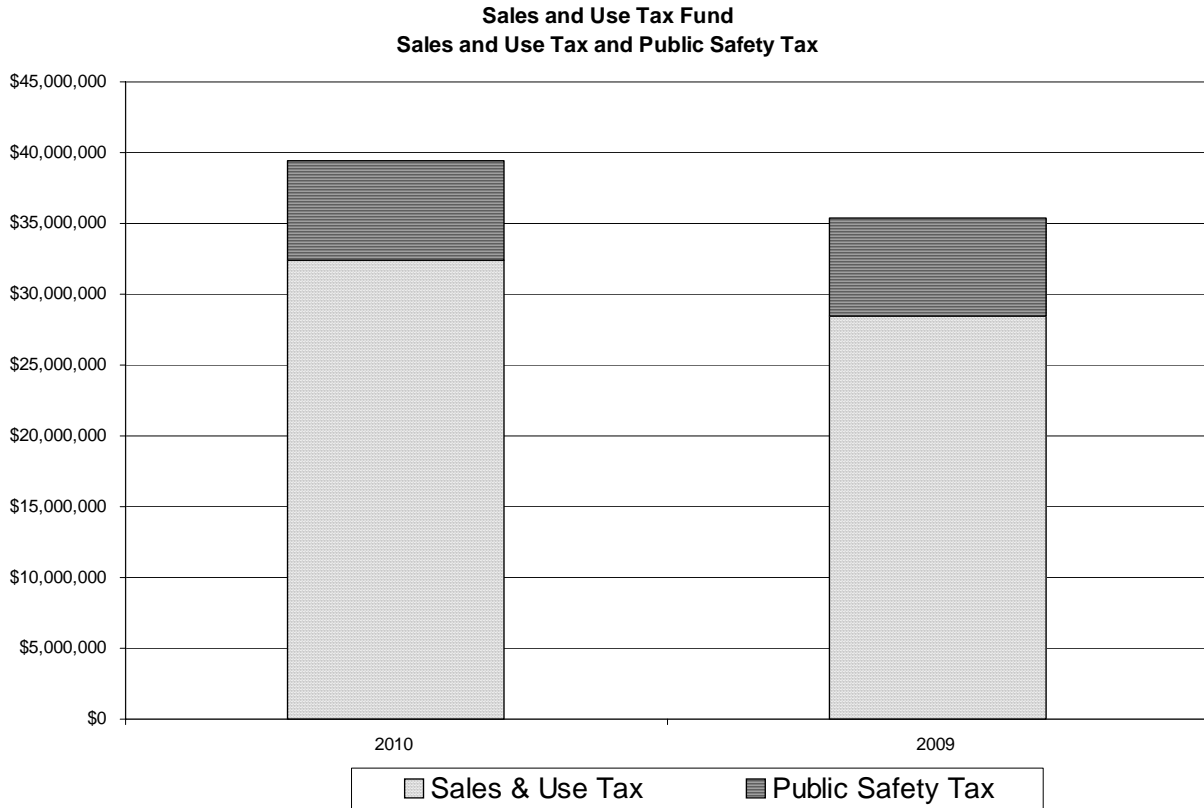
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$4,134,140.

- On a year-to-date cash basis, sales and use tax returns are up 9.2% from 2009.
- On a year-to-date basis, across the top 25 shopping centers before including urban renewal area adjustments, total sales and use tax receipts are down 2.1% from the prior year. With the urban renewal area adjustments, sales and use tax receipts are up 10.2%.
- Sales and use tax receipts from the top 50 Sales Taxpayers, representing about 62% of all collections, are up 10.7% after urban renewal area adjustments.
- Urban renewal areas make up 42.2% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 15.9% of this money is available for General Fund use.
- The Westminster Mall is down 35.0% on a year-to-date basis.
- Building use tax is up 0.4% year-to-date from 2009.
- Audit Revenues reflect a one time audit payment of \$1,712,880.

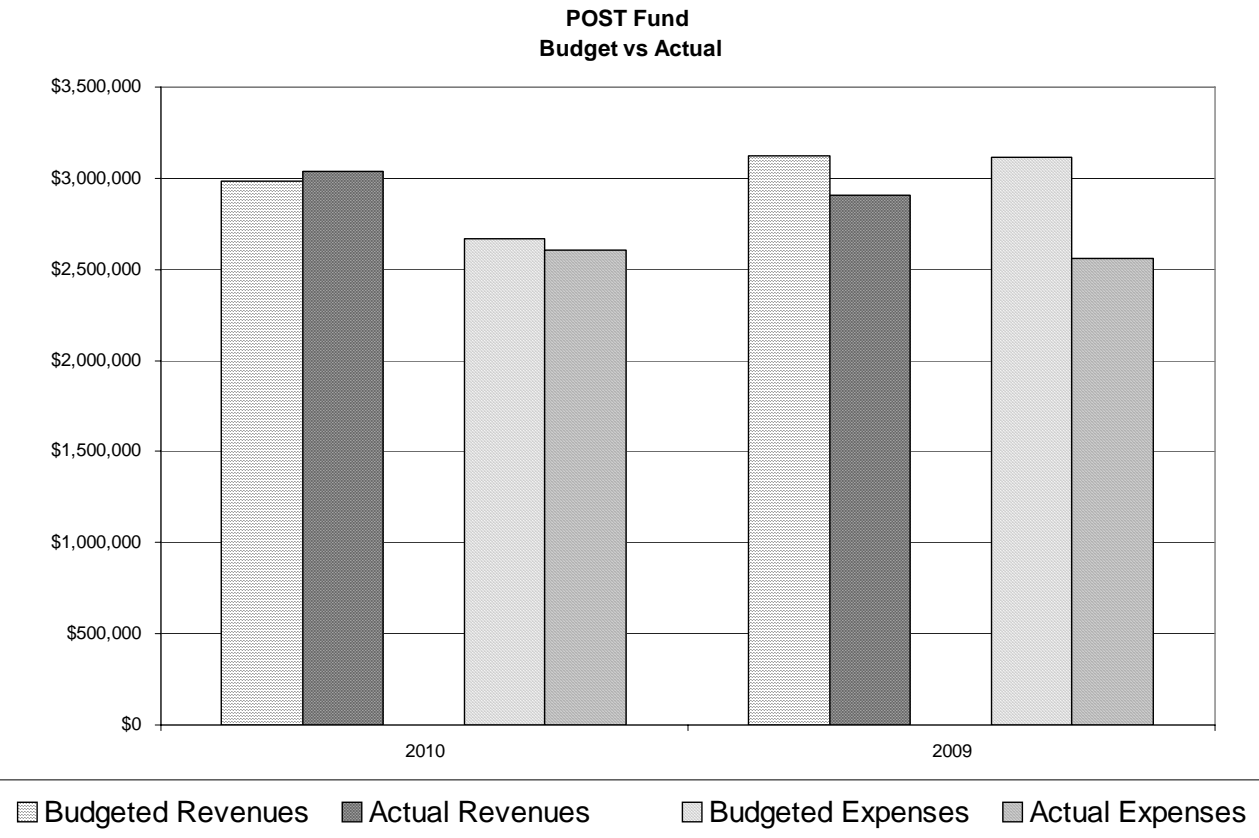
**Sales & Use Tax Fund
Budget vs Actual**



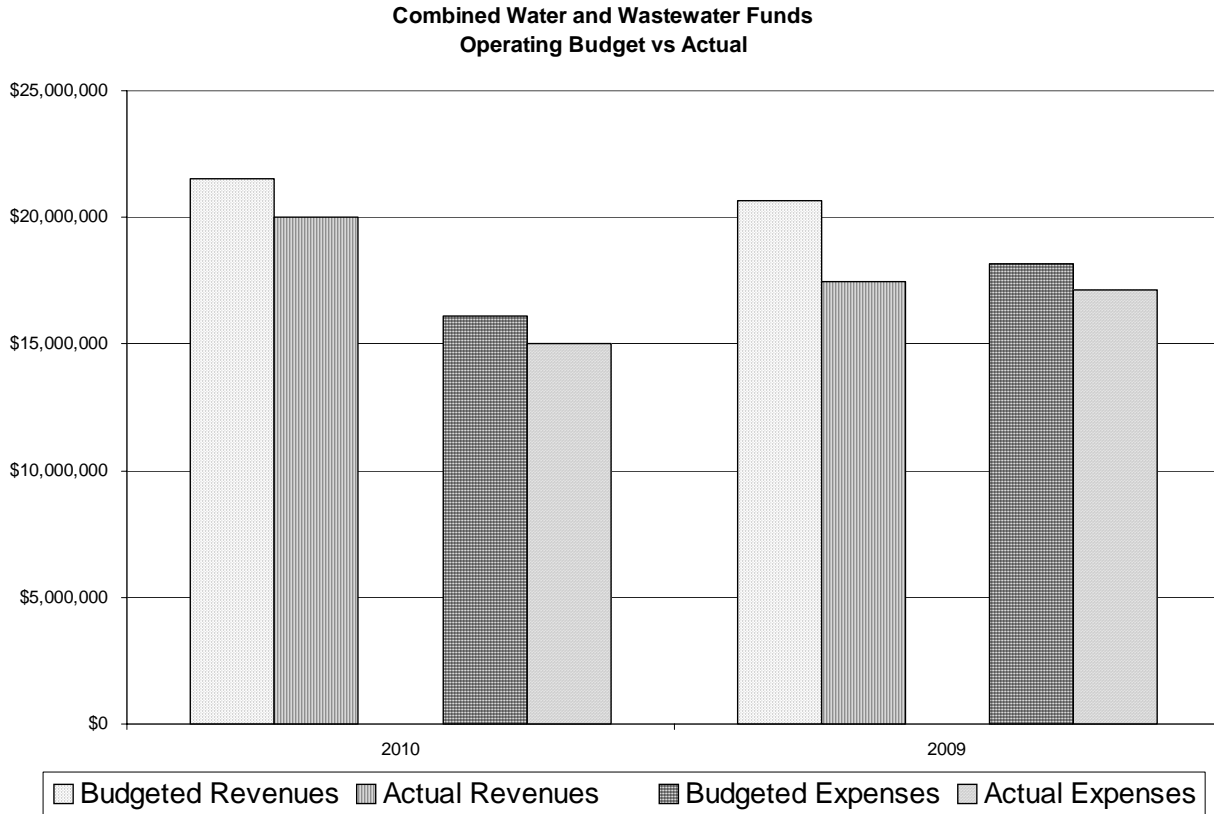
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



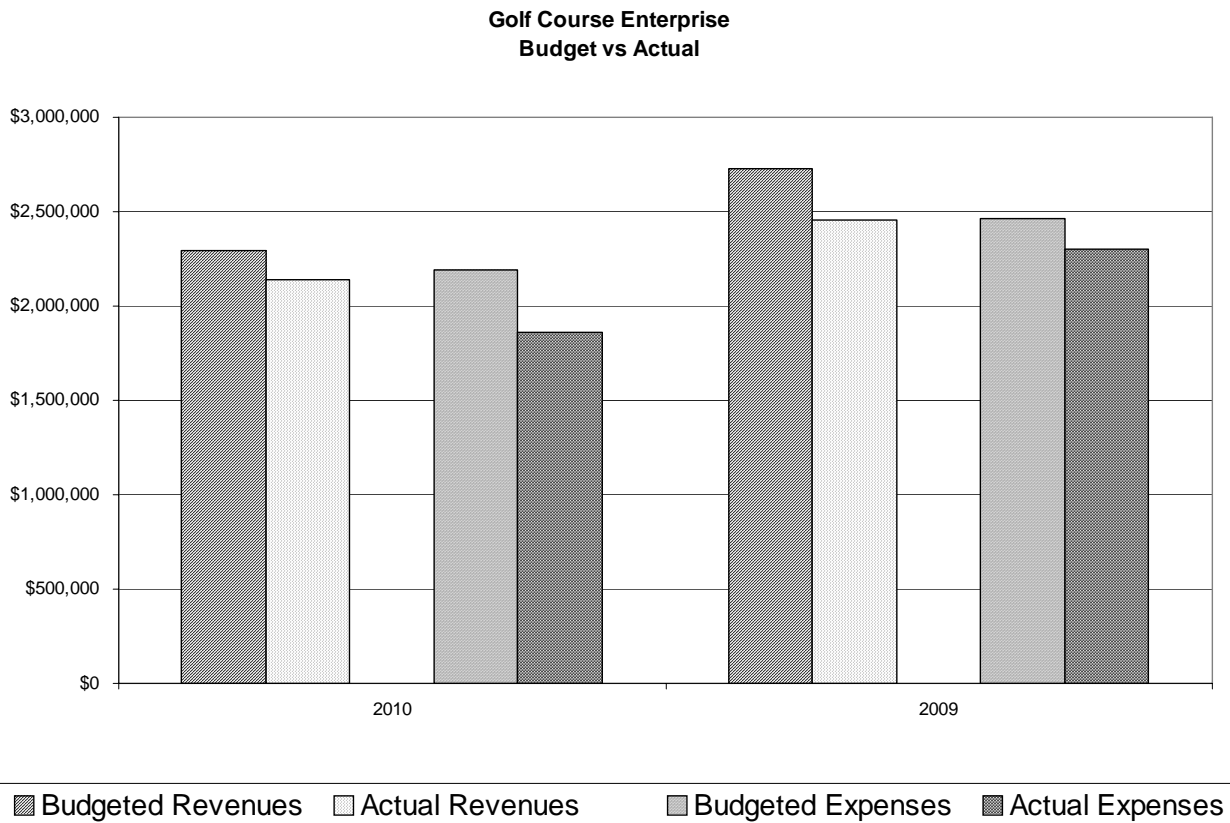
The Parks Open Space and Trails Fund revenues exceed expenditures by \$437,427.



The combined Water & Wastewater Fund revenues exceed expenses by \$34,615,536, which includes \$29,505,000 in revenue bond proceeds. \$38,438,000 is budgeted for capital projects and reserves. Operating revenues exceed expenses by \$4,986,847.



The combined Golf Course Fund revenues exceed expenses by \$277,043.



Policy Issue

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

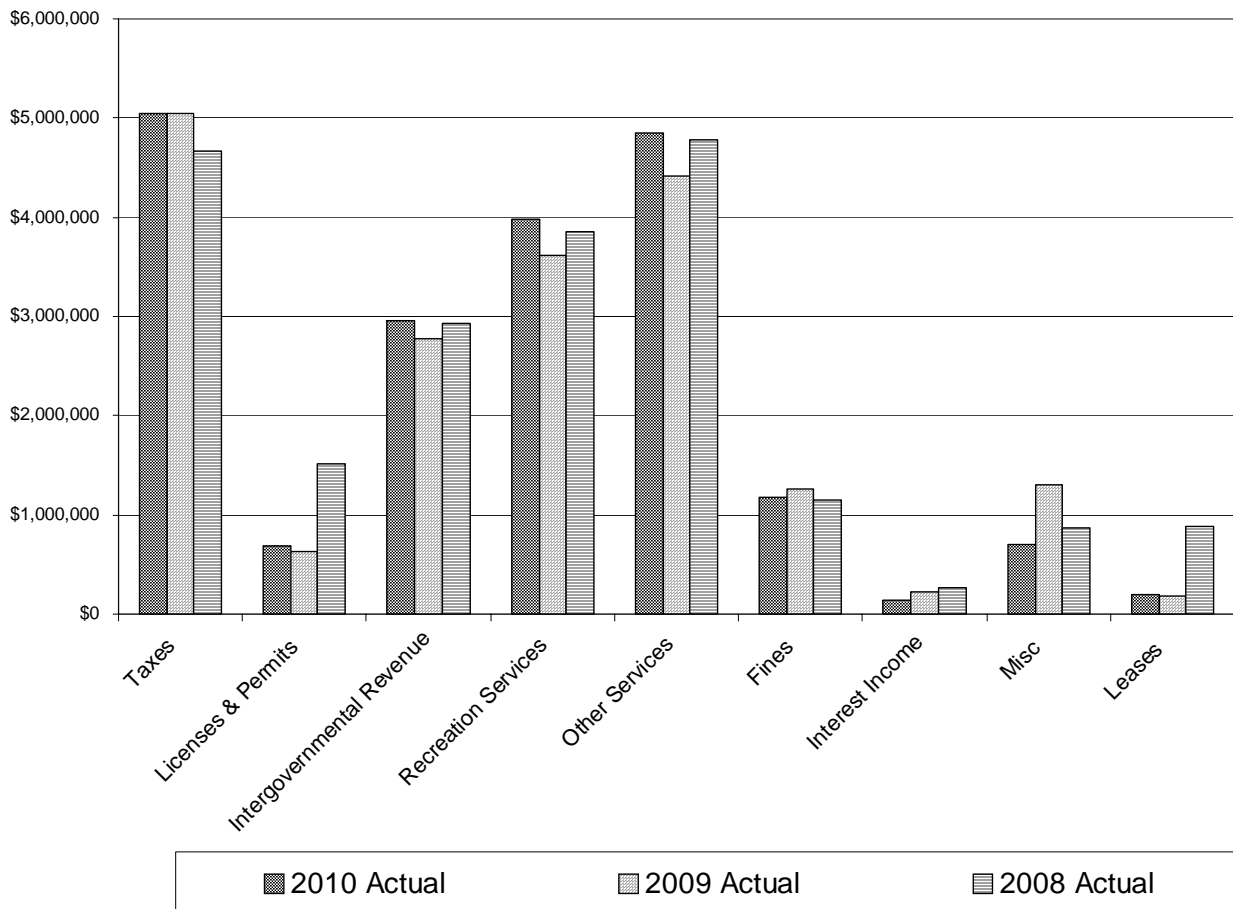
This section includes a discussion of highlights of each fund presented.

General Fund

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

The following chart represents the trend in actual revenues from 2008 – 2010 year-to-date.

