



## 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. Proclamation re Employee Appreciation Week
  - B. Proclamation re Yellow Ribbon Youth Suicide Awareness and Prevention Week
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 2006
  - B. Quarterly Insurance Report: April – June 2006
  - C. England Pipeline Construction Contract Award
  - D. Second Reading Councillor's Bill No. 45 re Lease for the Former Animal Shelter
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Public Hearing re Hyland Village Metropolitan District
  - B. Resolution No. 41 re Service Plan for Hyland Village Metropolitan District
  - C. Public Hearing re Application to Designate Lower Church Lake Barn and Silo as a Local Historic Landmark
  - D. Resolution No. 42 re Designating the Lower Church Lake Barn and Silo as a Local Historic Landmark
  - E. Resolution No. 43 re Carry Forward Balance of 2006 Private Activity Bond Allocation
  - F. Resolution No. 44 re Compliance Hearing for the Kerr Property Annexation
  - G. Resolution No. 45 re Ambulance Fee Schedule
  - H. Resolution No. 46 re November 2006 Coordinated Election Costs
  - I. Resolution No. 47 re Adams County Open Space Grant Application for the 2006 Trail Repairs Project
  - J. Resolution No. 48 re Sponsoring Hyland Hills for an Adams County Open Space Grant Application
  - K. Resolution No. 49 re Ballot Issue to Extend the Open Space, Parks and Trails Sales Tax and to Issue Bonds
  - L. Councillor's Bill No. 47 re Vacation of Wadsworth Boulevard ROW within the Mandalay Gardens Subdivision
  - M. Special Warranty Deed Correction for Lot 1A of the Walker Subdivision
  - N. Councillor's Bill No. 48 re 100<sup>th</sup> Avenue/Wayne Carle Middle School Sidewalk Project Appropriation
  - O. Councillor's Bill No. 49 re Water and Sewer Code Revisions
11. Old Business and Passage of Ordinances on Second Reading
  - A. Second Reading Councillor's Bill No. 46 re Charter Amendments for November 2006 Ballot
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
  - A. City Council
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 28, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally asked Brandon and Brian Andrews of Scout Troop 619 to lead the Council, Staff, and audience in the Pledge of Allegiance. Both young men were working on their Citizenship in the Community badges.

ROLL CALL

Mayor McNally, Pro Tem Kauffman and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Dittman, to approve the minutes of the regular meeting of August 14, 2006, as written and circulated. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall remarked that the locally founded Yellow Ribbon Youth Suicide Awareness and Prevention organization truly had grown to national recognition as he recently had seen a billboard promoting the organization in his hometown of Fort Scott, Kansas.

Mr. McFall reported that ceremonies on August 31 would mark the opening of the 144<sup>th</sup> Avenue/I-25 interchange. While landscaping was incomplete, the access was ready to carry traffic.

Mr. McFall announced Council's meeting schedule in September, which had been modified to accommodate the Labor Day holiday and the Public Safety Banquet.

CITY COUNCIL COMMENTS

As Council's representative to the Jefferson County Economic Development Council, Mayor Pro Tem Kauffman reported on a meeting he had recently attended. Further, he congratulated staff and volunteers on a successful Westminster Faire and Holy Cow Stampede.

Councillor Major echoed the Mayor Pro Tem's sentiments concerning the Westminster Faire and the Holy Cow Stampede. Additionally, he reported having attended ceremonies to celebrate renovation of the Savory Savery Mushroom Farm Water Tower, a local historic landmark.

Councillor Lindsay reported that August 17 marked the opening of the 120<sup>th</sup> Avenue Bridge, a long-awaited connection providing direct access from Broomfield to Denver International Airport. Residents of many north metro cities would benefit from this infrastructure, and a representative from each of those municipalities that participated financially in construction had driven a vehicle across the bridge as part of the opening ceremonies.

Councillor Price reported that a public hearing on August 31 at the Arvada Center would provide the final opportunity for public comment on Rocky Flats.

Mayor McNally proudly presented the bronze and gold bells to Police Chief Dan Montgomery and Assistant City Manager Stephen Smithers respectively for their performances in the Holy Cow Stampede.

### PROCLAMATIONS

Mayor McNally proclaimed Employee Appreciation Week to be September 4 through 8, 2006, and praised the hard work and commitment of the City's employees. With a standing ovation from City Council, the Mayor presented the proclamation to members of the Employee Advisory Committee and the Employee Recognition Action Team.

Councillor Dittman read a proclamation declaring the week of September 17 through 24 to be Yellow Ribbon Youth Suicide Awareness and Prevention Week and presented the proclamation to Becky Emme, who described activities to be held during that week.

### CITIZEN COMMUNICATION

Larry Dean Valente, 3755 West 81<sup>st</sup> Avenue, invited Council and the public to a Fast Tracks Forum being sponsored by SWORD (South Westminster Organized for Responsible Development) on the evening of September 27 at the Westminster Presbyterian Church. Additionally, he commented on Item 11A, stating the ballot proposal would make the initiative, referendum, and recall processes more difficult for citizens to fulfill. He urged Council not to place the question on the ballot.

Jan Fancher, 7260 Lamar Court, commented on the proposed ballot issue to extend the parks, open space, and trails tax to 2032 and indicated she opposed it because funds generated from this source were used to pay golf course debt and to increase debt through bonding. Contrary to the way the ballot issue was worded, she considered the extension of the tax a new tax. Mr. McFall responded. The parks and open space tax was divided equally between those two uses, and some parks' funding was used for golf course debt. Based on definitions, which had been legally challenged and upheld, an extension of a tax was not a new tax under the Taxpayers' Bill of Rights (TABOR). The issue was being placed before the electorate so the City could bond for money to acquire desired open space before that land was developed.

Ed Getch, 10207 Osceola Court and a member of the Open Space Advisory Board, encouraged Council to act favorably on Resolution No. 49. The Board had identified properties for acquisition and was eager to pursue its vision.

Mr. McCullough clarified that the percentages of signatures required to accomplish initiative, referendum, or recall were not proposed for change in the ballot question contained in Councillor's Bill No. 46, which would be considered on final passage later in the meeting. The focus of the ballot question was to modify provisions of the City Charter that conflicted with recent changes in Colorado Law or the Colorado Constitution and complicated the City's participation in coordinated elections.

James Major, 7044 Yates Street, thanked Council for connecting the Little Dry Creek to the regional trail system and for clean-up of the area between Lowell and Federal Boulevards. He provided photographs of two unsightly areas that needed to be cleaned and asked if Council would nudge the property owner to tend to the problems. One sight was a bridge over Burlington Northern Railroad tracks on Federal and another at Hidden Lake. He believed the property owner was CDOT (Colorado Department of Transportation).

Ben Beatty, 4500 West 110<sup>th</sup> Circle and a member of the Open Space Advisory Board, encouraged Council to adopt Resolution No. 49. Waiting until the current parks and open space tax sunset in 2016 to ask the electorate to extend the tax so the City could bond to generate money for open space acquisitions would be ineffective. There was tremendous pressure currently to develop land and money was needed now to preserve the land.

Dennis Emily, 10001 Ames Street, voiced concern about the ability of Sheridan Boulevard to handle additional traffic volume that would be generated by proposed development. He was referred to Dave Downing, City Engineer, for information on improvements planned for Sheridan Boulevard.

CONSENT AGENDA

The following items were submitted for Council’s consideration on the consent agenda: the July 2006 Financial Report; the April to June 2006 Quarterly Insurance Report; authorization for the City Manager to execute a contract with Tierdael Construction in the amount of \$1,676,667 for the construction of the England Pipeline, for a ten percent construction contingency in the amount of \$167,667, for a contract amendment with the City’s design engineer ASCG in the amount not to exceed \$45,000 for additional design and construction management related services, for a contract with J & T Consultants, Inc in the amount not to exceed \$45,000 for owner’s representative services on a time and material basis, and for the transfer of \$575,000 from the water capital project reserve account to fund the completion of this project; and final passage of Councillor’s Bill No. 45 authorizing the City Manager to sign an agreement with The Dog and I, LLC, to lease the former Animal Shelter located at 8800 Sheridan Boulevard, Unit 100.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Major and seconded by Mayor Pro Tem Kauffman to approve the consent agenda, as presented. The motion passed unanimously.

PUBLIC HEARING RE HYLAND VILLAGE METROPOLITAN DISTRICT

Clerk’s Note: Mayor McNally announced that she would not participate in this hearing or the consideration of Resolution No. 41 as she had a conflict of interest because of her employment. The Mayor passed the gavel to Mayor Pro Tem Kauffman and left Council Chambers.

At 7:39 p.m., Mayor Pro Tem Kauffman opened a public hearing regarding the Hyland Village Metropolitan District. McStain Enterprises, Inc. planned to develop property at approximately 96<sup>th</sup> Avenue and Sheridan Boulevard and wanted to create a Metropolitan Special District to fund infrastructure to serve the new urbanism residential development. The District would contain approximately 72 acres of predominately residential development with some commercial. Metropolitan Special Districts were governmental entities created by property owners of the district and were legally distinct from the City. The City, however, was required to approve a Service Plan before a district could be created. John Carpenter, Community Development Director, advised that this was a skeletal service plan that would allow the developer to proceed with the formation of the district at the November election. The district would not be allowed to levy any tax, impose any fee, construct any improvements or incur any debt until the Amended Service Plan was reviewed by staff and approved by City Council in the future. McStain proposed the metro district in a manner that would satisfy the City’s policy, including a limit of 25 mills or less on the mill levy for the residential portion of the project. Representatives of the developer were present.