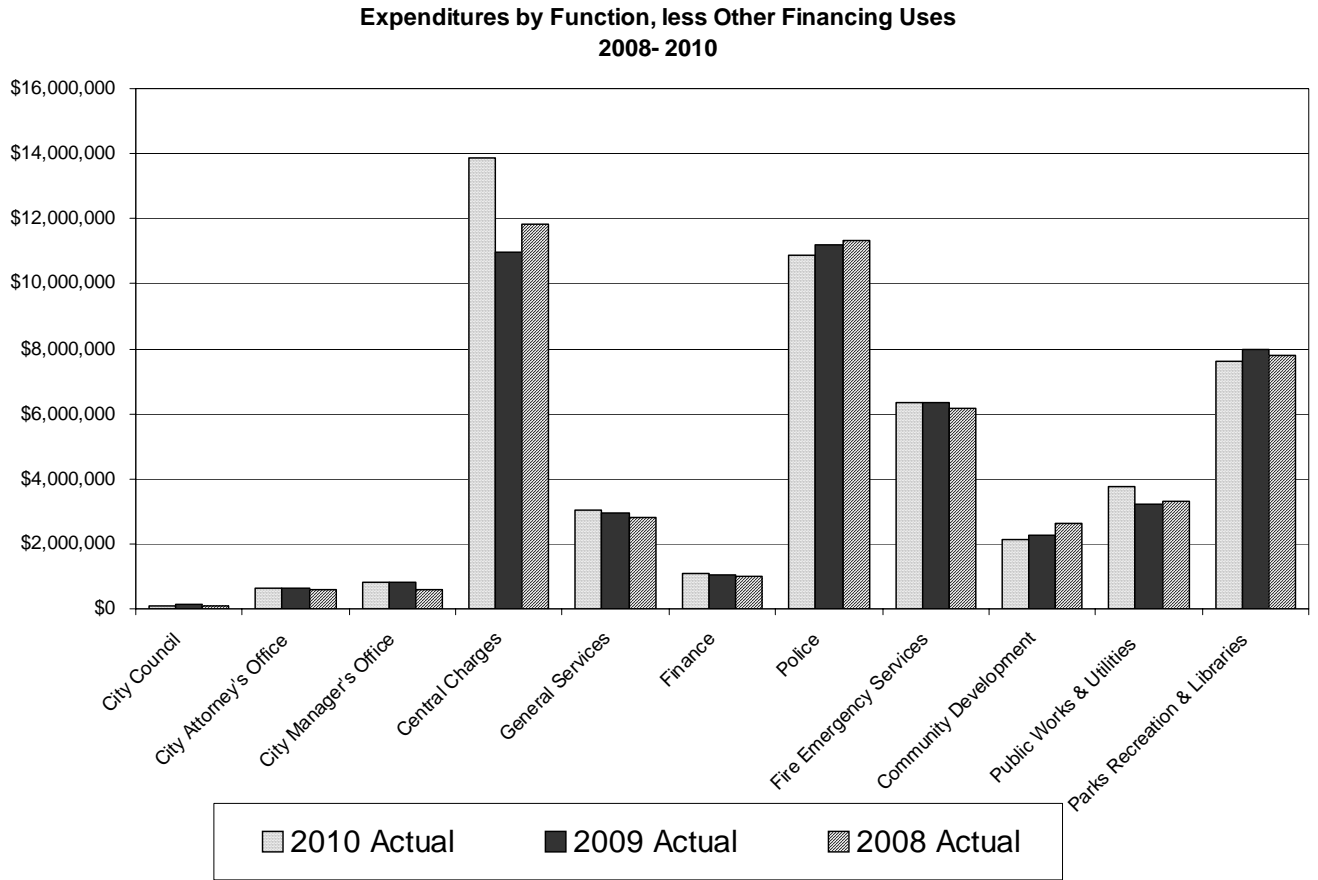
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2008-2010**



Significant differences between years in General Fund revenue categories are explained as follows:

- Recreation Services is up due mostly to facility and program fees.
- Other Services is up due mostly to franchise, emergency management service and street cut fees.
- Miscellaneous revenue is down mostly as a result of variances in reimbursements from the prior year.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2008 –2010.



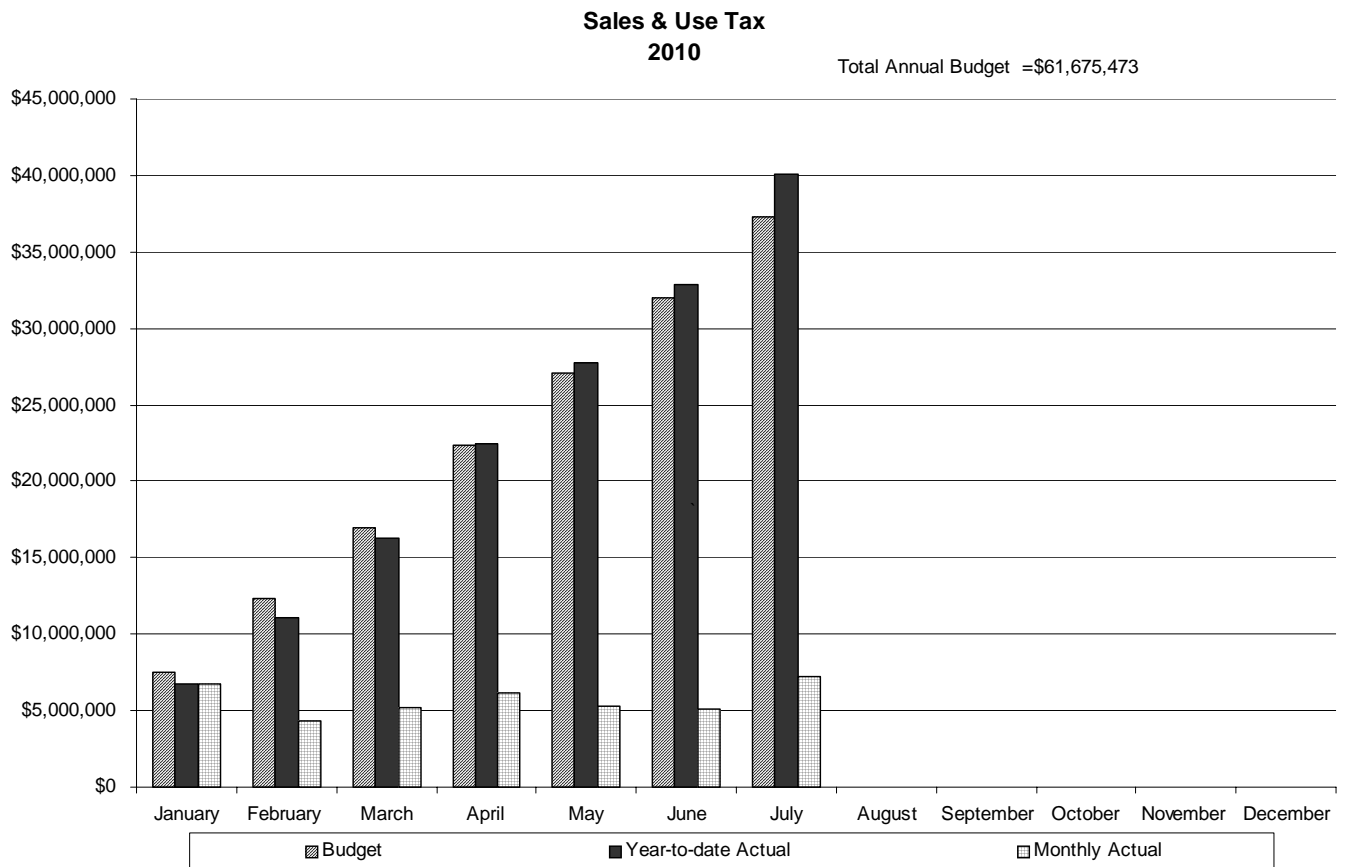
Significant differences between years in General Fund expenditure categories are explained as follows:

- Central Charges is up due to an increase in equipment rental capital replacement fees and transfer of energy audit lease proceeds to the General Capital Improvement Fund.

Sales and Use Tax Funds (Sales & Use Tax Fund and Parks Open Space and Trails Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, the Debt Service Fund and the Heritage Golf Course Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Parks, Open Space, and Trails Sales & Use Tax.

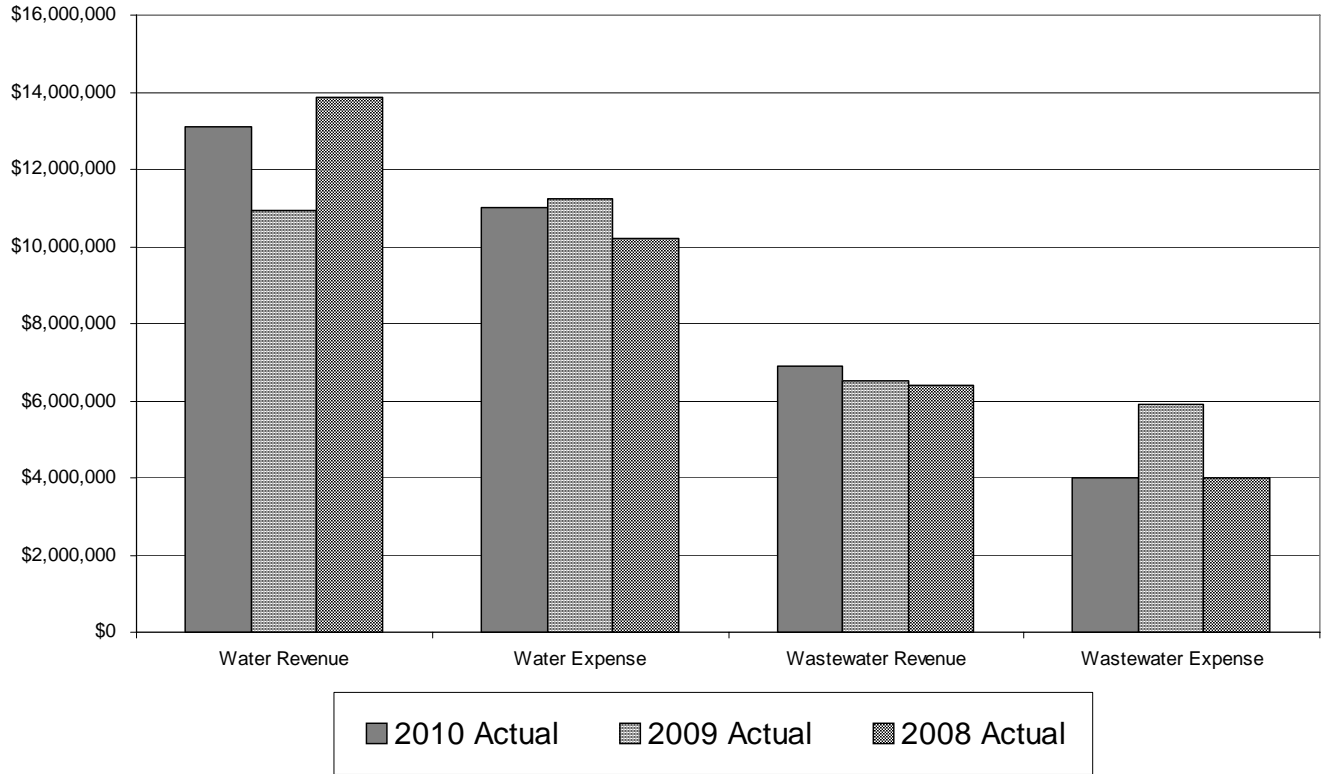


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

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 and reserves.

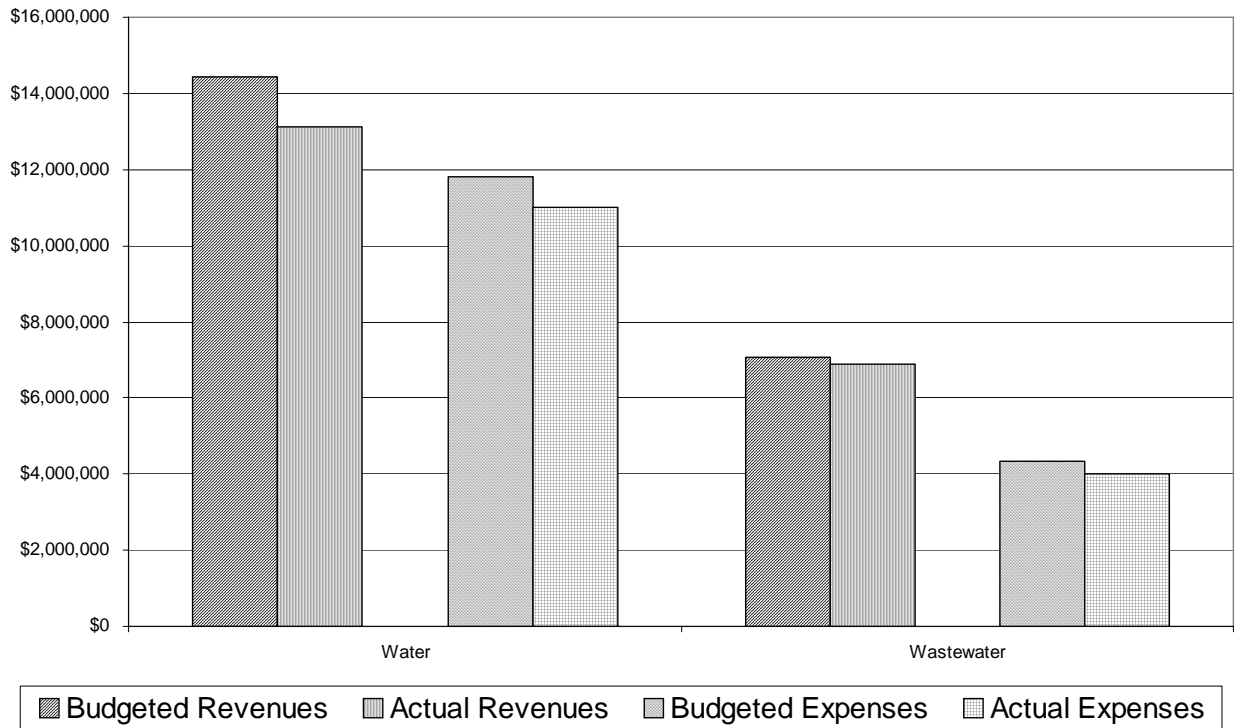
These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds
Operating Revenue and Expenses 2008-2010**



The water revenue annual variance is due to the effect of climatic variations on water consumption, billing rates, and an intergovernmental sale of effluent water. A one-time payment to decommission the 94th and Quitman lift station is reflected in the 2009 Wastewater Fund expense.

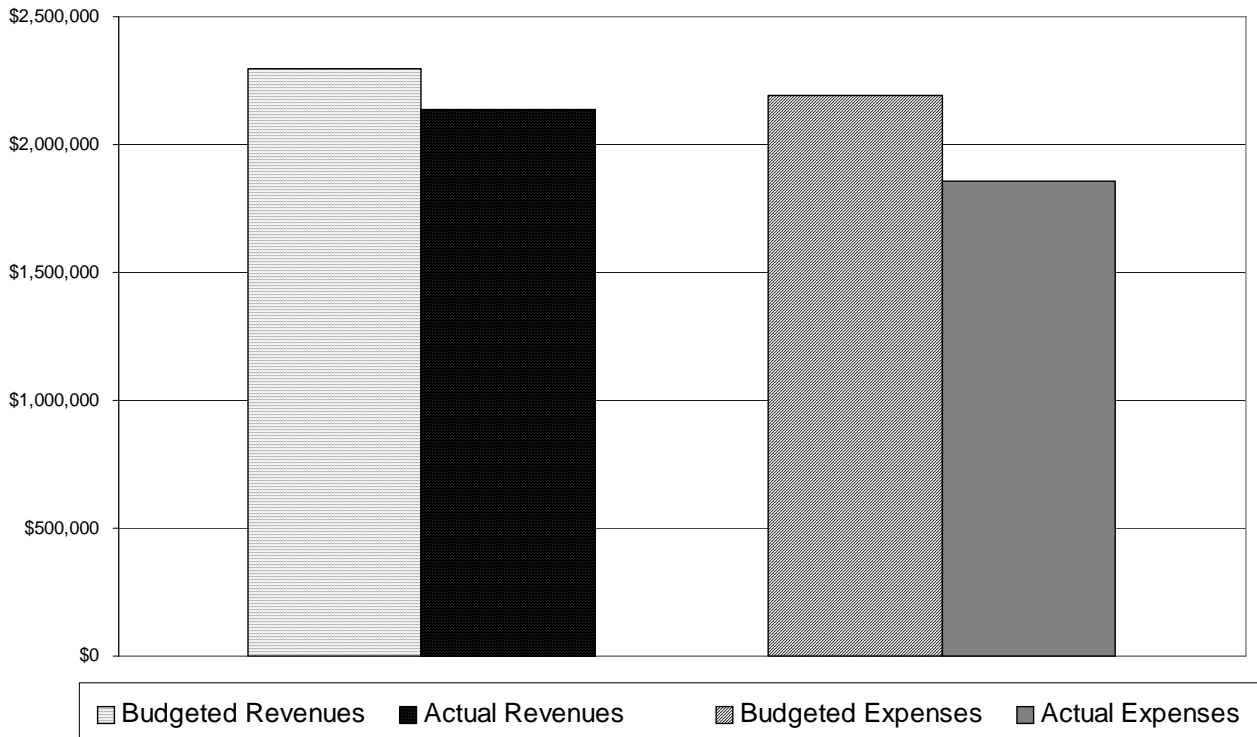
**Water and Wastewater Funds
2010 Operating Budget vs Actual**