The public hearing was closed at 7:46 p.m.

RESOLUTION NO. 41 RE HYLAND VILLAGE METROPOLITAN DISTRICT SERVICE PLAN

It was moved by Councillor Dittman, seconded by Major, to adopt Resolution No. 41 approving the service plan for Hyland Village Metropolitan District. At roll call, the motion passed unanimously (6:0) with Mayor McNally not present or participating.

Clerk’s Note: Mayor McNally returned to Council Chambers and the Mayor Pro Tem passed the gavel to her.

PUBLIC HEARING RE LOWER CHURCH LAKE BARN & SILO HISTORIC LANDMARK DESIGNATION

At 7:47 p.m., the Mayor opened a public hearing to consider an application to designate the Lower Church Lake Barn and Silo as a local historic landmark. Vicky Bunsen, Community Development Programs Coordinator, entered in the record the agenda memorandum, its attachments, and a PowerPoint presentation that included the proof of publication of the notice of hearing. The application had been prepared by the City's Open Space Division to designate the property located at 10850 Wadsworth Boulevard as a local historic landmark. The area had been homesteaded in 1864 by the Church family. The barn and silo were examples of an architectural style associated with the early 20<sup>th</sup> Century Westminster area. The structures were on City open space and provided a familiar visual reminder of the City's historic agricultural heritage.

Larry Dean Valente, 3755 West 81<sup>st</sup> Avenue, appreciated the thorough and thoughtful job Ms. Bunsen did on behalf of the Historic Landmark Board and the community.

No others wished to testify, and the hearing was closed at 8:03 p.m.

RESOLUTION NO. 42 RE LANDMARK DESIGNATION OF LOWER CHURCH LAKE BARN & SILO

It was moved by Councillor Lindsey and seconded by Councillor Dittman to adopt Resolution No. 42 designating the Lower Church Lake Barn and Silo as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code. At roll call, the motion passed unanimously.

RESOLUTION NO. 43 RE 2006 PRIVATE ACTIVITY BOND ALLOCATION CARRY FORWARD BALANCE

Councillor Major moved to adopt Resolution No. 43 approving the carry forward of the City of Westminster's 2006 Private Activity Bond allocation in the amount of \$4,207,080 for the qualified purposes set forth in the resolution and to authorize the Mayor to execute the documents necessary to preserve this allocation. Councillor Dittman seconded the motion, and it passed unanimously on roll call vote.

RESOLUTION NO. 44 RE COMPLIANCE HEARING FOR KERR ANNEXATION

It was moved by Mayor Pro Tem Kauffman, seconded by Major, to adopt Resolution No. 44 accepting the annexation petition submitted by James Kerr, property owner; making findings required by State Statute on the sufficiency of the petition; and setting September 25, 2006, as the date of public hearing to consider the annexation. At roll call, the motion passed with all Council members voting affirmatively.

RESOLUTION NO. 45 RE AMBULANCE FEE SCHEDULE

Councillor Dittman moved, seconded by Price, to adopt Resolution No. 45 establishing the new ambulance fee schedule. The motion passed unanimously on roll call vote.

RESOLUTION NO. 46 RE NOVEMBER 2006 COORDINATED ELECTION COSTS

It was moved by Councillor Price and seconded by Councillor Dittman to adopt Resolution No. 46 authorizing the transfer of \$35,000 from the General Fund contingency account into the elections expense account within the General Services City Clerk Division operating budget to pay unanticipated coordinated election costs to Adams and Jefferson Counties. The motion passed unanimously on roll call vote.

RESOLUTION NO. 47 RE ADAMS COUNTY OPEN SPACE GRANT APPLICATION - 2006 TRAIL REPAIRS

Upon a motion by Councillor Lindsey, seconded by Kaiser, the Council voted unanimously at roll call to adopt Resolution No. 47 authorizing the department of Parks, Recreation and Libraries to pursue an Adams County Open Space grant during the 2006 second grant cycle for trail improvements along the Big Dry Creek and Farmers' High Line Canal Trails.

RESOLUTION NO. 48 RE SPONSORSHIP OF HYLAND HILLS OPEN SPACE GRANT APPLICATION

Councillor Dittman moved to adopt Resolution No. 48 sponsoring Hyland Hills Park and Recreation District for two Adams County Open Space grant applications. Councillor Price seconded the motion, which passed unanimously at roll call.

RESOLUTION NO. 49 RE BALLOT ISSUE EXTENDING TAX AND AUTHORIZING BOND ISSUANCE

Councillor Major moved to adopt Resolution No. 49 referring ballot issue 2A to the voters for extension of the 0.25% open space, parks, recreation and trails sales and use tax for a period of 16 years until 2032 and for authority to issue up to \$20 million in bonds to be repaid over the next 25 years. Councillor Price seconded the motion.

Mr. McCullough noted that Council had been provided a corrected agenda memorandum to reinsert numbered sections that had been inadvertently removed from Resolution No. 49. With reasons stated by many Council members, the motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 47 VACATING A PORTION OF WADSWORTH BOULEVARD R-O-W

It was moved by Councillor Dittman, seconded by Price, to pass Councillor's Bill No. 47 on first reading to accomplish the vacation of a portion of the Wadsworth Boulevard public right-of-way that crossed the front yard of the former Walker house open space property (10695 Wadsworth Boulevard) within the boundaries of the former Mandalay Gardens Subdivision, located north of 106<sup>th</sup> Avenue and south of Lower Church Lake. At roll call, the motion passed unanimously.

SPECIAL WARRANTY DEED AUTHORIZED FOR WALKER FINAL PLAT CORRECTION

Councillor Dittman moved to authorize the City Manager to execute and deliver a correction Special Warranty Deed to the Camalicks for Lot 1A of the Walker Subdivision, as described on the Corrected Final Plat. Councillor Price seconded the motion, which passed unanimously.

COUNCILLOR'S BILL NO. 48 RE SUPPLEMENTAL APPROPRIATION FOR SCHOOL SIDEWALK PROJECT

Mayor Pro Tem Kauffman moved to pass Councillor's Bill No. 48 on first reading providing for supplementary appropriations to the 2006 General Capital Improvements fund; authorizing a change order in the amount of \$73,898 with Keene Concrete, Inc., the low bidder for the 2006 Concrete Replacement Program; finding, based on the recommendation of the City Manager, that the public interest would best be served by authorizing the City Manager to execute a contract for the construction of a concrete wall with Great Wall Systems, LLC in the amount of \$66,081; authorizing the purchase and installation of two gates with Kayne Fence Company, the low bidder, in the amount of \$9,390 and authorizing a total construction project budget of \$156,869, which included a \$7,500 construction contingency. Councillor Dittman seconded the motion, and it passed unanimously on roll call vote.

COUNCILLOR’S BILL NO. 49 RE WATER AND SEWER CODE REVISIONS

Upon a motion by Councillor Major, seconded by Councillor Price, the Council voted unanimously on roll call vote to pass Councillor’s Bill No. 49 on first reading to modify various sections of the Water and Sewer Codes. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 46 RE INITIATIVE, REFERENDUM & RECALL CHARTER AMENDMENT

It was moved by Councillor Dittman and seconded by Councillor Major to pass Councillor’s Bill No. 46 on second reading placing a question on the November 2006 election ballot to amend the Initiative, Referendum, and Recall provisions of the City Charter.

Councillor Kaiser reiterated the basis for his opposition to the ballot question as written. Mayor Pro Tem Kauffman and Mayor McNally commented on their reasons for supporting the question as written. At roll call vote, the motion passed by a 6:1 margin with Councillor Kaiser casting the dissenting vote.

ADJOURNMENT:

There was no further business to come before City Council, and the meeting was adjourned at 8:29 p.m.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor





## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Proclamation re Employee Appreciation Week

**Prepared By:** Lisa Chrisman, Senior Human Resources Analyst

**Recommended City Council Action**

Mayor McNally shall proclaim September 4 through September 8, 2006 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 City Council is being requested to proclaim September 4 through September 8, 2006 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 995 full and part-time benefited employees, and the more than 600 seasonal and non-benefited employees who comprise the City of Westminster's workforce.
- On September 6, the 17<sup>th</sup> 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 995 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 1,630 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 4 through September 8, 2006 as City of Westminster Employee Appreciation Week.

One of the highlights of the week will be the Employee Appreciation Breakfast at City Park Recreation Center. It will mark the 17<sup>th</sup> 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 and orange juice for employees at the start of their workday. Employees will stop by anytime between 6:00 a.m. and 9:00 a.m. to partake in the breakfast and comradery prior to the start of their normal workday.

In addition, the Employee Recognition Action Team has created an electronic thank you note that will be available to send to City employees that 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 including an all employee picnic lunch.

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 995 full-time and part-time benefited employees and over 600 seasonal and non-benefited employees have contributed significantly to the quality of life of Westminster citizens; and

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

**WHEREAS**, on September 6, 2006 the City Manager, Assistant City Manager, City Attorney, 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 4, 2006, 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 4 through September 8, 2006 as**

**CITY OF WESTMINSTER  
EMPLOYEE APPRECIATION WEEK**

Signed this 28<sup>th</sup> of August, 2006.