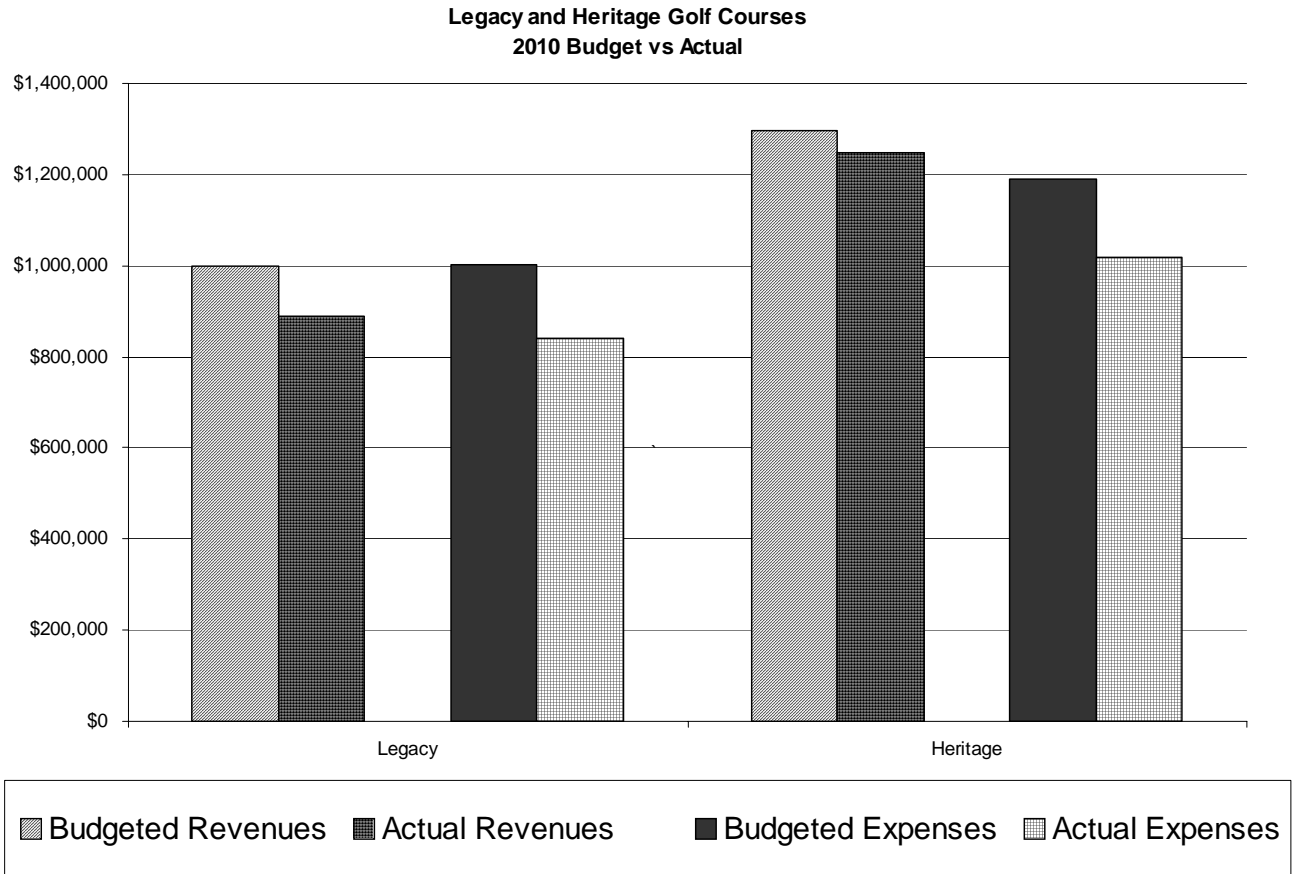
Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses
2010 Budget vs Actual**



The following graphs represent the information for each of the golf courses. Inter-fund transfers and equipment leases impact this revenue representation. Isolating Charges for Services revenue indicates a decrease in year to date operating revenues of \$59,514 at Legacy and \$10,183 at Heritage compared to the same period for 2009.



Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	%
General Fund						Budget
Revenues						
Taxes	5,678,400	5,188,243		5,040,255	(147,988)	97.1%
Licenses & Permits	1,371,178	767,256		680,565	(86,691)	88.7%
Intergovernmental Revenue	5,248,002	2,950,240		2,951,825	1,585	100.1%
Charges for Services						
Recreation Services	6,219,206	3,730,726		3,985,159	254,433	106.8%
Other Services	8,757,562	4,665,980		4,856,093	190,113	104.1%
Fines	2,262,105	1,331,149		1,178,389	(152,760)	88.5%
Interest Income	425,000	197,211		147,028	(50,183)	74.6%
Misc	1,625,161	853,882		703,308	(150,574)	82.4%
Leases	328,023	199,365		199,365	0	100.0%
Interfund Transfers	64,517,612	37,635,274		37,635,274	0	100.0%
Other Financing Sources	2,579,386	2,517,094		2,517,094	0	100.0%
Revenues	<u>99,011,635</u>	<u>60,036,420</u>		<u>59,894,355</u>	<u>(142,065)</u>	99.8%
Expenditures						
City Council	222,312	141,926		101,406	(40,520)	71.4%
City Attorney's Office	1,156,960	660,641		618,254	(42,387)	93.6%
City Manager's Office	1,611,334	920,776		815,025	(105,751)	88.5%
Central Charges	27,745,727	14,033,178		13,849,337	(183,841)	98.7%
General Services	5,937,816	3,348,484		3,027,670	(320,814)	90.4%
Finance	2,037,876	1,190,352		1,073,731	(116,621)	90.2%
Police	20,853,271	12,365,605		10,876,059	(1,489,546)	88.0%
Fire Emergency Services	11,847,237	6,826,732		6,366,351	(460,381)	93.3%
Community Development	4,273,620	2,497,763		2,152,008	(345,755)	86.2%
Public Works & Utilities	7,798,534	3,904,250		3,765,744	(138,506)	96.5%
Parks, Recreation & Libraries	15,526,948	8,708,046		7,608,315	(1,099,731)	87.4%
Total Expenditures	<u>99,011,635</u>	<u>54,597,753</u>		<u>50,253,900</u>	<u>(4,343,853)</u>	92.0%
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>5,438,667</u>		<u>9,640,455</u>	<u>4,201,788</u>	

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues and Carryover						
Sales Tax						
Sales Tax Returns	40,321,375	24,678,857		25,821,769	1,142,912	104.6%
Sales Tx Audit Revenues	711,876	453,071		1,816,609	1,363,538	401.0%
S-T Rev. STX	<u>41,033,251</u>	<u>25,131,928</u>		<u>27,638,378</u>	<u>2,506,450</u>	110.0%
Use Tax						
Use Tax Returns	7,010,205	3,793,570		3,896,222	102,652	102.7%
Use Tax Audit Revenues	785,000	531,445		824,790	293,345	155.2%
S-T Rev. UTX	<u>7,795,205</u>	<u>4,325,015</u>		<u>4,721,012</u>	<u>395,997</u>	109.2%
Total STX and UTX	<u><u>48,828,456</u></u>	<u><u>29,456,943</u></u>		<u><u>32,359,390</u></u>	<u><u>2,902,447</u></u>	109.9%
Public Safety Tax						
PST Tax Returns	11,616,517	6,888,008		6,663,105	(224,903)	96.7%
PST Audit Revenues	315,500	167,421		353,814	186,393	211.3%
Total Rev. PST	<u>11,932,017</u>	<u>7,055,429</u>		<u>7,016,919</u>	<u>(38,510)</u>	99.5%
Total Interest Income	235,000	137,083		55,190	(81,893)	40.3%
Carryover	680,000	680,000		680,000	0	100.0%
Total Revenues and Carryover	<u><u>61,675,473</u></u>	<u><u>37,329,455</u></u>		<u><u>40,111,499</u></u>	<u><u>2,782,044</u></u>	107.5%
Expenditures						
Central Charges	<u>61,675,473</u>	<u>35,977,359</u>		<u>35,977,359</u>	0	100.0%
Revenues and Carryover Over(Under) Expenditures	<u><u>0</u></u>	<u><u>1,352,096</u></u>		<u><u>4,134,140</u></u>	<u><u>2,782,044</u></u>	

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	4,865,857	2,898,118		2,995,634	97,516	103.4%
Intergovernmental Revenue	1,635,000	0		0	0	
Interest Income	55,000	32,083		38,011	5,928	118.5%
Miscellaneous	83,977	55,985		6,269	(49,716)	11.2%
Interfund Transfers	209,000	0		0	0	
Total Revenues	<u>6,848,834</u>	<u>2,986,186</u>		<u>3,039,914</u>	<u>53,728</u>	<u>101.8%</u>
Expenditures						
Central Charges	6,499,646	2,498,160		2,502,633	4,473	100.2%
Park Services	349,188	165,646		99,854	(65,792)	60.3%
	<u>6,848,834</u>	<u>2,663,806</u>		<u>2,602,487</u>	<u>(61,319)</u>	<u>97.7%</u>
Over(Under) Expenditures	<u>0</u>	<u>322,380</u>		<u>437,427</u>	<u>115,047</u>	

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	43,750		58,870	15,120	134.6%
Intergovernmental Revenue	4,727	0		0	0	
Rates and Charges	41,600,438	21,228,565		19,117,108	(2,111,457)	90.1%
Miscellaneous	435,000	253,750	(1)	825,610	571,860	325.4%
Total Operating Revenues	<u>42,115,165</u>	<u>21,526,065</u>		<u>20,001,588</u>	<u>(1,524,477)</u>	92.9%
Operating Expenses						
Central Charges	6,051,028	3,529,766		3,501,204	(28,562)	99.2%
Finance	705,372	392,892		374,961	(17,931)	95.4%
Public Works & Utilities	20,141,577	10,535,984		9,624,635	(911,349)	91.4%
Parks, Recreation & Libraries	147,979	86,321		56,142	(30,179)	65.0%
Information Technology	2,821,595	1,582,915		1,457,799	(125,116)	92.1%
Total Operating Expenses	<u>29,867,551</u>	<u>16,127,878</u>		<u>15,014,741</u>	<u>(1,113,137)</u>	93.1%
Operating Income (Loss)	<u>12,247,614</u>	<u>5,398,187</u>		<u>4,986,847</u>	<u>(411,340)</u>	
Other Revenue and Expenses						
Tap Fees	3,193,061	1,930,486		1,983,324	52,838	102.7%
Interest Income	1,450,000	845,834		493,983	(351,851)	58.4%
Sale of Assets	0	0		21,586	21,586	
Other Financing Sources	28,304,917	28,304,917		29,505,000	1,200,083	104.2%
Debt Service	(6,757,592)	(2,375,204)		(2,375,204)	0	100.0%
Total Other Revenue (Expenses)	<u>26,190,386</u>	<u>28,706,033</u>		<u>29,628,689</u>	<u>922,656</u>	103.2%
	<u>38,438,000</u>	<u>34,104,220</u>		<u>34,615,536</u>	<u>511,316</u>	

(1) Miscellaneous revenue includes the sale of effluent water based on an intergovernmental agreement.

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	43,750		58,870	15,120	134.6%
Intergovernmental Revenue	4,727	0		0	0	
Rates and Charges	29,360,461	14,149,307		12,237,467	(1,911,840)	86.5%
Miscellaneous	425,000	247,917	(1)	815,172	567,255	328.8%
Total Operating Revenues	<u>29,865,188</u>	<u>14,440,974</u>		<u>13,111,509</u>	<u>(1,329,465)</u>	90.8%
Operating Expenses						
Central Charges	4,258,103	2,483,893		2,472,974	(10,919)	99.6%
Finance	705,372	392,892		374,961	(17,931)	95.4%
Public Works & Utilities	13,811,268	7,254,607		6,636,307	(618,300)	91.5%
PR&L Standley Lake	147,979	86,321		56,142	(30,179)	65.0%
Information Technology	2,821,595	1,582,915		1,457,799	(125,116)	92.1%
Total Operating Expenses	<u>21,744,317</u>	<u>11,800,628</u>		<u>10,998,183</u>	<u>(802,445)</u>	93.2%
Operating Income (Loss)	<u>8,120,871</u>	<u>2,640,346</u>		<u>2,113,326</u>	<u>(527,020)</u>	
Other Revenue and Expenses						
Tap Fees	2,600,000	1,558,600		1,708,416	149,816	109.6%
Interest Income	800,000	466,667		389,771	(76,896)	83.5%
Sale of Assets	0	0		21,586	21,586	
Other Financing Sources	28,304,917	28,304,917		29,505,000	1,200,083	104.2%
Debt Service	(5,253,788)	(1,815,759)		(1,815,759)	0	100.0%
Total Other Revenues (Expenses)	<u>26,451,129</u>	<u>28,514,425</u>		<u>29,809,014</u>	<u>1,294,589</u>	104.5%
Increase (Decrease) in Net Assets	<u>34,572,000</u>	<u>31,154,771</u>		<u>31,922,340</u>	<u>767,569</u>	

(1) Miscellaneous revenue includes the sale of effluent water based on an intergovernmental agreement.

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	12,239,977	7,079,258		6,879,641	(199,617)	97.2%
Miscellaneous	10,000	5,833		10,438	4,605	178.9%
Total Operating Revenues	<u>12,249,977</u>	<u>7,085,091</u>		<u>6,890,079</u>	<u>(195,012)</u>	97.2%
Operating Expenses						
Central Charges	1,792,925	1,045,873		1,028,230	(17,643)	98.3%
Public Works & Utilities	6,330,309	3,281,377		2,988,328	(293,049)	91.1%
Total Operating Expenses	<u>8,123,234</u>	<u>4,327,250</u>		<u>4,016,558</u>	<u>(310,692)</u>	92.8%
Operating Income (Loss)	<u>4,126,743</u>	<u>2,757,841</u>		<u>2,873,521</u>	<u>115,680</u>	
Other Revenue and Expenses						
Tap Fees	593,061	371,886		274,908	(96,978)	73.9%
Interest Income	650,000	379,167		104,212	(274,955)	27.5%
Debt Service	(1,503,804)	(559,445)		(559,445)	0	100.0%
Total Other Revenues (Expenses)	<u>(260,743)</u>	<u>191,608</u>		<u>(180,325)</u>	<u>(371,933)</u>	-94.1%
Increase (Decrease) in Net Assets	<u>3,866,000</u>	<u>2,949,449</u>		<u>2,693,196</u>	<u>(256,253)</u>	

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	2,000,000	1,166,667		1,141,952	(24,715)	97.9%
Interest Income	80,000	46,667		44,862	(1,805)	96.1%
Miscellaneous	0	0		445	445	
Total Revenues	<u>2,080,000</u>	<u>1,213,334</u>		<u>1,187,259</u>	<u>(26,075)</u>	97.9%
Expenses						
General Services	92,000	38,548	(1)	53,141	14,593	137.9%
Community Development	147,000	83,643		71,847	(11,796)	85.9%
PR&L Park Services	200,000	116,667		37,760	(78,907)	32.4%
Public Works & Utilities	291,000	132,696		103,207	(29,489)	77.8%
Total Expenses	<u>730,000</u>	<u>371,554</u>		<u>265,955</u>	<u>(105,599)</u>	71.6%
Increase (Decrease) in Net Assets	<u>1,350,000</u>	<u>841,780</u>		<u>921,304</u>	<u>79,524</u>	

(1) General Services expense reflects contractual services activity.

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Course Funds - Combined						
Operating Revenues						
Charges for Services	2,970,719	1,826,768		1,663,902	(162,866)	91.1%
Interest Income	0	0		3,631	3,631	
Interfund Transfers	804,591	469,345		469,345	0	100.0%
Total Operating Revenues	<u>3,775,310</u>	<u>2,296,113</u>		<u>2,136,878</u>	<u>(159,235)</u>	93.1%
Operating Expenses						
Central Charges	230,085	132,867		129,326	(3,541)	97.3%
Recreation Facilities	3,047,135	1,929,322		1,599,039	(330,283)	82.9%
Total Operating Expenses	<u>3,277,220</u>	<u>2,062,189</u>		<u>1,728,365</u>	<u>(333,824)</u>	83.8%
Operating Income (Loss)	498,090	233,924		408,513	174,589	
Other Expense						
Debt Service	498,090	131,470		131,470	0	100.0%
Increase (Decrease) in Net Assets	<u>0</u>	<u>102,454</u>		<u>277,043</u>	<u>174,589</u>	

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Operating Revenues						
Charges for Services	1,597,500	980,865		867,209	(113,656)	88.4%
Interest Income	0	0		3,631	3,631	
Interfund Transfers	29,433	17,169		17,169	0	100.0%
Total Operating Revenues	<u>1,626,933</u>	<u>998,034</u>		<u>888,009</u>	<u>(110,025)</u>	89.0%
Operating Expenses						
Central Charges	122,030	70,411		69,521	(890)	98.7%
Recreation Facilities	1,504,903	933,040		770,254	(162,786)	82.6%
Total Operating Expenses	<u>1,626,933</u>	<u>1,003,451</u>		<u>839,775</u>	<u>(163,676)</u>	83.7%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(5,417)</u>		<u>48,234</u>	<u>53,651</u>	

**City of Westminster
Financial Report
For Seven Months Ending July 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Operating Revenues						
Charges for Services	1,373,219	845,903		796,693	(49,210)	94.2%
Interfund Transfers	775,158	452,176		452,176	0	100.0%
Total Operating Revenues	<u>2,148,377</u>	<u>1,298,079</u>		<u>1,248,869</u>	<u>(49,210)</u>	96.2%
Operating Expenses						
Central Charges	108,055	62,456		59,805	(2,651)	95.8%
Recreation Facilities	1,542,232	996,282		828,785	(167,497)	83.2%
Total Operating Expenses	<u>1,650,287</u>	<u>1,058,738</u>		<u>888,590</u>	<u>(170,148)</u>	83.9%
Operating Income	498,090	239,341		360,279	120,938	
Other Expense						
Debt Service	<u>498,090</u>	<u>131,470</u>		<u>131,470</u>	0	100.0%
Increase (Decrease) in Net Assets	<u>0</u>	<u>107,871</u>		<u>228,809</u>	<u>120,938</u>	

GENERAL RECEIPTS BY CENTER
MONTH OF JULY 2010

Center Location Major Tenant	Current Month General Sales	Current Month General Use	Total	Last Year General Sales	Last Year General Use	Total Sales	%Change Sales	%Change Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	355,141	22,683	377,823	317,080	18,240	335,320	12	24	13
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	353,622	2,065	355,687	348,180	1,597	349,777	2	29	2
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	323,161	13,290	336,451	315,017	1,276	316,293	3	942	6
SHOPS AT WALNUT CREEK 104TH & REED TARGET	244,131	1,576	245,707	247,663	4,115	251,778	-1	-62	-2
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	198,416	653	199,070	226,850	606	227,456	-13	8	-12
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	190,303	608	190,911	177,752	374	178,126	7	62	7
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	183,562	2,387	185,950	170,995	902	171,898	7	165	8
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	173,420	594	174,015	116,887	1,129	118,016	48	-47	47
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	115,226	30,855	146,080	114,712	14,058	128,770	0	119	13
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	133,456	1,402	134,858	172,171	881	173,052	-22	59	-22
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	118,174	897	119,070	194,003	6,639	200,642	-39	-86	-41
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	98,986	118	99,104	95,385	156	95,541	4	-24	4
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	97,783	480	98,264	97,017	543	97,561	1	-12	1
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	97,422	370	97,792	88,645	49	88,695	10	648	10
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	3,913	82,891	86,804	6,165	42,892	49,058	-37	93	77

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF JULY 2010

Center Location Major Tenant	Current Month General Sales	Current Month General Use	Total	Last Year General Sales	Last Year General Use	Total Sales	%Change Sales	%Change Use	Total
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	71,798	133	71,931	66,490	246	66,736	8	-46	8
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	63,623	258	63,880	60,160	284	60,443	6	-9	6
COUNTRYDALE BUSINESS PARK S SIDE 108TH & WADSWORTH BALL CORPORATION	1,185	60,562	61,747	1,137	5,482	6,619	4	1005	833
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	43,976	210	44,186	44,001	324	44,325	0	-35	0
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	40,515	964	41,479	38,635	390	39,025	5	147	6
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	39,871	180	40,052	42,903	109	43,012	-7	66	-7
WILLOW RUN 128TH & ZUNI SAFEWAY	32,829	206	33,035	36,094	216	36,310	-9	-5	-9
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	29,175	590	29,766	29,744	176	29,920	-2	236	-1
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	28,904	445	29,349	35,285	0	35,285	-18	*****	-17
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	28,234	438	28,672	28,770	552	29,321	-2	-21	-2
	3,066,826	224,855	3,291,681	3,071,742	101,236	3,172,978	0	122	4

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
JULY 2010 YEAR-TO-DATE

Center Location Major Tenant	/----- General Sales	YTD 2010 General Use	-----/ Total	/----- General Sales	YTD 2009 General Use	-----/ Total	Sales	%Change	Use	-----/ Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	2,487,594	47,204	2,534,798	2,479,343	48,491	2,527,835	0	-3	0	0
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	2,321,087	156,134	2,477,221	2,049,659	109,652	2,159,311	13	42	15	
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,615,690	60,673	1,676,363	1,507,530	21,259	1,528,790	7	185	10	
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,568,946	3,070	1,572,016	1,641,044	17,136	1,658,180	-4	-82	-5	
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,529,603	4,731	1,534,334	1,507,727	9,285	1,517,013	1	-49	1	
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	1,319,004	3,027	1,322,030	1,257,288	6,113	1,263,401	5	-50	5	
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,187,714	10,719	1,198,432	1,197,575	14,972	1,212,547	-1	-28	-1	
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	1,117,457	4,761	1,122,218	1,055,864	13,190	1,069,053	6	-64	5	
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	1,032,130	8,775	1,040,905	1,593,296	7,957	1,601,253	-35	10	-35	
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	849,213	5,184	854,397	1,237,579	11,407	1,248,986	-31	-55	-32	
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	817,966	221,584	1,039,550	844,075	105,554	949,629	-3	110	9	
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	764,822	3,121	767,943	779,799	3,669	783,468	-2	-15	-2	
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	603,427	1,829	605,256	629,579	2,714	632,293	-4	-33	-4	
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	535,639	975	536,614	517,418	1,501	518,919	4	-35	3	
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	474,642	3,601	478,243	413,261	1,959	415,220	15	84	15	

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 JULY 2010 YEAR-TO-DATE

Center Location Major Tenant	YTD 2010			YTD 2009			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	472,738	702	473,441	466,504	5,914	472,418	1	-88	0
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	323,467	12,597	336,063	339,616	2,868	342,484	-5	339	-2
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	290,806	1,674	292,481	326,018	3,396	329,414	-11	-51	-11
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	283,276	2,684	285,961	289,990	1,832	291,822	-2	47	-2
WILLOW RUN 128TH & ZUNI SAFEWAY	241,325	3,380	244,705	305,993	2,269	308,262	-21	49	-21
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	225,550	1,111	226,661	176,287	24,750	201,037	28	-96	13
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	175,096	1,003	176,099	169,794	846	170,640	3	19	3
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	170,972	1,442	172,414	165,492	47,246	212,739	3	-97	-19
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	167,149	1,617	168,766	166,443	1,743	168,186	0	-7	0
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	157,676	3,106	160,782	165,917	3,239	169,156	-5	-4	-5
	<u>20,732,989</u>	<u>564,705</u>	<u>21,297,694</u>	<u>21,283,091</u>	<u>468,963</u>	<u>21,752,054</u>	<u>-3</u>	<u>20</u>	<u>-2</u>



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Special Legal Services for Retirement Plan

Prepared By: Kim McDaniel, Retirement Administrator

Recommended City Council Action

Authorize the Finance Director to retain Sherman & Howard, L.L.C. for special legal services that include advice pertaining to Qualified Domestic Relations Orders relating to the Retirement Medical Savings Account and other pension related legal issues that may arise.

Summary Statement

- The Retirement Medical Savings Account (RMSA) established under the City's pension plan is known as a 401(h) under the IRS code. A Qualified Domestic Relations Order (QDRO) is a legal order to split assets, usually as a result of a divorce settlement. Retirement Administration receives QDROs for participants' accounts in the City's pension plan.
- Pension staff requests the services of an attorney that specializes in pension procedures to assist in reviewing the laws under section 401(h) and how it relates to Qualified Domestic Relations Orders and other legal issues that may arise.
- Staff recommends the City hire the firm of Sherman & Howard, L.L.C. as special legal counsel to provide legal consultation. This firm has served as special legal counsel previously to the City when plan documents needed to be amended and submitted to the IRS for determination letters.
- City Charter Section 4.13(f) requires Council approval of all special legal counsel.

Expenditure Required: Not to exceed \$5,000

Source of Funds: Pension Budget and/or General Fund Central Charges Pension Account, if it is determined that plan documents need to be amended

Policy Issue

Should the City retain special legal counsel to assist with the treatment of the Retirement Medical Savings Account (RMSA) pertaining to Qualified Domestic Relations Orders and other pension related legal issues that may arise?

Alternative

Not hire special legal counsel. This alternative is not recommended given the need for specialized legal services to fully analyze and advise the City regarding the Retirement Medical Savings Accounts and other pension related issues.

Background information

In order to keep the pension plans in compliance under the Internal Revenue Code, Pension Staff requests the services of an attorney that specializes in pension plans not subject to the Employee Retirement Income Security Act of 1974 (ERISA) and public pension law to assist with providing legal consultation regarding various legal issues that may arise for the retirement plans.

On March 22, 2010, City Council gave authorization to retain Brownstein Hyatt Farber Schreck, L.L.P. Since that time, Pension Staff obtained a lower fee estimate from Sherman & Howard, L.L.C. for legal consultation related to pension issues. The firm of Sherman and Howard, L.L.C. has extensive experience in advising governmental organizations on various retirement plan matters and Pension Staff requests that their services be retained. Staff would like to retain both firms in order to select the firm best suited to deal with the issue(s) at hand.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Second Reading of Councillor's Bill No. 42 re Amendments to Title IV of the Westminster Municipal Code concerning the Time to File Tax Protests

Prepared By: Barb Dolan, Sales Tax Manager
Josh Pens, Audit Supervisor

Recommended City Council Action

Pass Councillor's Bill No. 42 on second reading amending Title IV of the Westminster Municipal Code concerning the time to file tax protests.

Summary Statement

- On March 29, 2010, Governor Ritter signed Senate Bill 10-142, which provides for a statewide uniform 30-day deadline to protest assessments and refund denials. Accordingly, the proposed ordinance includes amendments extending the City's current 20-day deadline to 30 days.
- The proposed ordinance was passed on first reading on July 26, 2010.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

Major - Dittman

A BILL

**FOR AN ORDINANCE AMENDING TITLE IV OF THE WESTMINSTER MUNICIPAL CODE
CONCERNING THE TIME TO FILE TAX PROTESTS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 4-1-23, subsection (B), W.M.C., is hereby AMENDED to read as follows:

4-1-23: NOTICE OF ASSESSMENT: The Finance Director or specifically authorized agent shall issue a Notice of Assessment for any tax deficiency, penalties, or interest due.

(B) The payment due date for remittance of the total tax liability pursuant to a Notice of Assessment shall be ~~twenty (20)~~ thirty (30) days after the date of the Notice of Assessment.

Section 2. Section 4-1-25, subsections (A) and (B), W.M.C., are hereby AMENDED to read as follows:

4-1-25: PROTEST OF NOTICE OF ASSESSMENT OR DENIAL OF REFUND:

(A) Any Notice of Assessment may be protested by the taxpayer to whom it is issued.

(1) A protest of a Notice of Assessment issued to a vendor or taxpayer for failure to file a return, for underpayment of tax owed, or as a result of an audit shall be submitted in writing to the Finance Director within ~~twenty (20)~~ thirty (30) calendar days from the date of the Notice of Assessment. Any such protest shall identify the amount of tax disputed and the basis for the protest.

(2) When a timely protest is made, no further enforcement action will be instituted by the City for the portion of the assessment being protested unless:

(a) the taxpayer fails to pursue the protest in a timely manner; or

(b) the total tax liability will be jeopardized by delay and the City Manager has issued a jeopardy assessment and demand for payment pursuant to this Chapter.

(B) Protest of Denial of Refund. A protest of a denial of a refund shall be submitted in writing to the Finance Director within ~~twenty (20)~~ thirty (30) calendar days from the date of the denial of the refund and shall identify the amount of the refund requested and the basis for the protest.

Section 3. Section 4-1-33, subsection (A), paragraph (1), W.M.C., is hereby AMENDED to read as follows:

4-1-33: LEVY, DISTRAINT AND SALE:

(A) The City Manager may sign and issue a warrant directed to any employee or agent of the City, or any sheriff of any county in Colorado, sometimes in this Section collectively referred to as "agent," commanding the levy upon, and distraint and sale of all property and rights to property, except as exempted by this Section of the taxpayer or on which a lien has attached for the payment of the total tax liability.

(1) Such warrant may be issued if the total tax liability is not remitted on or before ~~twenty (20)~~ thirty (30) days from the date of a Notice of Assessment and no protest of such assessment has been timely filed.

Section 4. 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 9th day of August, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of August, 2010.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Item 10 A

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Councillor's Bill No. 43 re FY 2009 Carryover Appropriation into FY 2010

Prepared By: Steve Smithers, Assistant City Manager
Barbara Opie, Budget & Special Projects Manager

Recommended City Council Action

Pass Councillor's Bill No. 43 on first reading, appropriating FY2009 carryover funds into the FY2010 budgets of the General, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, Golf Course, Parks Open Space and Trails (POST), and General Capital Outlay Replacement Funds.

Summary Statement

- The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:
 - Those items and services included in the previous year's budget but not received or provided until the current year's budget;
 - New items and services not included in the previous year's budget or funds that were identified as available for these new priorities in late 2009, but the items or services were not received or provided until the current year's budget;
 - Existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.
- Total funding of \$9,825,310 to be appropriated for the items recommended in this memo comes from available revenues and unexpended 2009 funds in the various amounts identified.

Expenditure Required: \$9,825,310

Source of Funds: 2009 Carryover from the General, Fleet, General Capital Improvement, Utility, Storm Drainage, Parks Open Space and Trails (POST), Conservation Trust, and General Capital Outlay Replacement Funds

Policy Issue

Should the City appropriate carryover funds as proposed?

Alternatives

1. City Council could decide not to appropriate any of these funds at this time. This is not recommended as many of the carryover requests are for items and services that have already received City Council approval during the FY2009 Budget process as priority expenditures for the City.
2. City Council could choose to approve the carryover appropriation for only previously appropriated operating items. Staff recommends utilizing the carryover funds for the previously appropriated operating items as well as the new operating and capital improvement projects noted in this memorandum to maximize the use of these funds in providing services to residents.

Background Information

Total funding of \$9,825,310 is recommended to be appropriated for the items included within this memo from available revenues and unexpended 2009 funds in the various amounts identified.

PROPOSED RE-APPROPRIATION OF OPERATING ITEMS PREVIOUSLY APPROVED IN 2009

Certain items were budgeted and ordered in 2009 but were not received until 2010. In addition, certain services, authorized in 2009, were not fully performed by the end of the year. Under standard accounting procedures, these remaining funds should be re-appropriated in the new year to complete the desired purchase or service. Staff recommends the funds described below be re-appropriated in 2009.

GENERAL FUND

Central Charges – One item totaling \$4,983 for legal services for Barbara Banks' work (\$2,167) on development agreements and Ken Fellman's work (\$2,816) on the Xcel Energy franchise negotiations that were not completed in 2009. Ms. Banks is a respected real estate attorney who provides unique expertise on certain City development projects. Mr. Fellman is an expert on Public Utilities Commission (PUC) law, telecommunications and franchising issues.

Community Development – Two items totaling \$26,300 as follows:

1. \$9,000 for a contract with Van Meter Pollic for the design plan update to the South Westminster transit oriented development plan in light of it being added to the Gold Line. The original contract was for \$20,000 but was not completed in 2009; the requested \$9,000 is the amount remaining on the contract.
2. \$17,300 in funds that the City received based on negotiations with Lennar for incomplete work. As a requirement of the Westminster Municipal Code, Community Development entered into a Landscaping and Private Improvements Agreement with Lennar for the guarantee of landscape installation at Legacy Ridge West Filing 6 and 7. Landscape work could not be installed until spring (weather related). The funds are to complete the installation and any necessary Official Development Plan revisions.

Fire Department – One item totaling \$15,100 from the Emergency Management Preparedness Grant (EMPG) awarded to the City from the State at year-end. This money was for the City's work on the hazard mitigation plan along with other related emergency management planning functions that is being completed in 2010.

Parks, Recreation & Libraries – Two items totaling \$22,704 as follows:

1. \$9,837 in scholarship funds, received in 2009 from citizens and recreation program participants, for the Youth Sports Program. These funds are intended to supplement registration fees for individuals needing assistance. These funds will be available for scholarships in 2010.
2. \$12,867 from the federal Library Services and Technology Act (LSTA) and Institute of Museum and Library Services (IMLS) for the open access laptop grant at the Irving Street Library (for seven new laptops and mobile carts). The funds arrived in October 2009. While the laptops and carts were ordered as soon as possible, the carts and miscellaneous other equipment did not arrive until after January 1, 2010. (Funds were included in the 3rd quarter Supplemental Appropriation Request approved by Council on November, 9, 2009.)

UTILITY FUND

Information Technology – Three items totaling \$22,869 as follows:

1. \$13,449 for two domain controllers that were ordered in late November but not delivered until January due to power configuration issues. These domain controllers are part of the City's four year replacement schedule.
2. \$6,395 for 12 VmWare vSphere plus upgrades. The licenses were ordered in early December but it was not shipped until January due to discussions with the vendor regarding the price increase that occurred after the order was placed.
3. \$3,025 for one data switch that was ordered in late November for the City Park Recreation Center aquatic renovation and remodel project but not delivered until January.

PARKS, OPEN SPACE & TRAILS (POST) FUND

Central Charges – Two items totaling \$256,100 as follows:

1. \$12,300 for a contract with DeJohn House Moving, Inc. The removal of improvements at the Doulos Ministries site is almost complete. The contractor needs to cap the sewer line and remove all of the buildings from the site. The City is withholding final payment until the buildings are removed from the site. The work was delayed into 2010.
2. \$243,800 for the purchase of open space land and construction of open space facilities. The majority (\$162,622) of this amount reflects the POST 2007D bond interest earnings collected 2006-2009 available and deposited into the General Capital Improvement Fund (to be transferred to the POST Fund). The balance of these funds is POST revenues not utilized in 2009.

PROPOSED APPROPRIATION OF NEW OPERATING ITEMS

Staff recommends utilizing some of the General, Utility, and General Capital Improvement Funds' carryover moneys available to help address new spending needs in the funds identified below. The items listed below are intended to be proactive measures to help minimize the impact on future budgets for needed items.

GENERAL FUND

Central Charges – Two items totaling \$275,000 as follows:

1. \$75,000 for miscellaneous studies and projects unanticipated in 2010 (2010 was budgeted at \$100,000). These funds represent savings in Central Charges 2009 operating budget and are proposed to offset additional costs associated with special projects (such as the core services work and proposed fleet utilization tracking software report upgrades), economic development, redevelopment, and special studies that might arise per City Council and staff requests.

2. \$200,000 for South Westminster Urban Renewal Area (URA). For 2010, it is anticipated that the cash available in South Westminster URA will be sufficient to cover all of the obligations for the URA, including debt service, economic development agreement payments and interfund loan payments. However, the use of existing available cash would result in a further reduction in this URAs fund balance. Therefore, Staff proposes that the General Fund transfer these funds to the Westminster Economic Development Authority Fund for the South Westminster URA.

UTILITY RESERVE FUND – WATER AND WASTEWATER

Staff proposes appropriating \$572,576 to the Rate Stabilization Reserve (RSR) Fund and total of \$2,271,806 to the Capital Project Reserve. Per Council's adopted Utility Reserve Fund policy:

1. Rate Stabilization Reserve – The Rate Stabilization Reserve was established and funded to meet a specific risk such as revenue loss related to a certain level of water demand reduction. The reserve is designed to minimize or mitigate rate impacts. Impacts to the rate stabilization reserves are determined by the annual performance of rates versus the budgeted rate revenue. The target level for this reserve is set at 25% of budgeted revenues for the Water Fund and 5% of budgeted revenues for the Wastewater Fund. The Rate Stabilization Reserve has an upper limit of 140% of the target and a lower limit of 80% of the target. Staff recommends appropriating \$572,576 in carryover for the Rate Stabilization Reserve for the Water Fund; staff does not recommend appropriating any additional funds to the Wastewater Fund as it currently meets the upper limit per the policy. This level of reserve in the Water Fund will meet the 140% upper limit.
2. Capital Project Reserve – This reserve is to establish a Capital Improvement Program capable of sustaining long-term utility capital requirements. The City established a capital reserve to accumulate funds in excess of near-term needs. This policy is intended to foster timely system reinvestment, while providing resources for periodic increases in outlays without undue rate burden. Staff recommends appropriating \$2,261,723 in carryover to the Capital Project Reserve in the Water Fund. Staff recommends appropriating \$10,083 to the Capital Project Reserve in the Wastewater Fund.