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Nancy McNally, Mayor



## Agenda Item 6 B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 28, 2006



**SUBJECT:** Proclamation re Yellow Ribbon Youth Suicide Awareness and Prevention Week

**Prepared by:** Linda Yeager, City Clerk

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

Proclaim September 17 through 24, 2006 to be Yellow Ribbon Youth Suicide Awareness and Prevention Week in the City of Westminster.

#### **Summary Statement**

- City Council is requested to proclaim the week of September 17-24, 2006 as Yellow Ribbon Youth Suicide Awareness and Prevention Week in the City of Westminster.
- Activities planned during the week have been designed to increase awareness about suicide and have proven to help people of all ages ask for help in their most desperate time.
- This week also allows survivors to be with others and remember loved ones lost to suicide.
- Councillor Dittman will present the proclamation to Dale, Dar, and Becca Emme.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**SUBJECT:** Proclamation re Yellow Ribbon Week

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**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Youth suicide is the second-leading cause of death nationwide, killing 3 to 6 times more people between the ages of 15 and 19 than homicide. The yellow ribbon is a recognized symbol for awareness and prevention of youth suicide. The Yellow Ribbon Program, founded in Westminster, and its partners are working to save lives locally and worldwide and are achieving welcome results.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS,** Youth suicide is one of the most disruptive and tragic events a family and a community can experience, and is occurring at a national rate of over 5,000 youth suicides annually and is the second-leading cause of death for people between the ages of 15 and 19 nationwide; and

**WHEREAS,** Colorado is one of the leading states in highest youth suicides with at least one youth suicide every week. Suicide kills youth 3 to 6 times more than homicide. Research shows that almost all youth suicides are preventable; and

**WHEREAS,** The issue of youth suicide and how to prevent it is of extreme importance and must be recognized as an immediate need for awareness and prevention: and

**WHEREAS,** Statistics show that awareness, education and action do save lives. Heightened community awareness will encourage communities to develop strategies to prevent youth suicides; and

**WHEREAS,** The City of Westminster, the founding home of the Yellow Ribbon program, is pleased to be at the forefront in leading these worthwhile efforts; and

**WHEREAS,** The Yellow Ribbon is rapidly becoming recognized internationally as the symbol for the awareness and prevention of Youth suicide. It is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers/hospitals, and especially youth themselves.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim September 17-23, 2006 as**

**YELLOW RIBBON SUICIDE AWARENESS  
AND PREVENTION WEEK**

and urge all citizens to work to prevent youth suicide, wear a yellow ribbon and to raise awareness of this critical issue.

Signed this 28<sup>th</sup> day of August, 2006.

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Nancy McNally, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Financial Report for July 2006  
**Prepared By:** Tammy Hitchens, Finance Director

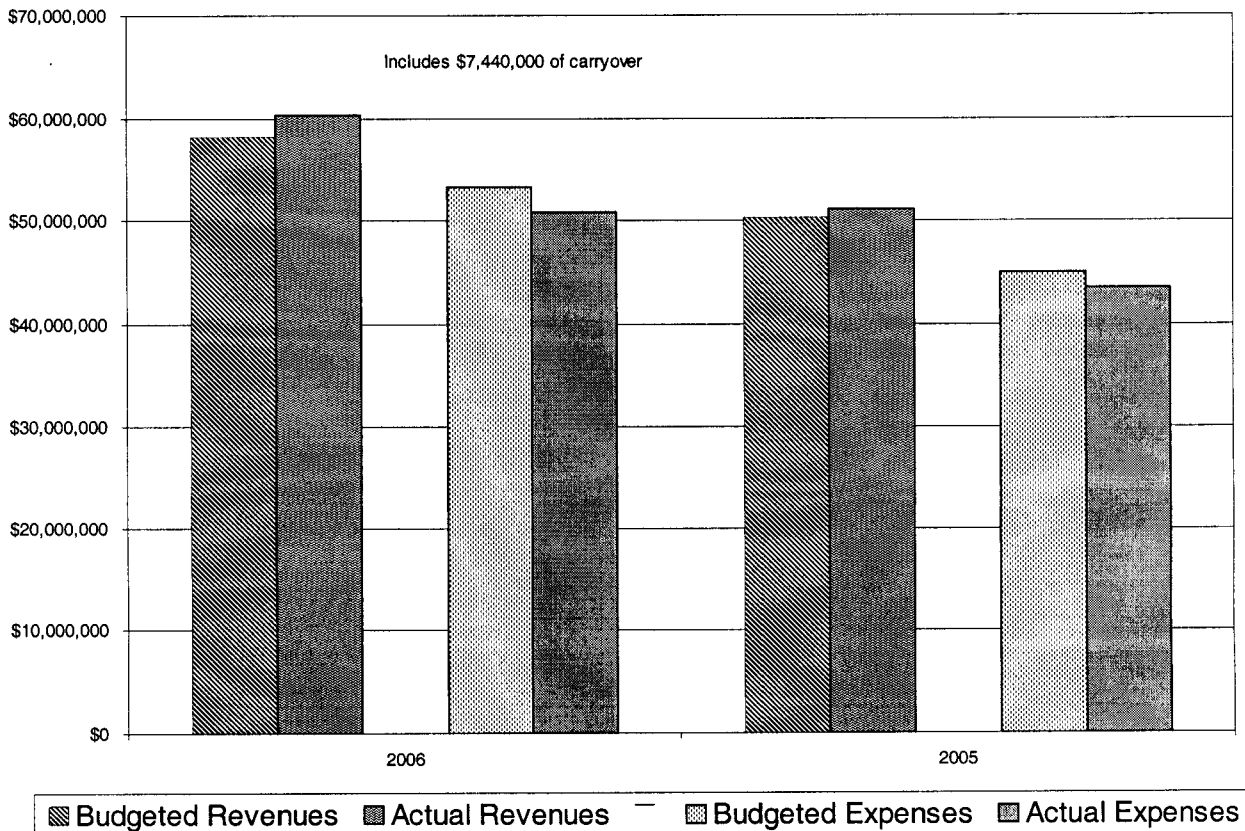
**Recommended City Council Action**  
Accept the Financial Report for July as presented.

**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 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$9,491,000. The following graph represents Budget vs. Actual for 2005 – 2006. Included in the \$9,491,000 is \$7,440,000 of carryover, which will be spent over the remainder of the year on operating and capital improvement priorities authorized by City Council in June.

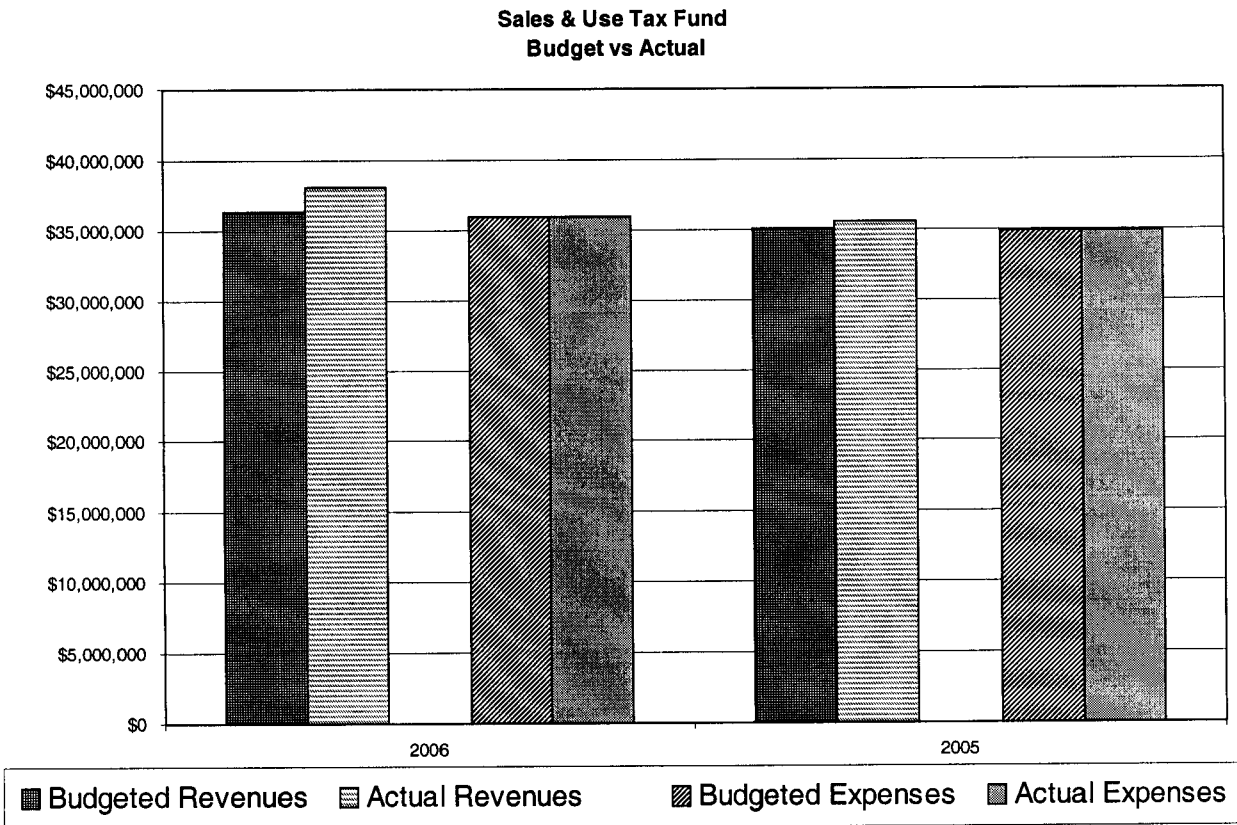
**General Fund  
Budget vs Actual**



The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$2,224,000

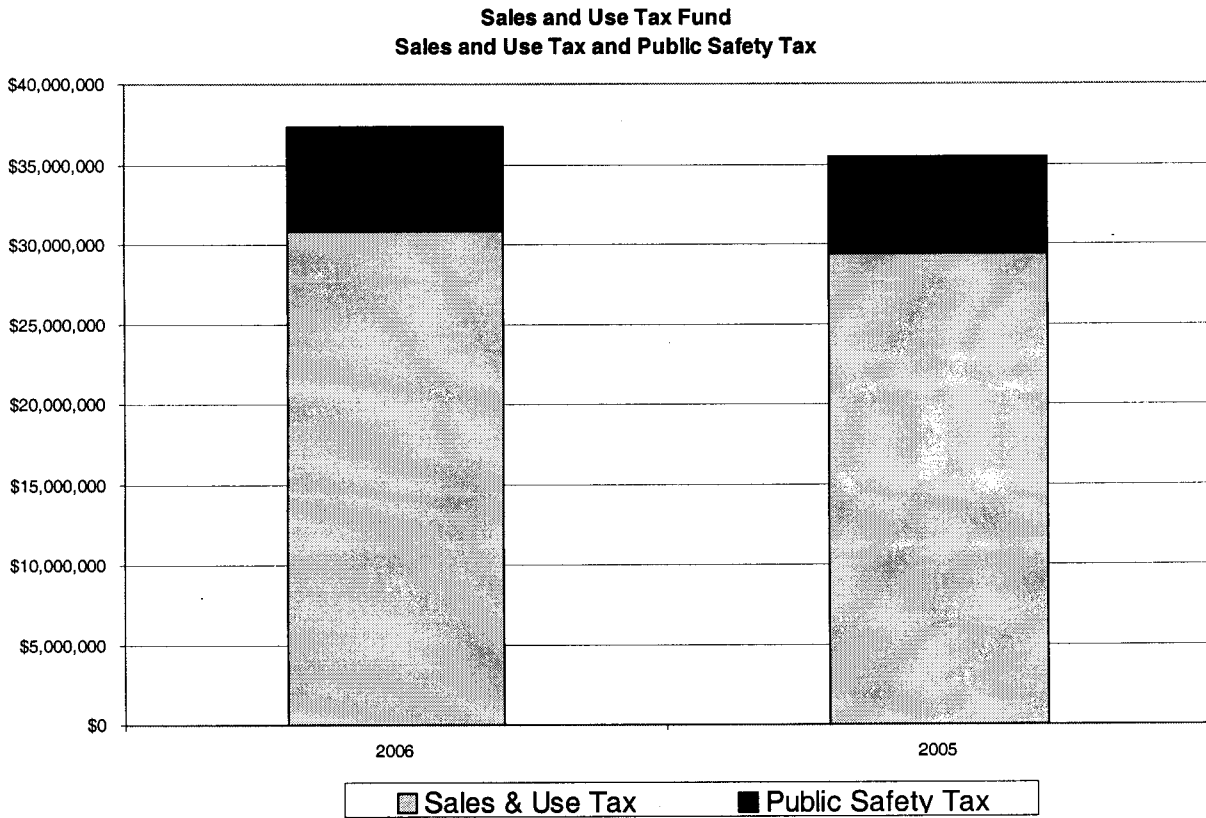
- On a year-to-date basis, sales & use tax returns are up 3.9%.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 1.0% from the prior years. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 0.3%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 2.6% after adjusting for one time audit revenue and Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 7% on a year-to-date basis.
- Building Use Tax is up 24.9% year-to-date over 2005.

The numbers reflect less reliance on the top producers of sales tax and a diversification of and additional sales tax payers.

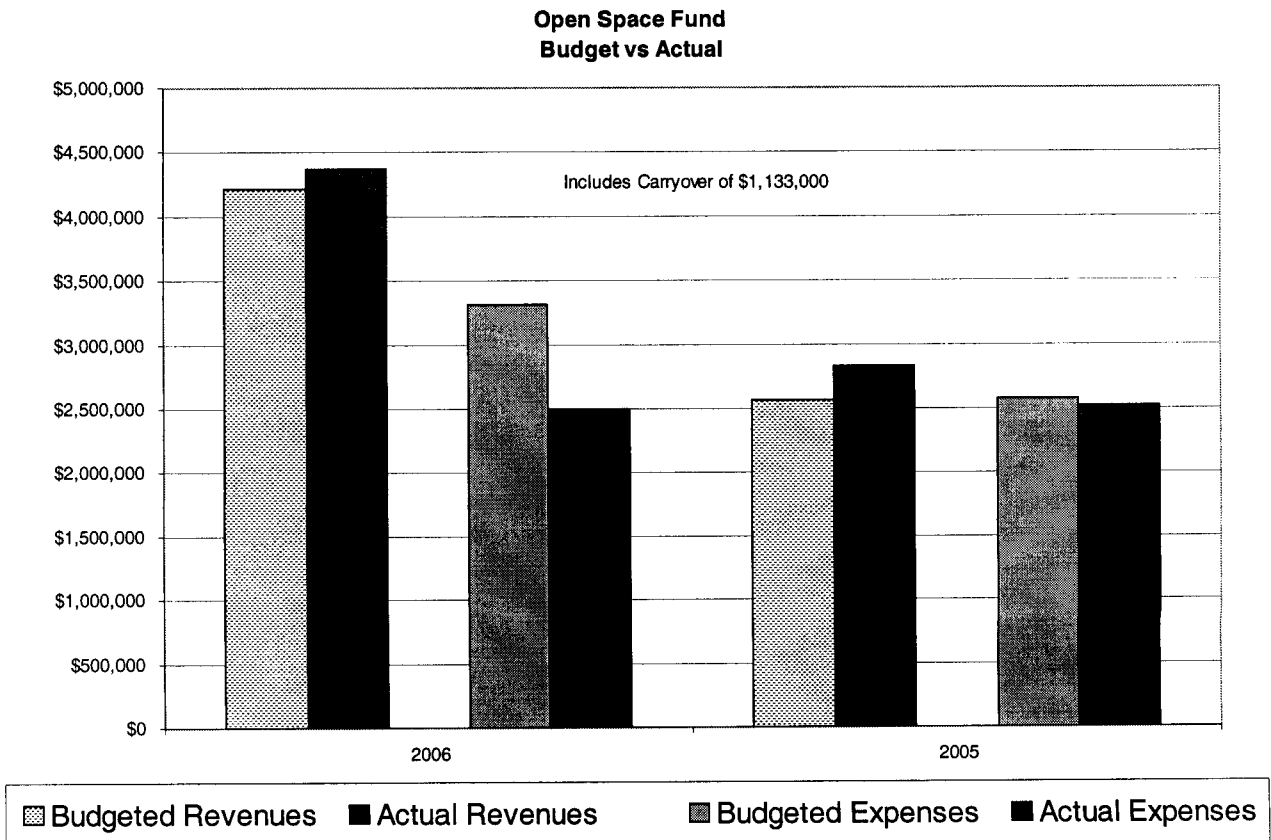




The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.

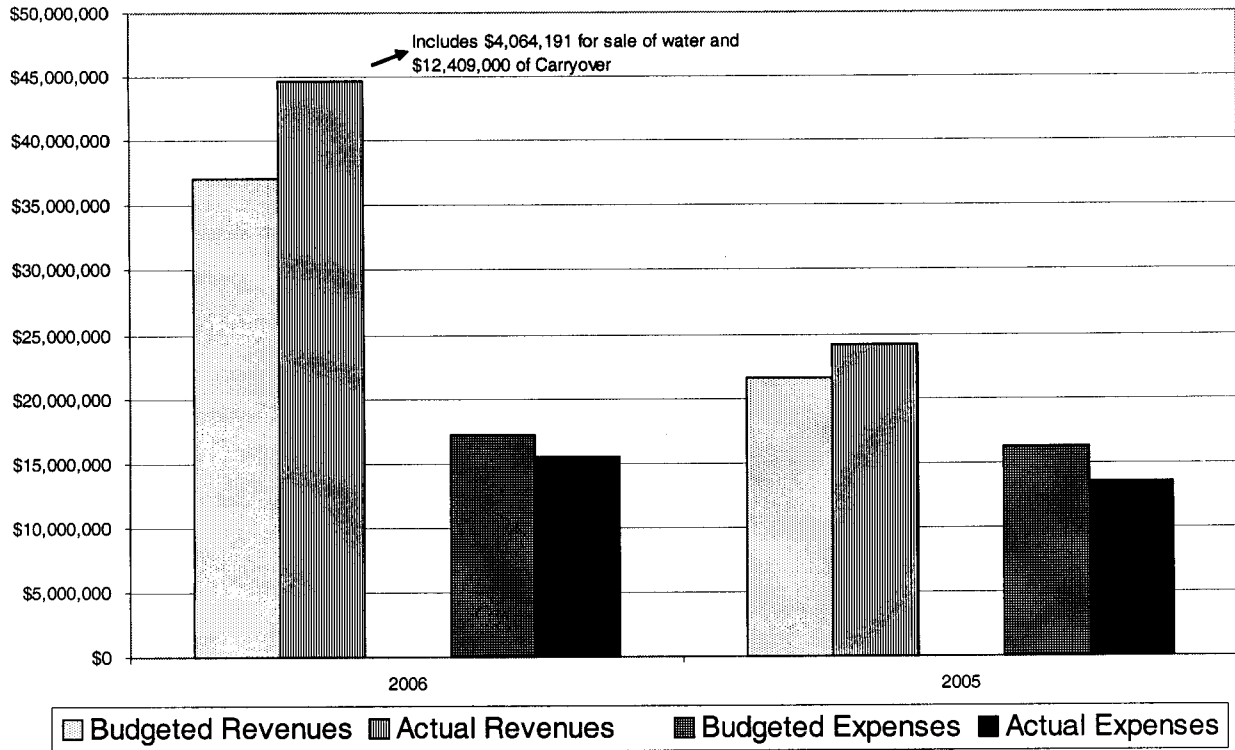


The Open Space Fund revenues exceed expenditures by \$1,882,000.