GOLF COURSE FUND

One item totaling \$51,748 for the Golf Course Fund. These moneys are proposed to help offset the \$142,372 inter-fund loan covering negative cash that the golf course fund had on 12/31/09 per the recently completed financial audit. Staff shares the auditor's concerns with this interfund loan negative cash balance and is proposing these funds to help pay off part of this debt. Staff proposes that carryover dollars from the General Capital Improvement Fund parks dedicated revenues be transferred into the Golf Course Fund for this purpose.

PROPOSED APPROPRIATION FOR EXISTING OR NEW CAPITAL PROJECTS

Staff has completed a review of potential capital improvement projects for the balance of carryover funds. Staff is recommending that the following new or existing capital projects be appropriated as Capital Improvement Program (CIP) projects. Higher than anticipated revenues and better than anticipated expenditure savings in the General Capital Improvement Funds are proposed to be utilized for these projects.

GENERAL CAPITAL IMPROVEMENT FUND

A total of \$5,459,472 for capital projects is proposed to be appropriated into the General Capital Improvement Fund (GCIF) as follows:

1. \$2,914,945 for Westminster Center Urban Reinvestment Project (WURP) City Participation. As City Council is aware, Staff is continuing efforts for redeveloping and reinvigorating the Westminster Mall. At City Council's recent Strategic Planning retreat, Council again identified the Westminster Center Urban Reinvestment Project as a top policy action again for 2010. If approved, these funds would be added to the existing WEDA project fund to pay for the significant redevelopment costs that will arise.

2. \$15,000 for the New Art Participation project. Funds for new art were deposited for one project completed in 2009. This project serves as a “holding account” for developer contributions toward new art requirements. These funds will be utilized throughout the city towards new art projects.
3. \$120,000 for the 120th Avenue/I-25 bridge project sponsored by the Colorado Department of Transportation (CDOT) in which the cities of Westminster and Northglenn participated by funding certain aesthetic enhancements to the bridge structure. Westminster served as the “local agency” responsible to the State for the payment of all aesthetic enhancement costs for the bridge. Northglenn, in turn, was contractually obligated to pay its share of these costs to Westminster. The payment from Northglenn was received in late December 2008 and not separated out of the 2008 carryover. As such, these funds are proposed from the 2009 carryover to make the final payments to CDOT for this project.
4. \$1,500,000 for the South Westminster Transit Oriented Development project. These funds will assist with the redevelopment projects and land acquisitions necessary to assist the forward movement of the FasTracks efforts for the RTD commuter rail station and the appropriate development of the surrounding area.
5. \$200,000 for the Bradburn Boulevard Realignment Project. This is a new project proposed to match the City’s Community Development Block Grant (CDBG) funds that are anticipated for use on this project in 2011 and 2012. During those two years, the design of the roadway realignment will be performed and, perhaps, some of the necessary right-of-way acquisitions will be pursued. The intent of this project is to create a four-legged intersection at the currently signalized junction of 72nd Avenue and Raleigh Street that will facilitate the safe and convenient movement of traffic in this area. A \$1.1 million grant from the States’ Special Bridge Fund in 2013 will assist in the reconstruction of the Little Dry Creek drainage crossing at this intersection. The total project is estimated to cost over \$4.0 million. This initial funding is proposed to be funded from the City’s share of Adams County road tax revenues.
6. \$553,839 for South Westminster Transit Oriented Development Road improvements. This is a new project proposed to assist with the roadway improvements needed around the new FasTracks station and City proposed parking structure. This funding is proposed from the City’s share of Adams County road tax revenues.
7. \$115,688 for the Swim and Fitness Center Expansion project. This project was originally funded completely from the 2007 POST bond proceeds but \$750,000 was reallocated to the City Park Recreation Center pool renovation and remodel. These funds will assist in building back the budget necessary to complete the expansion project as originally proposed. The total of \$281,028 is proposed to be appropriated into the Swim and Fitness Center Expansion project; \$115,688 of these funds are from Adams County open space attributable share received in the GCIF and \$165,340 are from the City’s allocation of Conservation Trust Funds. Any funds not utilized in the Phase One improvements as outlined with City Council will be applied towards the second phase of improvements in a future year.
8. \$40,000 for the Golf Course Improvements project. This project will assist with capital improvements at both Legacy Ridge and The Heritage at Westmoor Golf Courses replacing needed club house equipment, repairing and/or replacing irrigation pumps, etc.

CONSERVATION TRUST FUND

A total of \$415,340 for capital projects is proposed to be appropriated into the Conservation Trust Fund as follows:

1. \$165,340 for the Swim and Fitness Center Expansion project. This project was originally funded completely from the 2007 POST bond proceeds but \$750,000 was reallocated to the City Park Recreation Center pool renovation and remodel. These funds will assist in building back the budget necessary to complete the expansion project as originally proposed. The total of \$281,028 is proposed

to be appropriated into the Swim and Fitness Center Expansion project; \$115,688 of these funds are from Adams County open space attributable share received in the GCIF and \$165,340 are from the City’s allocation of Conservation Trust Funds. Any funds not utilized in the Phase One improvements as outlined with City Council will be applied towards the second phase of improvements in a future year.

2. \$250,000 for the demolition of the Kings Mill building and pool per City Council direction August 16. These funds will be utilized to demolish the existing structures at the end of the pool season in 2010 (estimated at \$50-60,000) due to significant structural and grading costs that would be required to repair the existing facilities. The remaining funds will be utilized to work with the neighborhood to design a new park/playground feature at the site.

STORM DRAINAGE FUND

One item totaling \$323,434 for the Little Dry Creek Regional Detention Facility project. These funds will be added to the existing capital project for the proposed realignment of Little Dry Creek south of the Burlington Northern Sante Fe Railroad line between Lowell and Federal Boulevards. This project includes the re-alignment of Little Dry Creek moving it away from existing single family residences, construction of a regional detention facility near Federal Boulevard, creation of a regional water quality facility, implementation of various grade control structures and construction of pedestrian bridges across the re-aligned creek. This project has additional funding proposed in 2011, 2012 and 2013 in the Proposed 5-Year Capital Improvement Program submitted to City Council.

GENERAL CAPITAL OUTLAY REPLACEMENT FUND (GCORF)

Interest earnings of \$107,878 are proposed to be distributed as follows:

1. \$26,818 into the general vehicle purchase account. These funds will be added to the current balance within this account and be authorized for use by City Council at a future time when revenues impact the City’s ability to fund replacement vehicles in a given year. These funds are for those vehicles that are non-public safety and serve operations in the General Fund.
2. \$72,437 into the public safety vehicle purchase account. These funds will be added to the current balance within this account and be authorized for use by City Council at a future time when revenues impact the City’s ability to fund replacement vehicles in a given year. These funds are for those vehicles that are public safety and serve public safety operations in the General Fund.
3. \$8,623 into the PC replacement purchase account. These funds will be added to the current balance within this account and be authorized for use by City Council as PC replacement needs require. These funds are for all PCs citywide that contribute through the PC replacement fee on an annual basis.

REVENUE/EXPENDITURE DETAIL BY FUND

The attached ordinance reflects a total increase of \$10,727,882. This amount differs from the \$9,825,310 noted in the Expenditure Required on the front of this agenda memorandum due to the accounting of transfers required to properly reflect the transactions on the City’s books.

These appropriations will amend the General Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	1000.40020.0000	\$0	<u>\$3,817,820</u>	\$3,817,820
Total Change to Revenues			<u>\$3,817,820</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Professional Services	10010900.65100.0000	\$100,000	\$75,000	\$175,000
Prof Svcs-Legal Council	10010900.65100.0258	15,000	4,983	19,983
Transfers WEDA	10010900.79800.0680	0	3,114,945	3,114,945
Transfers GCIF	10010900.79800.0750	0	558,788	558,788
Contract Svcs EM Grant	10025260.67800.0545	14,000	15,100	29,100
Comm Dev-Prof Svcs	10030360.65100.0000	113,403	26,300	139,703
Office Equipment	10050620.75200.0000	0	12,867	12,867
Spec Promo-Youth Scholarship	10050760.67600.0528	0	<u>9,837</u>	9,837
Total Change to Expenses			<u>\$3,817,820</u>	

These appropriations will amend the Fleet Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	3000.40020.0000	\$0	<u>\$181,162</u>	\$181,162
Total Change to Revenues			<u>\$181,162</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers GCIF	30010900.79800.0750	\$0	<u>\$181,162</u>	\$181,162
Total Change to Expenses			<u>\$181,162</u>	

These appropriations will amend the Water Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2000.40020.0000	\$0	<u>\$2,857,168</u>	\$2,857,168
Total Change to Revenues			<u>\$2,857,168</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers Rate Reserve	20010900.79800.0205	\$0	\$572,576	\$572,576
Transfers Capital Reserve	20010900.79800.0207	0	2,261,723	2,261,723
Comp Soft/Hard	20060230.75400.0000	125,000	19,844	144,844
Comp Soft/Hard Telephone	20060230.75400.0707	50,000	<u>3,025</u>	53,025
Total Change to Expenses			<u>\$2,857,168</u>	

These appropriations will amend the Wastewater Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2100.40020.0000	\$0	<u>\$10,083</u>	\$10,083
Total Change to Revenues			<u>\$10,083</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers Capital Reserve	21010900.79800.0207	\$0	<u>\$10,083</u>	\$10,083
Total Change to Expenses			<u>\$10,083</u>	

These appropriations will amend the Storm Drainage Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2500.40020.0000	\$0	<u>\$323,434</u>	\$323,434
Total Change to Revenues			<u>\$323,434</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Little Dry Creek Reg Detention	80825030829.80400.8888	\$930,000	<u>\$323,434</u>	\$1,253,434
Total Change to Expenses			<u>\$323,434</u>	

These appropriations will amend the General Capital Outlay Replacement Fund (GCORF) revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	4500.40020.0000	\$0	<u>\$107,878</u>	\$107,878
Total Change to Revenues			<u>\$107,878</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Capital Outlay General	80645010900.80400.8888	\$1,048,874	\$26,818	\$1,075,692
Capital Outlay – PST	80645010911.80400.8888	1,784,880	72,437	1,857,317
PC Replacement Outlay	80645010921.80400.8888	173,794	<u>8,623</u>	182,417
Total Change to Expenses			<u>\$107,878</u>	

These appropriations will amend the Parks, Open Space & Trails (POST) Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5400.40020.0000	\$0	\$93,478	\$93,478
Transfer from GCIF	5400.45000.0750	0	<u>162,622</u>	162,622
Total Change to Revenues			<u>\$256,100</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Professional Services	54010900.65100.0000	\$137,820	\$12,300	\$150,120
Land Purchases	54010900.76600.0000	\$2,770,900	<u>243,800</u>	3,041,700
Total Change to Expenses			<u>\$256,100</u>	

These appropriations will amend the Conservation Trust Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5500.40020.0000	\$0	\$415,340	\$415,340
Total Change to Revenues			<u>\$415,340</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Kings Mill Pool/Bldg	81055050964.80400.8888	\$0	\$250,000	\$250,000
Swim & Fitness Center Pool Renovation	81055050965.80400.8888	0	<u>165,340</u>	165,340
Total Change to Expenses			<u>415,340</u>	

These appropriations will amend the General Capital Improvement Fund (GCIF) revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$2,771,000	\$1,648,889	\$4,419,889
TRF General Fund	7500.45000.0100	0	558,788	558,788
TRF Fleet	7500.45000.0300	0	181,162	181,162
Carryover	7501.40020.0000	0	<u>370,058</u>	370,058
Total Change to Revenues			<u>\$2,758,897</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers Heritage	75010900.79800.0230	\$0	\$51,748	\$51,748
Transfers Open Space	75010900.79800.0540	0	162,622	162,622
New Art Participation	80575030428.80400.8888	15,200	15,000	30,200
Golf Course Improvements	80675050045.80400.8888	128,170	40,000	168,170
South Westy TOD	80875030823.80400.8888	0	1,500,000	1,500,000
Swim & Fit Renovation	80975050817.80400.8888	64,482	115,688	180,170
120 th Ave/I-25 Bridge Enhancement	81075030961.80400.8888	0	120,000	120,000
Bradburn Blvd Rlgn ADCO Rd Tx	81075030962.80400.8888	0	200,000	200,000
South Westy TOD ADCO Td Tx	81075030963.80400.8888	0	<u>553,839</u>	553,839
Total Change to Expenses			<u>\$2,758,897</u>	

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **43**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2010 BUDGET OF THE GENERAL, FLEET, WATER, WASTEWATER, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, PARKS OPEN SPACE & TRAILS, CONSERVATION TRUST, AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the General, Fleet, Water, Wastewater, Storm Drainage, General Capital Outlay Replacement, Parks Open Space & Trails, Conservation Trust, and General Capital Improvement Fund, initially appropriated by Ordinance No. 3432 is hereby increased by \$10,727,882. This appropriation is due to the appropriation of 2008 carryover.

Section 2. The \$10,727,882 increase in the General, Fleet, Water, Wastewater, Storm Drainage, General Capital Outlay Replacement, Parks Open Space & Trails, Conservation Trust, and General Capital Improvement Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10A dated August 23, 2010 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$3,817,820
Fleet Fund	181,162
Water Fund	2,857,168
Wastewater Fund	10,083
Storm Drainage Fund	323,434
General Capital Outlay Replacement Fund	107,878
Parks Open Space & Trails Fund	256,100
Conservation Trust Fund	415,340
General Capital Improvement	<u>2,758,897</u>
Total	<u>\$10,727,882</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of August, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of September, 2010.

ATTEST:

Mayor

City Clerk



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Councillor's Bill No. 44 re 2010 2nd Quarter Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Pass Councillor's Bill No. 44 on first reading providing for supplemental appropriation of funds to the 2010 budget of the General, Utility, and General Capital Improvement Funds.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2010 2nd quarter supplemental appropriation.
- General Fund amendments:
 - \$2,585 Program Revenues
 - \$30,810 Grants
- Utility Fund amendments:
 - (\$389,462) Bond Proceeds
 - \$4,826 Cash-in-lieu Bid Bond
- General Capital Improvement Fund amendments:
 - \$80,482 Contributions
 - \$93,708 School Land Dedication Fees

Expenditure Required: (\$177,051)

Source of Funds: The funding sources for these budgetary adjustments include program revenues, grants, bond proceeds, cash-in lieu, contributions, and school land dedication fees.

Policy Issue

Does City Council support amending the appropriations for the 2010 budget of the General, Utility and General Capital Improvement Funds?

Alternative

The alternative would be not to amend the 2010 budget appropriations for the General, Utility and General Capital Improvement Funds and to utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them with their current budget in anticipation of appropriation of these additional funds.

Background Information

The attached Councillor's Bill is a routine action addressing the need to adjust revenue and expenditure appropriations as a result of activities or events that were not anticipated during the normal budget process.

The Police Department received \$1,300 for their participation in the Colorado 2010 Click-It or Ticket Occupant Protection Campaign (Night-time Click It or Ticket). The grant reimburses the department for overtime incurred by enforcement officers while working on the seatbelt enforcement program. The funds are requested for appropriation to the department's overtime account.

The North Metro Task Force reimbursed the Police Department \$12,445 from the High Intensity Drug Tracking Area (HIDTA) grant funding for overtime incurred by the Westminster Police Department's Task Force members working on Federal HIDTA cases. The reimbursement from the Task Force was for overtime incurred January through March 2010. The reimbursement funds are requested for appropriation to the department's overtime account.

The Police Department participated in the State of Colorado, Department of Transportation 2010 High Visibility Impaired Driving Enforcement Grant and received an award of \$1,798. This grant reimburses the department for overtime incurred by the department's enforcement officers while working the St. Patrick's Day DUI Enforcement Program. The funds are requested for appropriation to the department's overtime account.

The Police Department received a Wal-Mart Local Community Grant in the amount of \$1,000. The grant was awarded June 18, 2010 for payment toward the purchase of the Police Department's replacement K9, Pascha. The funds are requested for appropriation to the department's Patrol Services Capital Outlay account.

The Fire Department received \$2,585 in class registration fees for conducting CPR training classes. Funds from the registration fees are used to replenish CPR/EMS supplies used during the class. The funds are requested for appropriation to the department's EMS supplies account.

The Fire Department received a reimbursement in the amount of \$3,984 from the Colorado Urban Search and Rescue Task Force, West Metro Fire Protection District. The reimbursement was for overtime salaries incurred by fire personnel while working on the task force. The funds are requested for appropriation to the department's overtime account.

The Fire Department received \$7,483 from Tri-County Health as a 2010 Pandemic Preparedness Grant. This money will be used to purchase 14-qt fridge-freezers to hold vaccines safely in all ambulances, hard wire kits, and various medical supplies. The funds are requested for appropriation to the department's EMS equipment and supplies accounts.

The Fire Department received a Wal-Mart Local Community Grant in the amount of \$500. This grant was awarded with the intent it be used for multiple public education events such as the City's Summer Celebration program, Westminster Faire, etc. The funds will be used to purchase bike helmets, carbon monoxide detectors, batteries for smoke alarms, etc. The funds are requested for appropriation to the department's special promotions fire prevention account.

On March 19, 2010, the Colorado Historical Society provided a grant of \$300 to fund the registration fees for three members of the Historic Landmark Board to attend the 2010 Colorado Preservation Inc. Saving Places Conference. The funds are requested for appropriation to the Community Development meeting expense account.

The Colorado Council on the Arts awarded the City a \$2,000 grant to assist the South Westminster Arts Group with the initiation of an art-on-loan program in South Westminster. This grant provided funding to market the program as well as pay the honorarium fees of \$500 each to the three artists that will loan their art for a one-year period. The funds are requested for appropriation to the Community Development professional services account.

On May 25, 2010, the City issued \$29,505,000 in bonds for the Water Fund. \$28,300,000 was appropriated as part of the Amendment to the Adopted 2010 Budget. The bonds were issued as subordinate debt to the 2001 Series Revenue Bonds. As such, a reserve in the amount of \$1,476,442 was established from the proceeds to enhance shareholder security; the portion of the proceeds used to establish the reserve is not available for appropriation. Additionally, the bonds issued with an underwriter's discount of \$118,020, which is also not available for appropriation. In order to properly reflect the receipt of the 2010 Water Revenue Bond proceeds and the subsequent use of the proceeds on the City's books, \$389,462 of the proceeds is being un-appropriated.

On August 9, 2010 City Council rescinded the previously approved contract to Western Slope Utilities (WSU), Inc. for the 2010 Wastewater Collection System Improvement Project because WSU was unable to produce the required performance bond for the project. A payment was made to the City by WSU as cash in-lieu of a 5% Bid Bond. The \$4,826 difference between their bid and the second low bidder is requested to be appropriated to the PACP Sanitary Sewer Line Replacement CIP account to cover the increased project cost.

The City has an IGA with School District 12 (SD 12) regarding Mountain Range High School that obligates the City to build landscaping along 128th Ave. and Huron St. abutting the high school site using \$93,708 in existing SD 12 school land dedication funds to construct the improvements. The funds are requested for appropriation to the 128th Ave/Huron Street Landscaping CIP account.

The City received an \$80,482 contribution from the Westminster Legacy Foundation. This funding will be used to purchase and install six shade structures at the Armed Forces Tribute Garden which will be authorized separately by Council. The funds are requested for appropriation to the Armed Forces Tribute Garden CIP account.

These appropriations will amend General Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$50,000	\$16,429	\$66,429
State Grants	1000.40620.0000	0	5,398	5,398
Other County Grants	1000.40640.0000	0	7,483	7,483
Other Grants	1000.40650.0057	8,400	1,500	9,990
Off Duty Fire Services	1000.41340.0013	0	2,585	2,585
Total Change to Revenues			<u>\$33,395</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Salaries OT-Inv Section	10020300.60400.0344	\$185,000	\$12,445	\$197,445
Salaries OT-Traffic	10020500.60400.0348	60,000	3,098	63,098
Other Equip-Patrol Section	10020500.76000.0349	18,000	1,000	19,000
Salaries OT Fire	10025260.60400.0000	182,212	3,984	186,196
Spec Promo Fire Prevent	10025260.67600.0547	9,200	500	9,700
Supplies EMS	10025260.70200.0546	4,620	2,585	7,205
Lab Supplies EMS	10025260.70800.0546	108,150	3,070	111,220
Other Equip EMS	10025260.76000.0546	37,800	4,413	42,213
Comm Dev Meeting Exp	10030050.61400.0000	2,900	300	3,200
Comm Dev Prof Services	10030050.65100.0000	39,008	<u>2,000</u>	41,008
Total Change to Expenses			<u>\$33,395</u>	

These appropriations will amend Utility Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Bond Proceeds	2000.46020.0000	\$28,300,000	(\$389,462)	\$27,910,538
Wastewater General Rev	2100.43060.0000	0	<u>4,826</u>	4,826
Total Change to Revenues			<u>(\$384,636)</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Debt Admin Costs	81020015889.80400.8888	2,490,000	(389,462)	2,100,538
PCAP San Sewer Line Repl	80721035749.80400.8888	571,414	<u>4,826</u>	576,240
Total Change to Expenses			<u>(\$384,636)</u>	

These appropriations will amend General Capital Improvement Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Jefferson County Revenue	7500.40640.0010	\$0	\$93,708	\$93,708
Contributions	7500.43100.0000	0	<u>80,482</u>	80,482
Total Change to Revenues			<u>\$174,190</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Armed Forces Tribute Garden	80575050406.80400.8888	\$0	\$80,482	\$80,482
128 th Ave/Huron St Landscaping	81075030958.80400.8888	0	<u>93,708</u>	93,708
Total Change to Expenses			<u>\$174,190</u>	

These adjustments will bring the City’s accounting records up-to-date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall
 City Manager
 Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **44**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2010 BUDGETS OF THE GENERAL, UTILITY AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the General, Utility, and General Capital Improvement Funds, initially appropriated by Ordinance No. 3432 are hereby decreased in aggregate by \$177,051. This appropriation is due to the receipt of funds from program revenues, grants, bond proceeds, cash-in lieu, contributions, and school land dedication fees.

Section 2. The \$177,051 decrease shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10B dated August 23, 2010 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$33,395
Utility Fund	(384,636)
General Capital Improvement Fund	<u>174,190</u>
Total	<u>(\$177,051)</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of August, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of September, 2010.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Councillor's Bill No. 45 re Adoption of the 2009 International Building and Fire Codes

Prepared By: Dave Horras, Chief Building Official
Gary Pedigo, Fire Marshal

Recommended City Council Action

Pass Councillor's Bill No. 45 on first reading adopting the 2009 editions of the International Building and Fire Codes, the 2008 edition of the National Electric Code and other minor miscellaneous revisions to the codes.

Summary Statement

- Staff is requesting City Council to adopt, by reference, the 2009 editions of 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 2006 edition of the International Codes that have been adopted as the City's building and fire codes since January 1, 2007.
- Staff is proposing the adoption of the following codes published by the International Code Council:
 - The International Building Code, 2009 edition
 - The International Fire Code, 2009 edition
 - The International Residential Code, 2009 edition
 - The International Plumbing Code, 2009 edition
 - The International Mechanical Code, 2009 edition
 - The International Fuel Gas Code, 2009 edition
 - The International Energy Conservation Code, 2009 edition
 - The International Existing Buildings Code, 2009 edition
- In addition to the above referenced codes, staff is also proposing the adoption of the 2008 edition of the National Electrical Code (NEC). The NEC is published by the National Fire Protection Association and is recognized as the Colorado adopted electrical code by the State Electrical Board.
- Staff is also proposing revisions to an administrative section of the current code addressing information required on construction documents and a section of the Rental Property Maintenance Code that will require carbon monoxide alarms.

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

Source of Funds: General Fund - Building Division and Fire Prevention Operating Budgets

Policy Issue

Should the City of Westminster adopt, by reference, the most current editions of the International Codes as the building and fire codes for the City?

Alternatives

1. Continue with the currently adopted 2006 edition of the International 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 and fire code development process is designed to evolve along with constantly changing building processes. This alternative would not keep the adopted building and fire 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 within the metropolitan area as other jurisdictions adopt the most current versions of the codes.
2. Adopt the codes as proposed but modify the effective date of the new requirement for residential fire sprinklers as recommended by the Board of Building Code Appeals (BBCA) from January 1, 2013 to July 1, 2013. Staff is not recommending this alternative because it is believed that it is appropriate to follow the recommended effective date of January 1, 2013 as proposed by the Joint Ad-Hoc Residential Sprinkler Committee.
3. Modify the proposed code amendments or code adoption to address any specific concerns. Staff does not have any specific concerns with the proposed codes that would warrant any substantive amendments.

Background Information

The City of Westminster has adopted the International Codes (I-Codes) since they were first published in 2000. The City of Westminster adopted the 2000 I-Codes effective in September of 2002 and most recently adopted the 2006 I-Codes effective January of 2007.

The 2009 edition of the International Codes represents the most current, comprehensive, integrated set of building and fire safety code regulations. The International Codes are an all-inclusive set of building construction codes covering all aspects of construction, including fire protection, mechanical, plumbing, energy conservation, and accessibility. The International Codes apply to new construction or alteration of existing structures and typically do not apply retroactively to existing structures.

Building code and fire protection technology is constantly evolving, and code and standards require continual updating to keep pace with new ideas and products. The City of Westminster needs to update the adopted building and fire codes so that owners, designers and contractors will not be restricted from taking advantage of new technologies and building practices. The I-Codes are currently the only published set of codes available to adopt as a correlated, contemporary set of building code regulations and represent the most up-to-date set of codes governing building construction.

It is proposed to adopt the I-Codes by reference, which will result in hundreds of changes in the minimum standards. The great majority of these changes will not be noticeable to the general public, however, some provisions that are new to the 2009 International Codes that may generate some comments from the public are:

- A requirement for all new residential dwelling units, including single family and townhomes, to be provided with fire sprinkler systems.
- Requirements to increase energy efficiency for both residential and commercial construction by approximately 15%.
- A requirement for carbon monoxide detectors to be installed in new dwelling units.

SUBJECT: Councillor's Bill re Adoption of the 2009 International Building and Fire Codes Page 3

The most controversial item that has generated the most debate is the requirement to install residential fire sprinklers in all new residential dwelling units, including single family homes. This requirement, as written in the International Residential Code (IRC), will require sprinklers to be installed in all new homes effective as of January 1, 2011. Staff is in support of this new code requirement but is proposing an amendment to change the effective date to January 1, 2013. This recommended change to the effective date is based on a recommendation of a Joint Ad-Hoc Committee. The Joint Ad-Hoc Residential Sprinkler Committee was formed by the Fire Marshals' Association of Colorado and the Colorado Chapter of the International Code Council to address issues associated with the wide-spread adoption of the sprinkler requirements. The committee was made up of representatives of both organizations as well as industry experts and stakeholders including fire protection engineers, plumbing contractors, water purveyors, and the Denver Metro Home Builders Association. This committee has determined that a delay will provide time to address necessary legislative changes, train personnel, reduce system costs, and gain more acceptance for wide-spread residential sprinkler system installation.

The Westminster Board of Building Code Appeals reviewed the residential fire sprinkler requirements and supported the requirements with an effective date of July 1, 2013. The BBCA decision was based on additional time to determine what, if any, changes will appear in the 2012 edition of the IRC that will be published by the effective date of the residential sprinkler requirement. However, the changes to the 2012 edition of the IRC have since been finalized, and the 2012 edition will not include any changes to the residential sprinkler requirements.

Changes to the International Energy Conservation Code (IECC) continue to increase energy conservation requirements. Energy conservation is a priority of the U. S. Department of Energy, and the code development process and the IECC reflect these priorities. Future editions of the codes will continue to reflect these priorities. It is expected that future energy conservation requirements will become more demanding.

A requirement to install carbon monoxide alarms in single family, duplex and townhome dwelling units has been added to the IRC. This requirement is similar to what was approved by the state during the 2008 legislative session and will allow the enforcement of these alarm provisions. In addition, it is proposed to amend the Rental Property Maintenance Code to include enforcement provision for rental properties retroactively as required by the state standards.

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

- Amendments 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 unique to the City of Westminster such as our restriction on the installation of solid fuel burning devices or the allowance of State "permissible fireworks" for a limited number of days.
- Amendments retaining previously adopted building codes that proved effective and are no longer included as part of the current International Codes.

It is proposed to amend the Fire Code portion of the City Municipal Code to reflect new Chapter and Section numbers of the 2009 code as well as move the City's already adopted standard for Emergency Responder Radio Coverage from the Electrical Code section to the Fire Code.

Solar photovoltaic systems installations have increased in the City in recent months. A series of meetings was held with the vendors and City staff to establish some minimum clearance and marking requirements to allow roof operations of Fire personnel. It is proposed to add an amendment reflecting these requirements.

SUBJECT: Councillor's Bill re Adoption of the 2009 International Building and Fire Codes Page 4

It is proposed to establish the National Electrical Code as adopted by the State of Colorado State Electrical Board as the City of Westminster's adopted electrical code. Staff is proposing this change based on the passage of House Bill 10-1225 which requires that Colorado jurisdictions adopt the same minimum standards as the State Electrical Board within twelve months of the State electrical code adoption.

As with almost all new code provisions, new code requirements will only apply to new buildings or buildings that are undergoing a renovation. With the exception of smoke and carbon monoxide detectors, new provisions do not retroactively apply to existing buildings approved under a previous version of the codes. The fire code is used to maintain existing buildings from a building and fire safety perspective.

The International Codes have been adopted by the majority of jurisdictions in the State. Locally, most jurisdictions, including Arvada, Thornton, Broomfield and Jefferson County are either in the process, or have already updated to the 2009 editions of the I-Codes.

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 Association of Home Builders (NAHB)
- The Federal Emergency Management Agency (FEMA)
- The American Gas Association (AGA)
- The Building Owners and Managers Association (BOMA)
- The U.S. Department of Housing and Urban Development (HUD)
- The U. S. Department of Energy (DOE)
- The International City/County Management Association (ICMA)

The proposed adoption and local code amendments have been reviewed by the Westminster Board of Building Code Appeals and is currently being reviewed by the Denver Metro Home Builders Association. The Board of Building Code Appeals has indicated support for the adoption of the 2009 Editions of the International Codes, subject to delaying the residential sprinkler requirements an additional six months, beyond January 1, 2013 (which Staff is not recommending), and it is expected that the Home Builders Association will likely support the adoption as well.

The adoption of the 2009 International Codes is consistent with the goal of a Safe and Secure Community as outlined in the Strategic Plan. If City Council passes the attached Councillor's Bill on first reading, the proposed code adoption will be scheduled for public hearing at the September 13, 2010 City Council meeting. State Statute sets forth the timing for adoption of codes by reference. It dictates that the public hearing be held on second reading of the ordinance.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **45**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE XI, CHAPTERS 9 AND 10, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE BUILDING AND FIRE CODES AND AMENDING SECTION 11-12-5 CONCERNING FIRE PROTECTION

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-9-1, W.M.C., is hereby AMENDED 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, ~~2006~~2009 Edition; the International Residential Code, ~~2006~~2009 Edition; the National Electrical Code, ~~2005~~2008 Edition; the International Plumbing Code, ~~2006~~2009 Edition; the International Mechanical Code, ~~2006~~2009 Edition; the International Fuel Gas Code, ~~2006~~2009 Edition; the International Energy Conservation Code, ~~2006~~2009 Edition; and the International Existing ~~Building~~Building Code, ~~2006~~2009 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.

(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, ~~2006~~2009 Edition," published by the International Code Council, Inc., and in particular Chapters 2 through 35 inclusive and Appendix Chapter I are hereby adopted as the Building Code of and for the City of Westminster.

(2) ~~_____~~ International Residential Code. The "International Residential Code, ~~2006~~2009 Edition," published by the International Code Council, Inc., and in particular Chapters 2 through ~~4344~~ inclusive and Appendix Chapters A, G, H, 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, ~~2005 Edition,~~ published, sponsored by the National Fire Protection Association, ~~Inc., Quincy, Massachusetts, as adopted by the State of Colorado State Electrical Board~~ and ~~in particular Article 70, Chapters 1 through 9 inclusive~~ as may be amended from time to time, is hereby adopted as the Electrical Code of and for the City of Westminster.

(4) ~~_____~~ International Plumbing Code. The "International Plumbing Code, ~~2006~~2009 Edition," published by the International Code Council, Inc., 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, ~~2006~~2009 Edition," published by the International Code Council, Inc., 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, ~~2006~~2009 Edition," published by the International Code Council, Inc., and in particular Chapters 2 through 8 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, ~~2006~~2009 Edition," published by the International Code Council, Inc., and in particular Chapters 2 through 6 inclusive, is hereby adopted as the Energy Code of and for the City of Westminster.

(8).— International Existing Building Code. The "International Existing Building Code, ~~2006~~2009 Edition," published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive and the Appendix B, is hereby adopted as the Existing Building Code of and for the City of Westminster.

Section 2. Section 11-9-3, subsection (C), W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SUBPARAGRAPH (2)(b) to read as follows:

11-9-3: PERMITS AND FEES:

(C) Application for Permit.

(2). (a) 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.

(b) Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Section 3. Sections 11-9-5 through 11-9-11, W.M.C., are hereby REPEALED AND REENACTED to read as follows:

11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS: (3327)

(A) Section 406.1.4, number 1 of the International Building Code is amended to read as follows:

406.1.4. Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Door openings between the garage and the dwelling unit shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or doors in compliance with Section 715.4.3. Penetrations in the required separation shall be in conformance with item #2 below or Section 713. Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

(B) Section 419.3 of the International Building Code is amended as follows:

419.3 Means of egress. Except as modified by this section, the means of egress components for a live/work unit shall be designed in accordance with Chapter 10 for the function served.

419.3.1 Egress Capacity. The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with Table 1004.1.1.

419.3.2 Sliding doors. Delete in its entirety.

419.3.3 Spiral stairways. Spiral stairways that conform to the requirements of Section 1009.9 shall be permitted.

419.3.4 Locks. Delete in its entirety.

(C) Section 419.7 of the International Building Code is amended as follows:

419.7 Accessibility. Accessibility shall be designed in accordance with Chapter 11 for the function served.

(D) The International Building Code is amended by the addition of Section 419.9 as follows:

419.9 Plumbing Facilities. The work area of the live/work unit shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the work area.

(E) The International Building Code is amended to add Section 424 to read as follows:

Section 424 Dwelling Unit Security.

424 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 doors, door openings in attached garages shall be in accordance with the provisions of this Section.

424.1 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.

424.2 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 a window or by the use of a door viewer with a 180 degree field of view.

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

424.3.1 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 jamb 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.

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

424.3.3 Locking hardware. Swinging doors 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.

(F) Section 709.3 of the International Building Code is amended as follows:

Section 709.3 Fire-resistance rating.

EXCEPTIONS: #1 and #2 are deleted in their entirety.

(G) Section 712.3 of the International Building Code is amended as follows:

Section 712.3 Fire-resistance rating.

EXCEPTION is deleted in its entirety.

(H) Section 1008.1.9.4 the International Building Code is amended as follows:

Section 1008.1.9.4 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

EXCEPTIONS:

1. Remains unchanged.
2. Remains unchanged.
- 3-5. Deleted in their entirety.

(I) Table 1018.1 of the International Building Code is amended to read as follows:

Table 1018.1 CORRIDOR FIRE-RESISTIVE RATING

R occupancy corridor serving an occupancy greater than 10 with sprinkler system is required to be 1 hour fire-resistive rated.

(J) Section 1023.4 of the International Building Code is amended as follows:

1023.4 Termination. *Exit passageways* shall terminate at an *exit discharge* or *public way*. Dead ends shall comply with Section 1018.4.

(K) Sections 1207.2 and 1207.3 of the International Building Code are amended as follows:

1207.2 Air-borne sound. Walls, partitions and floor/ceiling assemblies separating dwelling or sleeping units from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for air-borne noise when tested in accordance with ASTM E 90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement shall not apply to dwelling unit entrance doors; however, such doors shall be tight fitting to the frame and sill.

1207.3 Structure-borne sound. Floor/ceiling assemblies between dwelling or sleeping units or between a dwelling unit and a public or service area within the structure shall have an impact insulation class (IIC) rating of not less than 50 (45 if field tested) when tested in accordance with ASTM E 492.

(L) Section 1510.3 of the International Building Code is amended by the addition to read as follows:

Section 1510.3 Recovering versus replacement.

4. For asphalt shingles, when a building is located in an area subject to moderate or severe hail exposure according to Figure R903.5 in the International Residential Code.