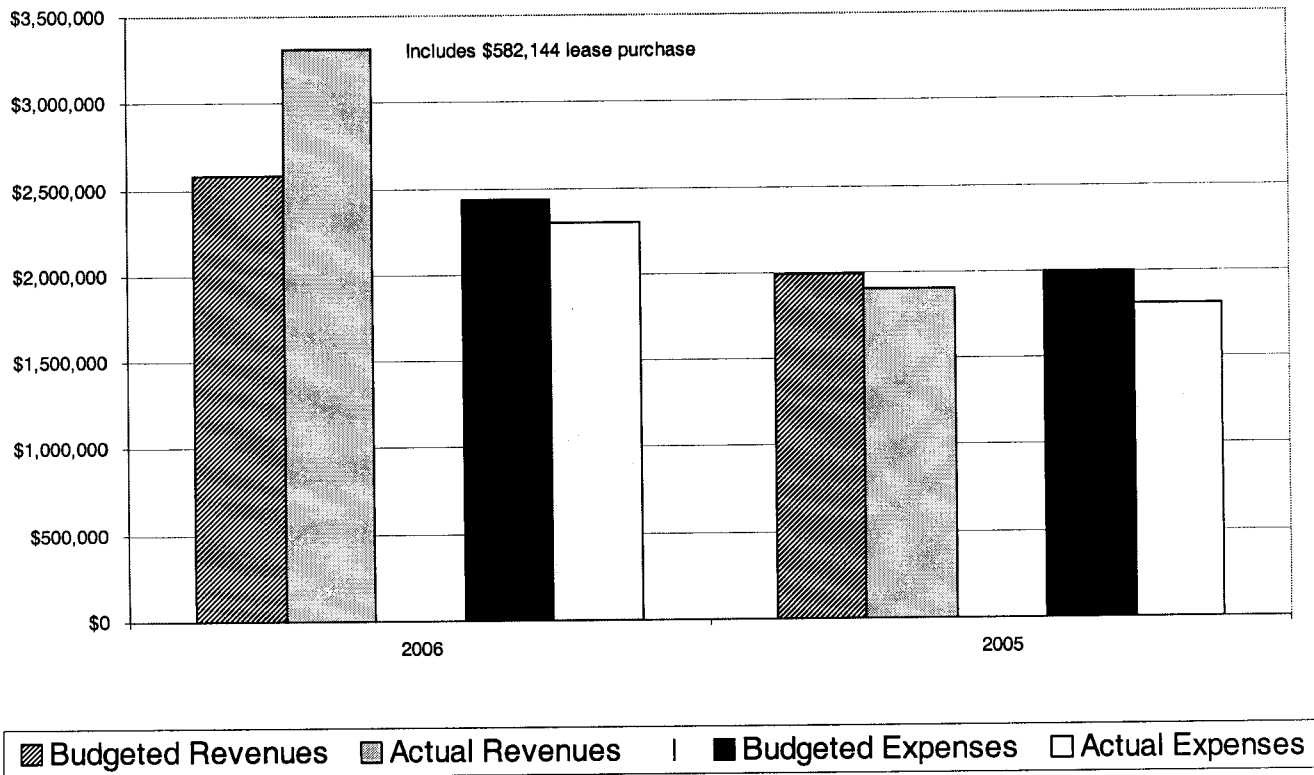
The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$29,136,000. \$24,001,000 is budgeted for capital projects. The City sold water to Southwest Adams Country Water and Sanitation District for \$4,065,000 in March. Central charges reflect a larger positive variance due to contingency money.

**Combined Water and Wastewater Funds  
Budget vs Actual**



The combined Golf Course Funds' revenues exceed expenditures by \$678,000. This number includes a transfer of \$750,000 from the General fund to assist in decreasing the negative cash balance at year end. The \$750,000 was not budgeted in the golf course fund as it is not available to spend. The golf courses made a quarterly lease payment for golf carts and equipment in January. When comparing 2005 expenditures to 2006, the 2006 Heritage figures include a lease purchase, for golf carts and maintenance equipment, of \$582,144.

**Golf Course Enterprise  
Budget vs Actual**



**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**

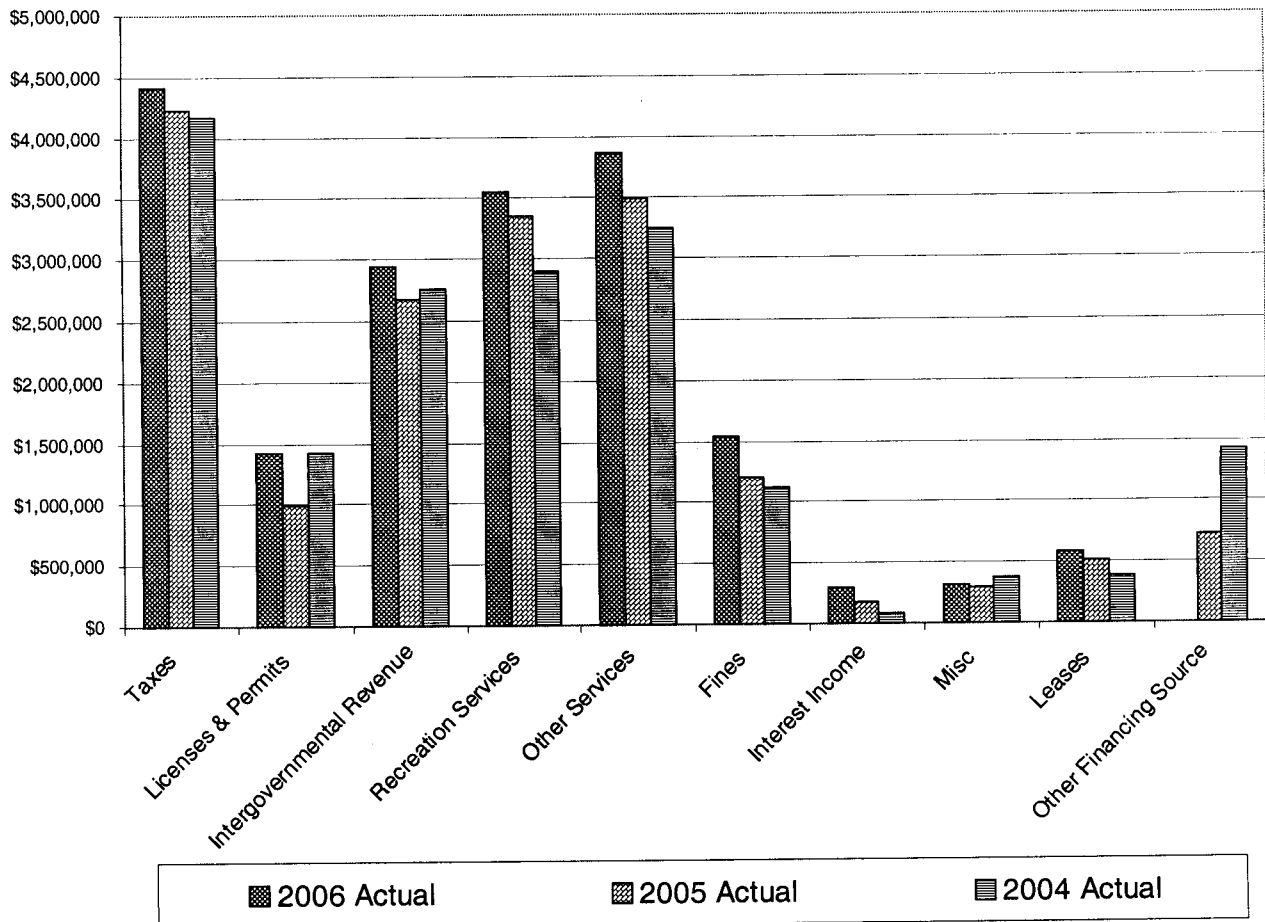
This section includes a discussion of highlights of each fund presented.

**General Fund**

This fund reflects the results 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.