(M) Section 1608.2 of the International Building Code is amended to read as follows:

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.

(N) Section 1609.3 of the International Building Code is amended to read as follows:

1609.3 Basic wind speed. The minimum basic wind speed, based on a 3-second gust, for any site within the limits of the City of Westminster shall be a minimum of 100 miles per hour (MPH) in areas located east of Sheridan Boulevard, 110 MPH in areas between Sheridan Boulevard and Wadsworth Parkway, and 120 MPH in areas west of Wadsworth Parkway. Exposure B shall be used unless specified as exposure C by the Building Official.

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

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.

(P) Section 2111.1 of the International Building Code is amended to read as follows:

2111.1 Definition. 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 and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(Q) Section 2304.11.5 of the International Building Code is amended as follows:

Section 2304.11.5 Supporting member for permanent appurtenances.

EXCEPTION is deleted in its entirety.

(R) Section 3109 of the International Building Code is amended as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence as required by Sections 3109.4.1 through 3109.4.1.7.

3109.4 Swimming pools. Swimming pools associated with structures regulated by this Code shall comply with Sections 3109.4.1 through 3109.4.3.

EXCEPTION is deleted in its entirety.

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)

3109.4.1.7 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.

3109.4.1.8 Dwelling wall as a barrier. Delete this Section in its entirety.

11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS:

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

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground snow load	Wind Speed	Seismic Design Category	Subject to Damage from			Winter Design Temp	Ice barrier Underlayment required	Air Freezing Index		Mean Annual Temp	Accumulated Snow level
			Weathering	Frost Depth	Termite						
30 PSF	100 – 120*	B	Severe	36"	Slight to Moderate	1°F	No	532	51.0		12 inches

* See amended IBC Section 1609.3

(B) Section R301.2.1.2 of the International Residential Code is deleted in its entirety.

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

R301.2.4 Floodplain construction. The design and construction of buildings and structures located in whole or in part 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 R322, whichever is the most restrictive.

(D) Section R302.2 of the International Residential Code is amended to read as follows:

EXCEPTION: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4

(E) Section R302.2.4 of the International Residential Code is amended to read as follows:

EXCEPTIONS:

5. *Townhouses* separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

(F) Section R302.3 of the International Residential Code is amended to read as follows:

R302.3 Two-family dwellings.

EXCEPTIONS:

1. Exception #1 deleted in its entirety.

2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch Type X gypsum board and an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 5/8 inch type X gypsum board or equivalent.

(G) Section R302.5.1 of the International Residential Code is amended to read as follows:

R302.5.1 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 steels door not less than 1 3/8 inches thick, or 20-minute fire-rated door assembly.

(H) Section R302.6 of the International Residential Code is amended to read as follows:

R302.6 Dwelling/Garage fire separation. 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. Table R302.6 is deleted in its entirety. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Garages located less than 3 feet from a dwelling unit on the same lot shall be protected with not less than 5/8 inch type "X" gypsum board on the interior side of exterior walls. Openings in these walls shall be regulated by Section R302.5.

(I) Section R310.1.1 of the International Residential Code is amended as follows:

R310.1.1 Minimum opening area. Exception is deleted in its entirety.

(J) Section R310.1.4 of the International Residential Code is amended to read as follows:

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, special knowledge or removal of any part of the window assembly.

(K) Section R310.5 of the International Residential Code is amended to read as follows:

Section R310.5 Emergency escape windows under decks and porches. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height and 36 inches in width to a yard or court.

(L) Section R311.3.2 of the International Residential Code is amended as follows:

R311.3.2 Floor elevations for other exterior doors.

EXCEPTIONS: Exception is deleted in its entirety.

(M) Section R311.7.4.1 of the International Residential Code is amended to read as follows:

R311.7.4.1 Riser height. The maximum and minimum riser height shall be 7 ¾ inches and 4 inches respectively. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

(N) Section R311.9 of the International Residential Code is amended to read as follows:

R311.9 Means of egress discharge location. Required egress doors, landings, stairways and ramps shall be located at least 5 feet (1524 mm) from adjacent lot lines and the imaginary line between two buildings on the same lot.

(O) Sections R313.1 and R313.2 of the International Residential Code are amended to read as follows:

R313.1 Townhome automatic fire sprinkler systems. Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed in townhomes.

Exception remains unchanged.

R313.2 One-and two-family dwellings automatic fire systems. Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception remains unchanged.

(P) Section R317.1.3 of the International Residential Code is amended to read as follows:

R317.1.3 Geographical areas. Approved naturally durable or pressure-preservative-treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering that would prevent moisture or water accumulation on the surface or at joist between members. Such members shall include: (remainder of section unchanged)

(Q) Section R318.1 of the International Residential Code is amended to read as follows:

R318.1 Subterranean termite control methods. In areas subject to moderate to heavy or very heavy damage as indicated by Table R301.2(6) methods of protection shall be one of the following methods or a combination of these methods: (remainder of section unchanged)

(R) The International Residential Code is amended to add Section R324 to read as follows:

R324 BUILDING SECURITY

R324.1 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 doors, door openings in attached garages shall be in accordance with the provisions of this Section.

R324.2 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.

R324.3 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 a window or by the use of a door viewer with a 180 degree field of view.

R324.4 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness or a metal door constructed with at least 18-gauge metal or similar approved material.

R324.4.1 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 jamb 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.

R324.4.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable 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, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

R324.4.3 Locking hardware. Swinging doors 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.

(S) Section R502.3.1, Table R502.3.1(1), and Section R502.3.2 of the International Residential Code are amended as follows:

R502.3.1 Sleeping areas and attic joist. - Section is deleted in its entirety.

Table R502.3.1(1) FLOOR JOIST SPANS FOR COMMON LUMBER SPECIES. Table is deleted in its entirety.

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 20 psf.

(T) Section R801.3 of the International Residential Code is amended to read as follows:

Section 801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least five feet from the foundation walls or to an approved drainage system.

(U) The International Residential Code is amended to add Section R903.2.3 to read as follows:

R903.2.3 Drip edge. Drip edge shall be provided at eaves and gables of shingle roofs. Overlap shall be a minimum of 2". Eave drip edges shall extend .25" below sheathing and extend back on the roof a minimum of 2". Drip edge shall be mechanically fastened a maximum of 12" on center.

(V) Sections R1001.1 and R1004.1 the International Residential Code are amended to read as follows:

R1001.1 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.

(W) Section R1004.4 of the International Residential Code is amended as follows:

R1004.4 Unvented gas log heaters. Section is deleted in its entirety.

(X) Section N1101.1 of the International Residential Code is amended to read as follows:

N1101.1 Scope.

Exception: Portions of the building envelope that do not enclose *conditioned space* are exempt from building thermal envelope provisions of this chapter.

(Y) Table N1102.1.2 of the International Residential Code is amended to read as follows:

Table N1102.1.2 EQUIVALENT U-FACTORS

Frame Wall U-Factor in Climate Zone 5 and Marine 4 changed to a U-factor of 0.057.

(Z) Section N1102.2.2 of the International Residential Code is amended to read as follows:

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section N1102.1.2 and the total UA alternative in Section N1102.1.3.

(AA) Table N1102.4.2 of the International Residential Code is amended to read as follows:

TABLE N1102.4.2 AIR BARRIER AND INSULATION INSPECTION

“Air-permeable insulation is inside of an air barrier” is added as a criteria for Air barrier and thermal barrier.

(BB) Section N1102.5 of the International Residential Code is added to read as follows:

1102.5 Maximum fenestration U-Factor and SHGC. The area-weighted average maximum fenestration U-factor permitted using trade-offs from Section 402.1.4 or 404 shall be 0.48 in Zones 4 and 5 and 0.40 in Zones 6 through 8 for vertical fenestration, and 0.75 in Zones 4 through 8 for skylights. The area-weighted average maximum fenestration SHGC permitted using trade-offs from Section 405 in Zones 1 through 3 shall be 0.50.

(CC) Section N1103.8.3 of the International Residential Code is amended added to read as follows:

N1103.8.3 Pool Covers. Add an exception to read as follows:

Exception: Pools deriving over 60 percent of the energy or heating from site-recovered energy or solar energy source.

(DD) The International Residential Code is amended to add Section M1416 to read as follows:

M1416 Unvented room heaters

M1416.1 General. Unvented room heater, fireplaces, gas logs or other similar unvented devices are prohibited.

(EE) Section M1502.4.4.2 of the International Residential Code is amended as follows:

Section M1502.4.4.2 Manufacture's instructions. Section is deleted in its entirety.

(FF) Section M1801.1 of the International Residential Code is amended to read as follows:

M1801.1 Venting required. Fuel-burning appliances shall be vented to the outside in accordance with their listing and label and manufacturer's installation guidelines or instructions. Venting systems shall consist of approved chimneys or vents, or venting assemblies that are integral parts of labeled appliances. Gas-fired appliance shall be vented in accordance with Chapter 24.

(GG) Section G2406.2 of the International Residential Code is amended as follows:

G2406.2 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(HH) Section G2407.6.2 of the International Residential Code is amended as follows:

G2407.6.2 One-permanent-opening method. Section is deleted in its entirety.

(II) Section G2415.10 and Section G2415.10.1 of the International Residential Code are amended as follows:

G2415.10 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

G2415.10.1 Individual outside appliances. Section is deleted in its entirety.

(JJ) Sections G2417.4 and G2417.4.1 of the International Residential Code are amended to read as follows:

G2417.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

G2417.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(KK) Sections G2420.5.1, G2420.5.2 and G2420.5.3 of the International Residential Code are amended as follows:

G2420.5.1 Located within the same room. Each appliance shall be provided with a shutoff valve separate from the appliance. The shutoff valve shall be located in the same room as the appliance. (remainder of the section to remain the same)

G2420.5.2 Vented decorative appliances and room heaters. Section is deleted in its entirety.

G2420.5.3 Located at manifold. Section is deleted in its entirety.

(LL) Section G2425.8 of the International Residential Code is amended as follows:

G2425.8 Equipment not required to be vented. Item #7 is deleted.

(MM) Section G2445 of the International Residential Code is amended as follows:

G2445 Unvented room heaters. Section is deleted in its entirety.

(NN) Section P2603.6.1 of the International Residential Code is amended to read as follows:

P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.

(OO) Section P2903.8.5 of the International Residential Code is amended to read as follows:

P2903.8.5 Valving. Fixture valves shall be located at both the fixture and at the manifold. Valves located at the manifold shall be labeled indicating the fixture served.

(PP) Section P2904.1 of the International Residential Code is amended to read as follows:

P2904.1 General. Where installed, residential fire sprinklers systems, or portions thereof, shall be in accordance with this section. Residential fire sprinklers systems using any other standard, including NFPA 13D, shall be specifically approved by the building official. Section P2904 shall apply to stand-alone and multipurpose wet-pipe sprinkler systems that do not include use of antifreeze. (Remainder of Section is unchanged)

(QQ) Section P3201.5 of the International Residential Code is amended as follows:

P3201.5 Prohibited trap designs. The following types of traps are prohibited:

- 1-5. (Unchanged)
6. Running traps.

(RR) Table P3201.7 of the International Residential Code is amended to read as follows:

TABLE P3201.7 SIZE OF TRAPS AND TRAP ARMS FOR PLUMBING FIXTURES is amended to reflect the trap size minimum for a shower is 2 inches.

(SS) The General Statement of Chapter 34 and Section E3401.1 of the International Residential Code are amended to read as follows:

CHAPTER 34 GENERAL REQUIREMENTS

The Electrical Part is produced and copyrighted by the National Fire Protection Association (NFPA) and is based on the 2008 National Electrical Code, copyright 2007 National Fire Protection Association, all rights reserved. Use of the Electrical part is pursuant to license with the NFPA.

E3401.1 Applicability. Add the following to the section: Whenever there is a conflict between this Code and the 2008 NEC, the provisions of the NEC will govern.

(TT) Section AG105.2 and AG105.5 of the International Residential Code are amended as follows:

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. (remainder of section unchanged)

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. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and

8.2 The gate and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.

9. 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.

AG105.5 Barrier exceptions. Outdoor pools, spas and hot tubs provided with a safety cover that complies with ASTM F1346 or hot tubs provided with a locking cover shall be provided with a barrier at least 36 inches in height which complies with Section AG105.2, items 1 through 10 as amended.

(UU) The International Residential Code is amended to add Section AG109 to read as follows:

AG109 Testing of swimming pool piping.

AG109.1 Pressure test. Pressure piping and section piping serving permanent residential swimming pools shall be tested at 35 pound for a minimum of 15 minutes.

AG109.2 Supply water. All permanent residential swimming pools shall fill by an indirect means when supplied by potable water.

Exception. Supply piping protected in accordance with Section P2902 of this Code.

11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS:

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

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.

11-9-8 INTERNATIONAL PLUMBING CODE AMENDMENTS: (3327)

(A) The International Plumbing Code is amended to add Section 601.5 to read as follows:

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) The International Plumbing Code is amended to add Section 704.5 and 704.6 to read as follows:

704.5 Dead ends. In the installation or removal of any part of a drainage system, dead ends shall be prohibited. Cleanout extensions and approved future fixture drainage piping shall not be considered as dead ends.

704.6 Grease waste identification. All underground or under floor grease waste lines shall be permanently identified by an approved means.

(C) Section 904.1 of the International Plumbing Code is amended to read as follows:

904.1 Roof extension. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than twelve inches above the roof not less than one foot from any vertical surface. Where the roof is used for any purpose other than weather protection the vent extension shall terminate at least 7 feet above the roof.

(D) Section 1002.3 of the International Plumbing Code is amended as follows:

1002.3 Prohibited traps. The following types of traps are prohibited:

- 1.-6. Unchanged
7. Running traps

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

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 manufacturer's installation instructions, the requirements of this Section and the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor.

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) The International Mechanical Code is amended to add Section 405.2 to read as follows:

405.2 Public Toilet Rooms. Mechanical ventilation systems serving public toilet rooms shall be provided automatic controls.

Exception: Ventilation systems that operate anytime the toilet room is illuminated.

(B) Section 504.6.4.2 of the International Mechanical Code is amended as follows:

504.6.4.2 Manufacturer's instructions. Section is deleted in its entirety.

(C) Section 506.3.10.2 of the International Mechanical Code is amended as follows:

506.3.10.2 Field-applied grease duct enclosure.

Commercial kitchen grease ducts constructed in accordance with Section 506.3.1 shall be enclosed by a field-applied grease duct enclosure that is a listed and labeled material, system, product or method of construction specifically evaluated in accordance with ICC-ES Acceptance Criteria for Grease Duct Enclosure Systems (AC101) or ASTM E2336. (Remainder of section is unchanged)

(D) Section 506.3.10.4 of the International Mechanical Code is amended as follows:

506.3.10.4 Duct enclosure not required. Section is deleted in its entirety.

(E) Section 903.1 and Section 903.3 of the International Mechanical Code are amended as follows:

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.

903.3 Unvented gas log heaters. Section is deleted in its entirety.

11-9-10 INTERNATIONAL FUEL GAS CODE AMENDMENTS: (3327)

(A) Section 303.3 of the International Fuel Gas Code is amended as follows:

303.3 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(B) Section 304.6.2 of the International Fuel Gas Code is amended as follows:

304.6.2 One-permanent-opening method. Section is deleted in its entirety.

(C) Section 404.9 and Section 404.9.1 of the International Fuel Gas Code are amended as follows:

404.10 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

404.10.1 Individual outside appliances. Section is deleted in its entirety.

(D) Section 406.4, 406.4.1 and 406.4.2 of the International Fuel Gas Code are amended to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

406.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

406.4.2 Test duration. The test duration shall be not less than 15 minutes.

(E) Section 409.5.1 of the International Fuel Gas Code is amended as follows:

409.5.1 Located within the same room. Each appliance shall be provided with a shutoff valve separate from the appliance. The shutoff valve shall be located in the same room as the appliance. (remainder of the section to remain the same)

(F) Section 409.5.2 and 409.5.3 of the International Fuel Gas Code is amended as follows:

409.5.2 Vented decorative appliances and room heaters. Section is deleted in its entirety.

409.5.3 Located at manifold. Section is deleted in its entirety.

(G) Section 501.8 of the International Fuel Gas Code is amended as follows:

501.8 Equipment not required to be vented. Items 8 and 10 are deleted in their entirety.

(H) Section 621 of the International Fuel Gas Code is amended as follows:

621.1 General. Unvented room heater, fireplaces, gas logs or other similar devices are prohibited. (Remainder of Section 621 is deleted)

11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS: (3327)

(A) Section 302.1 of the International Energy Conservation Code is amended as follows:

302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be a maximum of 70°F for heating and a minimum of 75°F for cooling.

Section 4. Chapter 10 of Title XI, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

CHAPTER 10

FIRE CODES

11-10-1: INTENT

11-10-2: ADOPTION OF FIRE CODE

11-10-3: CHAPTER 1 ADMINISTRATION AMENDMENTS

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

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

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

11-10-7: CHAPTER 38 LIQUIFIED ~~PETEROLEUM~~PETROLEUM GASES AMENDMENTS

11-10-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the International Fire Code, ~~2006-2009~~ 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. (3327)

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, 2009~~6~~ Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 and, in particular Chapters 1 through ~~4547~~, inclusive and 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, Appendix H – Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions, Appendix I – Fire Protection Systems—Noncompliant Conditions 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. (3327)

11-10-3: CHAPTER 1 ADMINISTRATION AMENDMENTS: (3327)

(A) DEPARTMENT OF FIRE PREVENTION. Section 103 of the International Fire Code is amended as follows:

103.4 Liability. Subsection is deleted in its entirety.

103.4.1 Legal Defense. Subsection is deleted in its entirety.

(B) ENFORCEMENT AUTHORITY. The Fire Chief and his designees are hereby authorized to enforce the provisions of this ordinance as specified in Section 104.1 of the International Fire Code, ~~2006-2009~~ Edition.

(C) REQUIRED OPERATIONAL PERMITS. Subsection 105.6 of the International Fire Code is amended to read as follows.

105.6 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:

1. **105.6.2 Amusement buildings**

2. **105.6.4 Carnivals and fairs**

3. **105.6.4.1 Block parties and event street closures**

4. **105.6.~~11-10~~ Cryogenic fluids**

5. **105.6.~~15-14~~ Explosives, explosive materials, and fireworks**

6. **105.6.~~17-16~~ Flammable and combustible liquids:**

a. 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.

b. 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.

c. 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.

7. **105.6.~~20-19~~ Fumigation and thermal insecticidal fogging**

8. **105.6.~~2019~~.1** Fumigation and/or associated operations for removing biological, chemical, or other naturally occurring agents, chemicals, organisms, or substances.

9. **105.6.~~21-20~~ Hazardous Materials**

10. **105.6.~~27-26~~ 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.

11. **105.6.~~28-27~~ LP-gas**

12. **105.6.~~29-28~~ Magnesium**

13. ~~105.6.31-30~~ **Open burning**
14. **105.6.35 Private fire hydrants**
15. **105.6.36 Pyrotechnic special effects material**
16. **105.6.43 Temporary membrane structures, and tents ~~and canopies~~**

(D) REQUIRED CONSTRUCTION PERMITS. Subsection 105.7 of the International Fire Code is amended to read as follows:

105.7 Required Construction Permits. 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:

1. **105.7.1 Automatic fire-extinguishing systems**
2. ~~105.7.2-3~~ **Compressed gases**
3. ~~105.7.4~~ **Cryogenic Fluids**
43. ~~105.7.3-5~~ **Fire alarm and detection systems and related equipment**
54. ~~105.7.4-6~~ **Fire pumps and related equipment**
65. ~~105.7.5-7~~ **Flammable and combustible liquids**
76. ~~105.7.6-8~~ **Hazardous materials**
87. ~~105.7.8-10~~ **LP-gas**
98. ~~105.7.9-11~~ **Private fire hydrants**
109. ~~105.7.10-12~~ **Spraying and dipping**
1140. ~~105.7.11-13~~ **Standpipe systems**
1244. ~~105.7.12-14~~ **Temporary membrane structures, and tents ~~and canopies~~**

(E) FEES. Section 105 of the International Fire Code is amended to add Sections 105.8 and 105.9 to read as follows:

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. The Fire Code Official is authorized to waive the fee in accordance with approved standard operating guidelines for administering permits for activities described in Subsection 105.8.

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.

(F) BOARD OF APPEALS. Section 108 of the International Fire Code is amended as follows:

108.1 Board of Appeals. 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. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

108.2 Limitations on authority. Subsection is deleted in its entirety.

108.3 Qualifications. Subsection is deleted in its entirety.

(G) VIOLATIONS. Section 109 of the International Fire Code is amended to read as follows:

109.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

109.2 Notice of Violation. When the Fire Code Official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this Code, the Fire Code Official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this Code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by first class mail to the owner of the subject property at the address shown in the County Assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice.

109.2.2 Compliance with Orders and Notices. A notice of violation issued or served as provided by this Code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of Violations. If the notice of violation is not complied with promptly, the Fire Code Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized Tampering. Signs, tags or seals posted or affixed by the Fire Code Official shall not be mutilated, destroyed or tampered with or removed without authorization from the Fire Code Official.

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.

109.3.1 Abatement of Violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(H) STOP WORK ORDER. Section 111 of the International Fire Code is amended as follows:

111.4 Failure to Comply. Subsection is deleted in its entirety.

11-10-4: CHAPTER 5 FIRE SERVICE FEATURES AMENDMENTS: (2965 3327)

(A) FIRE APPARATUS ACCESS ROADS. Section 503.1 of the International Fire Code is amended to add Section 503.1.4 to read as follows:

503.1.4 Block Parties and Street Obstructions. The Fire Department is authorized to issue operational permits for street closures intended for block parties, City of Westminster sponsored events, neighborhood events, or for similar purposes where such events will not impede delivery of emergency services and does not create an additional risk to public safety. Applicable fees may be waived for City of Westminster events and events sponsored by non-profit entities and organizations.

(B) MARKINGS. Section 503.3 of the International Fire Code is amended to add Section 503.3.1 to read as follows:

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.

(C) OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Section 503.4 of the International Fire Code is amended to add Section 503.4.1 to read as follows:

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.

(D) PREMISES IDENTIFICATION. Section 505.1 of the International Fire Code is amended to add Section 505.1.1 and 505.1.2 to read as follows:

505.1.1. Buildings having exterior rear or side access doors shall have approved address numbers, building numbers or approved building identification placed in a position approved by the Fire Code Official.

505.1.2. Buildings with multiple tenants with interior access doors shall have approved unit or space identification numbers, address numbers or other approved means of identifying individual tenant spaces or units.

(E) PRIVATELY OWNED HYDRANT SYSTEMS. Section ~~508-507~~ of the International Fire Code is amended to add Section ~~508507~~.5.3.1 and ~~508507~~.5.7 to read as follows:

5078.5.3.1. 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.

508507.5.7. 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.

(F) PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS. Section ~~511-510~~ of the International Fire Code is deleted and replaced with the following new Section 510 to amended to add Sections 511.1, 511.2 and 511.3 to read as follows:

510.1 Purpose. The purpose of this part is to provide minimum standards to insure a reasonable degree of reliability for emergency services communication from within certain buildings and structures within the city to and from emergency communication centers. It is the responsibility of the emergency service provider to receive the signal to and from the building or structure.

~~New Construction. Buildings constructed in accordance with the criteria of Section 810.80 of the City of Westminster Electrical Code shall be required to install a radio amplification system.~~

511.2510.1 Existing Buildings. Buildings determined to present a hazard to public safety personnel due to inadequate radio communication capability shall be required to comply with Section ~~810.80~~510.

511.3510.2 Acceptance Testing and Approval. Approval and acceptance of radio amplification system installations shall require concurrent approval of the Fire Department and the Police Department.

510.3. Scope. The provisions of this Article shall apply to:

a. New buildings and structures of Type I, Type II, or Type III construction greater than 50,000 square feet or additions or modifications that cause the buildings to be greater than 50,000 square feet.

b. All basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy.

c. Existing buildings and structures of any size or construction type where the Police Chief or the Fire Chief determines that lack of adequate radio coverage for emergency services providers either constitutes a special hazard to occupants or emergency responders or would otherwise likely result in unduly difficult conduct of emergency operations.

d. For purposes of this Section, fire walls cannot be used to define separate buildings.

510.4. Radio Coverage. Except as otherwise provided in this Article, no person shall erect, construct, or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for emergency services providers.

a. After a building permit has been issued, upon request by the owner or the owner's agent, the police department will, within ten to fourteen days, identify the frequency range or ranges that must be supported.

b. In the event that an emergency service provider modifies its communications equipment in any way that impairs its ability to communicate with an existing system installed in accordance with this part, such agency shall be responsible for all costs associated with reestablishing communications within the affected building or structure.

c. Adequate radio coverage for emergency services providers requires:

(1) That on each floor, 85% of valid tests conducted in accordance with Section 510.6 result in intelligible two-way communications between the appropriate dispatch center and the tester in the building; and

(2) That 100% of valid tests conducted in accordance with Section 510.6 result in intelligible two-way communications between the appropriate dispatch center and the tester within the following building spaces:

(a) Throughout vertical exit enclosures and horizontal exit passageways;

(b) Fire command centers, if provided;

(c) Police substation.

(d) FCC Authorization: If amplification is used in the system, all FCC authorizations must be obtained prior to the use of the system. A copy of these authorizations shall be provided to the City.

510.5. Enhanced Amplification Systems.

a. Where buildings and structures are required to provide amenities to achieve adequate signal strength, such buildings and structures shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable systems, internal multiple antenna systems with a frequency range as established in Section 510.4, with amplification systems as needed, voting receiver system, or any other approved system.

b. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery and/or generator system for a period of at least four hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power input.

510.6. Testing Procedures. Method to conduct the tests:

a. Measurements shall be made using the following guidelines:

(1) Each measurement shall be made using a portable radio in general use by each emergency-service-provider agency, which agencies minimally include the police department and the fire department. Any digital, non-simplex channel programmed into such radio may be used during testing; the same channel need not be used for all tests.

(2) Portable radios used in testing shall not be displaying "low battery" indications.

(3) During test transmissions, the portable radio shall be held approximately two (2) inches from the mouth of the tester, at approximately a 45-degree angle with the tester's face, with the built-in microphone and speaker directed towards the tester's mouth, and with the antenna in a vertical orientation above the radio. The antenna of each radio shall be mounted directly on the top of the radio body/case. The built-in microphone shall be used for all testing; shoulder or other attached microphones/headsets shall not be used for testing.

(4) The tester shall orient himself or herself so as to be facing towards the exterior wall of the building nearest the point of the test.

(5) Both initial and annual tests shall be conducted by persons employed by the emergency-service-provider agency. At least one tester from the police department and one tester from the fire department shall conduct initial and annual tests, unless alternate arrangements are approved by both agencies.

(6) Each tester shall be solely responsible for determining whether or not radio messages received in the building are intelligible; the dispatcher at the emergency-agency dispatch center shall be solely responsible for determining whether or not radio messages received in the dispatch center are intelligible. An unintelligible message constitutes a failure of the test at the specific location being tested (see below).

(7) The tester in the building shall initiate each test by attempting to transmit a message to the dispatch center. Failure to receive a reply from the dispatch center constitutes a failure of the test at the specific location being tested.

(8) The tester in the building shall exercise reasonableness and discretion in the conduct of all tests. If the tester believes a particular test is not valid (e.g., is flawed by human error), then the results of that test may be discarded and the test shall be repeated.

b. Initial tests.

(1) Each floor of the structure shall be divided into 100-foot grids, and testing shall be performed at the center of each grid. In critical areas, including (but not limited to) those areas enumerated in Section 510.4(c)(2), the grids shall be reduced to 25 feet. At least one test shall be conducted at the center of every room having a use identified in Section 510.4(c)(2)b or 510.4(c)(2)c. The size of the grids may also be further reduced upon recommendation of any tester in areas where displays, equipment, stock, or any other obstruction may significantly affect communications or attenuate radio signals.

(2) A test shall be performed on every landing within vertical exit enclosures.

c. Required tests.

(1) Annual tests will be conducted by both the fire department and the police department if the communications appear to have degraded or at the discretion of the Police or Fire Department. If the testing fails to demonstrate adequate system performance, the owner of the building or structure shall remedy the problem and restore the system in a manner consistent with the original approval criteria.

(2) If the degradation to the system is due to building additions or remodeling, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria in order to obtain a final inspection for occupancy.

(3) Any system degradation or failure not related to the performance of the owner's on-site system will be the responsibility of the appropriate emergency service agency.

11-10-5: Chapter 6 Building Services and Systems:

(A) Section 611 is added to the International Fire Code to read as follows:

611 Solar Photovoltaic Installations:

611.1. Roof Clearances for Installation:

a. Panels shall not be placed closer than 2'0" to the ridge of any roof.

b. Panels shall be placed no closer than 2'0" to the head wall at the top of any roof slope.

c. Panels shall be placed no closer than an average of 18" from a roof valley.

d. Additional roof access may be required based on unique site conditions as determined by the Fire Department

611.2 Direct Current (DC) Wiring:

a. Direct current (DC) conduit, wiring, and raceways shall be located below the solar array or a minimum of 24" below the roof sheathing.

611.3 Labeling:

a. For residential applications, a label stating CAUTION, SOLAR PHOTO VOLTAIC SYSTEM ON PREMISES, shall be placed at or within the main electrical service disconnect.

11-10- ~~65~~: CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS: (2965 3327)

(A) AUTOMATIC SPRINKLER SYSTEMS. Section 903 of the International Fire Code is amended to delete Section 903.3.2 and add the following new subsections to read as follows:

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.

903.2.9.18.2 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.

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:

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

b. 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.

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 is amended to add the following:

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

EXCEPTION ~~56~~: Class I standpipes are allowed to be manual systems.

EXCEPTION 76: 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.

905.3.8 Bridges and Roadway Overpasses. Where required to extend water supply to streets, highways, and rail systems a dry standpipe shall be installed in accordance with Fire Department requirements.

(C) FIRE ALARM AND DETECTION SYSTEMS. Section 907 of the International Fire Code is amended to add Section 907.97.3.3 to read as follows:

907.9.3.7.3.3 The Fire Code Official shall determine the extent of zone coverage for fire alarm systems in all buildings and structures.

11-10-76: CHAPTER 33 EXPLOSIVES AND FIREWORKS AMENDMENTS: (3327)

(A) GENERAL. Section 3301 of the International Fire Code is amended as follows:

3301.1.3 Fireworks. Exception 1, Exception 2, and Exception 4 are deleted in their entirety and new exceptions are added to read as follows:

EXCEPTIONS:

1. 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.

2. Fireworks shall be prohibited in all City of Westminster parks and open spaces unless approved by the Director of Parks, Recreation, and Libraries and the Fire Department.

4. As provided in W.M.C. Section 6-8-3.

(B) EXPLOSIVES MATERIALS STORAGE AND HANDLING. Section 3304 of the International Fire Code is amended to add Section 3304.1.1 to read as follows:

3304.1.1 General Storage Limitations. The storage of explosives and blasting agents is prohibited within all zones except 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.

11-10-87: CHAPTER 38 LIQUEFIED PETROLEUM GASES AMENDMENTS: (3327)

(A) Subsection 3804.2 of the International Fire Code is amended to add the following text to read as follows:

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 5. Section 11-12-5, subsection (B), W.M.C., is hereby AMENDED AND A NEW SUBSECTION (C) IS ADDED to read as follows:

11-12-5: FIRE PROTECTION:

(B) Rental Dwelling Units. Smoke detectors shall be installed in all rental dwelling units or guest rooms as required ~~in section 11-10-6(A) of the Westminster Municipal Code~~ by the Building Codes as adopted by the City of Westminster.

(C) Carbon Monoxide Alarms. Any single-family dwelling or dwelling unit in a multi-family dwelling used for rental purposes and that includes fuel-fired appliances or an attached garage where interior alterations, repairs, fuel-fired appliance replacement or additions, any of which requires a building permit to be issued, or has a change in tenant or occupancy, shall have carbon monoxide alarms installed as required by the Building Code.

Section 6. This ordinance shall take effect October 1, 2010.

Section 7. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of August, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of September, 2010.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
August 23, 2010



SUBJECT: Resolution No. 30 re 2010 Great Outdoors Colorado Grant Application

Prepared By: Sarah Washburn, Landscape Architect II
Rich Dahl, Parks Services Manager

Recommended City Council Action

Adopt Resolution No. 30 authorizing the Department of Parks, Recreation and Libraries to apply for a grant from Great Outdoors Colorado (GOCO) during the Fall 2010 cycle for renovations at Countryside Park.

Summary Statement

- The Department of Parks, Recreation and Libraries wishes to pursue a grant from Great Outdoors Colorado for funding assistance with renovations at Countryside Park.
- Staff recommends requesting \$374,154 through the Special Opportunity Grant Program offered by Great Outdoors Colorado to increase the extent of renovations already planned for 2010 at Countryside Park. As opposed to replacing two tennis courts and eliminating two courts as budgeted, this funding would allow for replacement of all four existing courts as well as renovation of the 16-year-old playground to include new play elements and rubber safety surfacing.
- The City has the required matching funds available in the Parks Renovation General Capital Improvement Account.
- If the grant is awarded, construction could begin in 2011.

Expenditure Required: \$164,500

Source of Funds: General Capital Improvement Fund – Park Renovation Project

Policy Issue

Should the City attempt to seek assistance for the renovations at Countryside Park by pursuing grant monies from the Great Outdoors Colorado Grant Program?

Alternative

Council could choose not to pursue additional funding for Countryside Park and proceed with the CIP project budget of \$200,000. Staff does not recommend this as the current budget allows for renovation of two tennis courts, and complete removal of the other two, to be replaced with sod. Staff recommends attempting to secure additional funding for this project through this grant opportunity to allow for renovation of all four existing tennis courts in addition to a complete playground overhaul at this park.

Background Information

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from a variety of sources in the past including grants from Great Outdoors Colorado. As an example, Westminster Center Park was the last City project awarded GOCO funding. The Special Opportunity Local Parks and Outdoor Recreation (LPOR) GOCO grant is for funding requests ranging between \$200,000 to \$700,000 for park and outdoor recreation development or enhancement. The total grant request may be for up to 70% of the total project cost, with a minimum of 30% matching funds required. Applicants will be given notice of award on or about December 8, 2010. No work can start until grants are awarded.

Staff strongly believes that any additional funding received will greatly help facilitate renovations the community has been requesting for many years at Countryside Park. The grant request to GOCO is for 69.5% of the total project cost. The maximum percentage allowed by the grant is 70%. Receipt of the grant would increase the project budget to \$538,654 (City match would be \$164,500).

This request for grant funds from GOCO along with the Countryside Park renovation project support City Council's Strategic Plan goals of "Financially Sustainable City Government Providing Exceptional Services" and "Beautiful and Environmentally Sensitive City."

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2010

**A RESOLUTION TO PURSUE A GRANT REQUEST FOR THE 2010 GREAT OUTDOORS
COLORADO GRANT PROGRAM**

WHEREAS, the State of Colorado has established a local government grant application process to assist municipalities and special districts within the State with the development of recreational capital improvements and open space acquisition; and

WHEREAS, the City of Westminster has budgeted for improvements for Countryside Park; and

WHEREAS, grant money received from Great Outdoor Colorado would significantly enhance the improvements for Countryside Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that Staff shall submit a grant application to the Great Outdoors Colorado Grant program for the fall funding cycle of 2010, requesting funding in the amount of \$374,154 to enhance the redevelopment of Countryside Park.

PASSED AND ADOPTED this 23rd day of August, 2010.

Mayor

ATTEST:

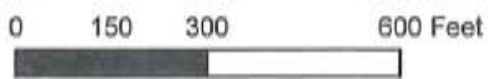
APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

Countryside Park Vicinity Map

10470 Oak Street



WESTMINSTER





Proposed tennis court renovation
Size & location to remain as per existing
Proposed court benches

Existing ballfields (2)

Existing Basketball Court

Existing Play Area
Proposed benches (typ)

Existing shelter
Proposed trees

Existing Parking

Existing Countryside Pool & Community Center

Proposed gravel trail conversion to concrete (typ)

Existing Volleyball Court

Proposed "Land, Sea & Air" theme play elements & poured in place rubber surfacing.

Existing Parking

Scale: 0 50' 100' 200' 400'