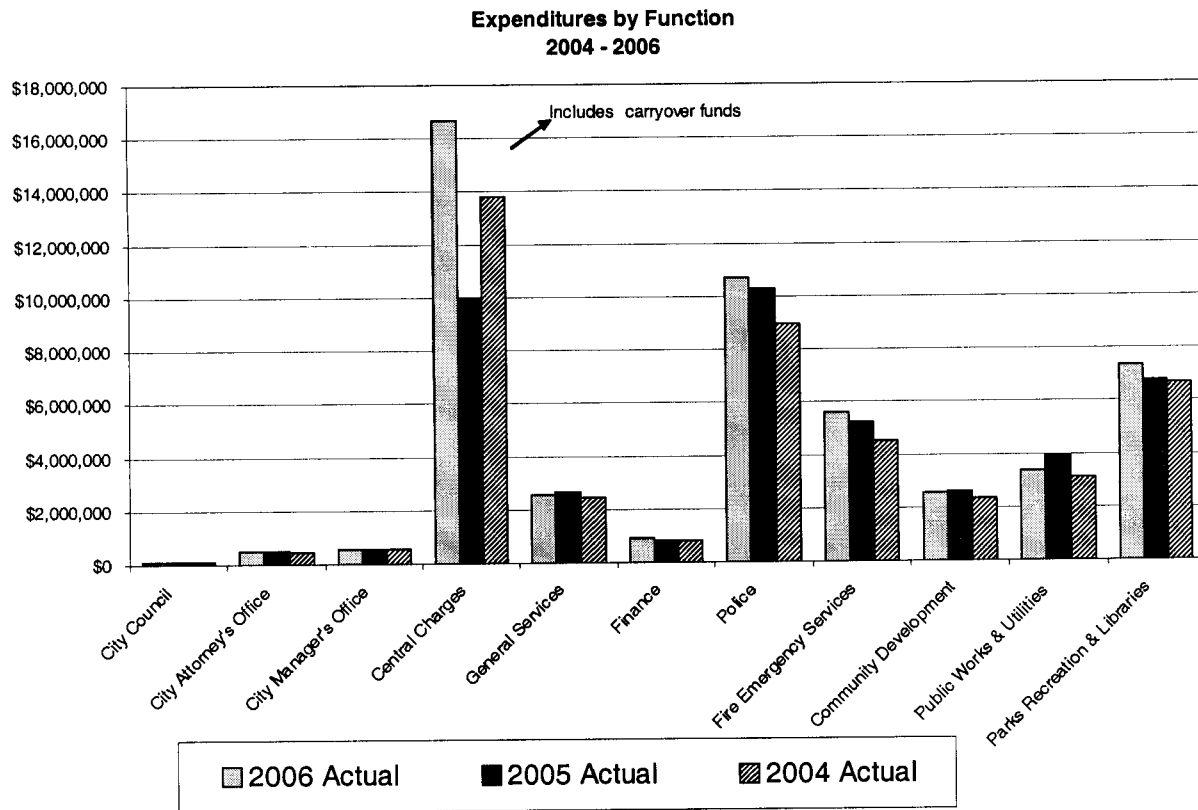
The following chart represents the trend in actual revenues from 2004 – 2006 year-to-date.

**General Fund Revenues without Transfers and Carryover  
2004 - 2006**



Other Financing Source reflects 2005 lease financing proceeds used to purchase City computers. The 2004 Other Financing Source is computer lease proceeds and interfund borrowing.

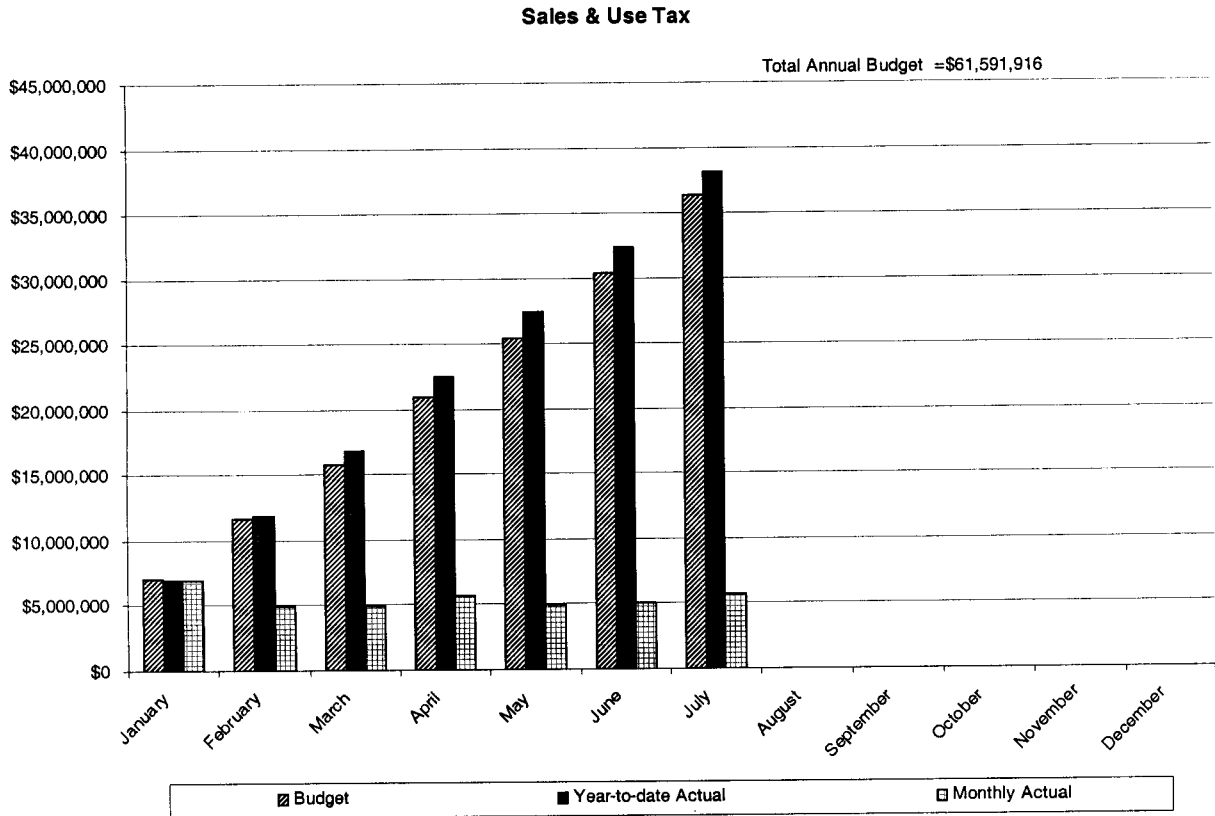
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 -2006.



**Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space 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 Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, 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 Open Space Sales & Use Tax.

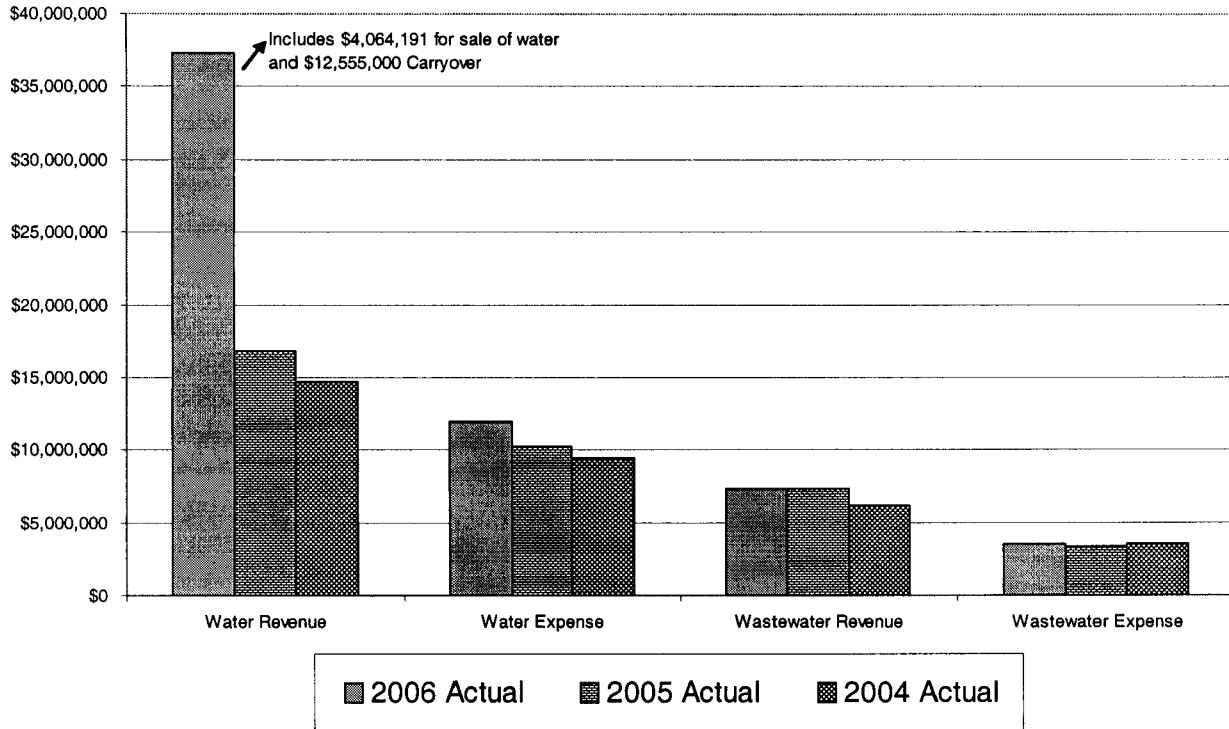


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

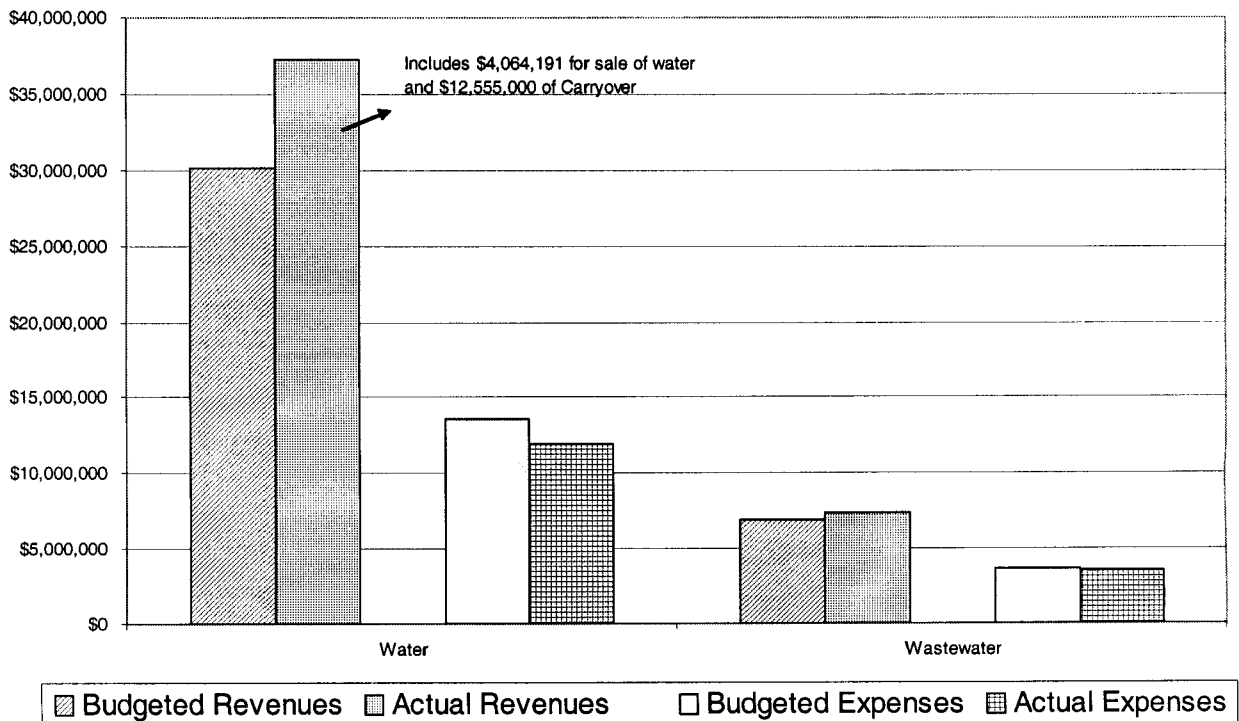
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

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

**Water and Wastewater Funds  
Revenue and Operating Expenses 2004-2006**



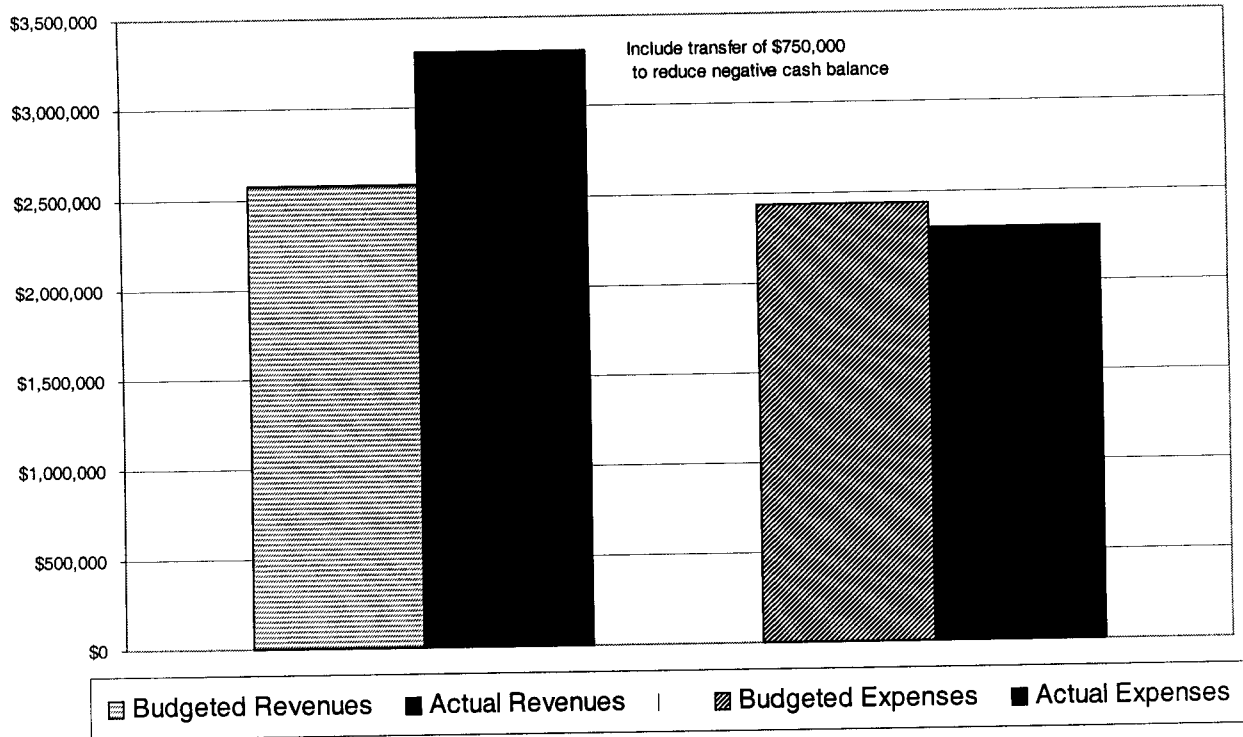
**Water and Wastewater Funds  
Budget vs Actual**



**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

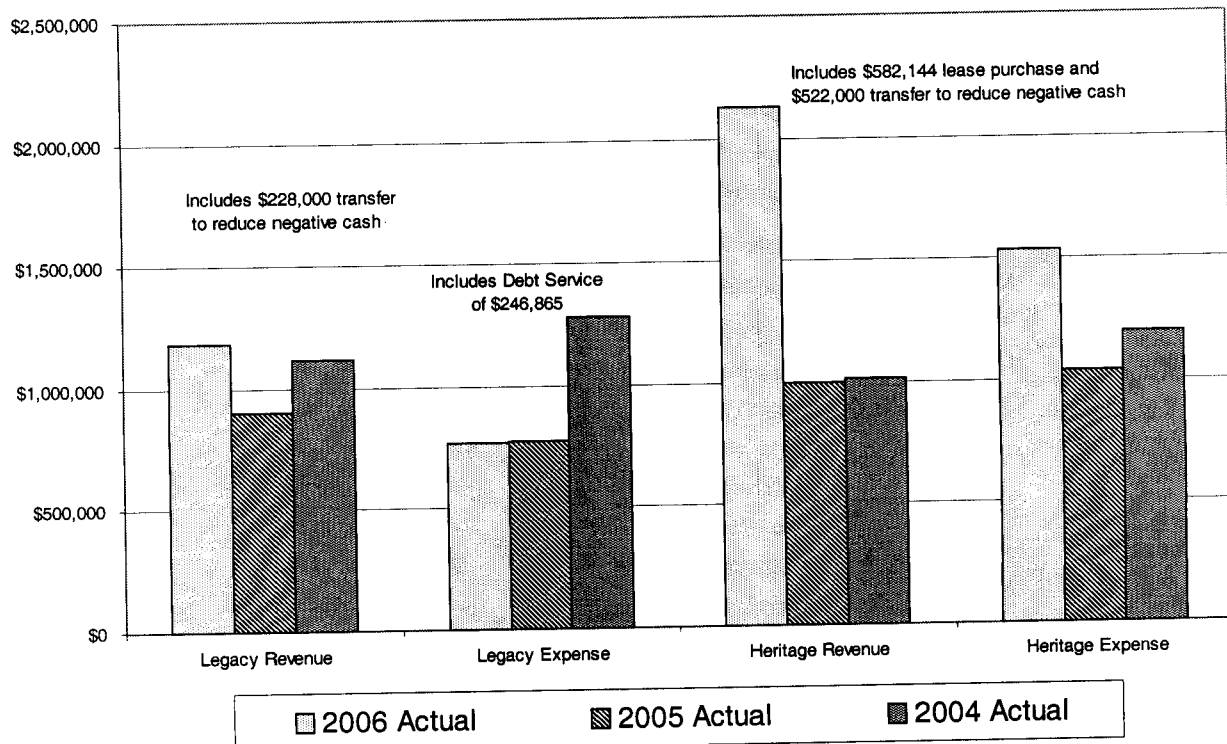
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses  
Budget vs Actual**



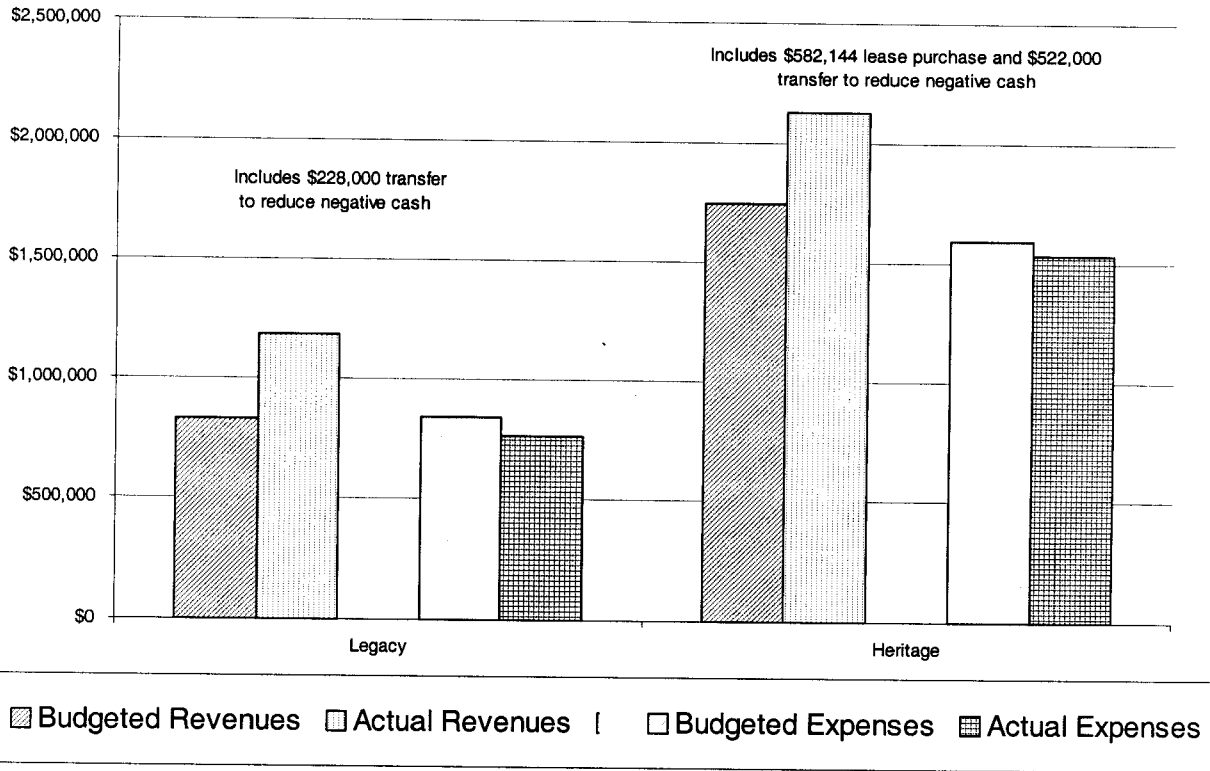
The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses  
Revenue and Expenses 2004 - 2006**





**Legacy and Heritage Golf Courses  
Budget vs Actual**



Respectfully submitted,

*J. Brent McFall*  
J. Brent McFall  
City Manager

Attachments

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues and Carryover</b>						
Taxes	4,873,125	4,466,898		4,418,833	(48,065)	98.9%
Licenses & Permits	1,838,000	1,097,492		1,422,065	324,573	129.6%
Intergovernmental Revenue	4,860,766	2,830,771		2,940,145	109,374	103.9%
Charges for Services						
Recreation Services	5,324,515	2,968,023		3,554,092	586,069	119.7%
Other Services	6,511,016	3,276,053		3,868,867	592,814	118.1%
Fines	2,050,000	1,174,650		1,541,789	367,139	131.3%
Interest Income	300,000	175,000		296,430	121,430	169.4%
Misc	335,685	195,816		316,358	120,542	161.6%
Leases	1,175,000	587,500		587,500	-	100.0%
Refunds	(70,000)	(40,833)		-	40,833	N/A
Interfund Transfers	58,224,502	33,964,293		33,964,293	-	100.0%
Sub-total Revenues	<u>85,422,609</u>	<u>50,695,663</u>		<u>52,910,372</u>	<u>2,214,709</u>	<u>104.4%</u>
Carryover	7,439,910	7,439,910		7,439,910	-	100.0%
Revenues and Carryover	<u>92,862,519</u>	<u>58,135,573</u>		<u>60,350,282</u>	<u>2,214,709</u>	<u>103.8%</u>
<b>Expenditures</b>						
City Council	205,023	131,025		96,104	(34,921)	73.3%
City Attorney's Office	910,716	523,976		504,446	(19,530)	96.3%
City Manager's Office	1,110,469	635,016		563,051	(71,965)	88.7%
Central Charges	29,005,073	16,896,247		16,652,340	(243,907)	98.6%
General Services	4,974,076	2,869,111		2,559,806	(309,305)	89.2%
Finance	1,721,619	993,107		909,484	(83,623)	91.6%
Police	19,346,225	11,140,213		10,718,214	(421,999)	96.2%
Fire Emergency Services	10,136,213	5,808,879		5,629,835	(179,044)	96.9%
Community Development	4,641,790	2,664,446		2,526,608	(137,838)	94.8%
Public Works & Utilities	7,400,025	3,956,995		3,344,049	(612,946)	84.5%
Parks, Recreation & Libraries	13,411,290	7,641,566		7,355,533	(286,033)	96.3%
Total Expenditures	<u>92,862,519</u>	<u>53,260,581</u>		<u>50,859,470</u>	<u>(2,401,111)</u>	<u>95.5%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>-</u>	<u>4,874,992</u>		<u>9,490,812</u>	<u>4,615,820</u>	

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

<b>Description</b>	<b>Budget</b>	<b>Pro-rated for Seasonal Flows</b>	<b>Notes</b>	<b>Actual</b>	<b>(Under) Over Budget</b>	<b>% Budget</b>
<b>Sales and Use Tax Fund</b>						
<b>Revenues and Carryover</b>						
Sales Tax						
Sales Tax Returns	40,333,940	24,158,560		24,897,727	739,167	103.1%
Sales Tx Audit Revenues	570,000	356,460		853,897	497,437	239.5%
S-T Rev. STX	<u>40,903,940</u>	<u>24,515,020</u>		<u>25,751,624</u>	<u>1,236,604</u>	<u>105.0%</u>
Use Tax						
Use Tax Returns	8,843,861	4,576,379		4,730,245	153,866	103.4%
Use Tax Audit Revenues	500,000	325,500		382,719	57,219	117.6%
S-T Rev. UTX	<u>9,343,861</u>	<u>4,901,879</u>		<u>5,112,964</u>	<u>211,085</u>	<u>104.3%</u>
Total STX and UTX	<u>50,247,801</u>	<u>29,416,899</u>		<u>30,864,588</u>	<u>1,447,689</u>	<u>104.9%</u>
Public Safety Tax						
PST Tax Returns	10,256,917	6,064,182		6,350,297	286,115	104.7%
PST Audit Revenues	254,278	124,016		117,310	(6,706)	94.6%
Total Rev. PST	<u>10,511,195</u>	<u>6,188,198</u>		<u>6,467,607</u>	<u>279,409</u>	<u>104.5%</u>
Total Interest Income	95,000	55,417		82,396	26,979	148.7%
Carryover	737,920	737,920		737,920	-	100.0%
Total Revenues and Carryover	<u>61,591,916</u>	<u>36,398,434</u>		<u>38,152,511</u>	<u>1,754,077</u>	<u>104.8%</u>
<b>Expenditures</b>						
Central Charges	<u>61,591,916</u>	<u>35,928,618</u>		<u>35,928,618</u>	-	100.0%
Revenues and Carryover Over(Under) Expenditures	<u>-</u>	<u>469,816</u>		<u>2,223,893</u>	<u>1,754,077</u>	

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Open Space Fund</b>						
<b>Revenues and Carryover</b>						
Sales & Use Tax	4,538,535	2,642,809		2,758,252	115,443	104.4%
Interest Income	25,000	14,583		30,806	16,223	211.2%
Miscellaneous	3,024	3,024		30,130	27,106	996.4%
Sub-total Revenues	<u>4,991,058</u>	<u>3,084,915</u>		<u>3,243,687</u>	158,772	105.1%
Carryover	<u>1,132,695</u>	<u>1,132,695</u>		<u>1,132,695</u>	-	100.0%
Total Revenues and Carryover	6,123,753	4,217,610		4,376,382	158,772	103.8%
<b>Expenditures</b>						
Central Charges	<u>6,123,753</u>	<u>3,316,913</u>		<u>2,494,748</u>	(822,165)	75.2%
Revenues and Carryover Over(Under) Expenditures	<u>-</u>	<u>900,697</u>		<u>1,881,634</u>	<u>980,937</u>	

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Fund-Combined</b>						
<b>Revenues and Carryover</b>						
License & Permits	75,000	43,750		53,340	9,590	121.9%
Charges for Services						
Rates and Charges	33,119,223	17,253,054		20,151,722	2,898,668	116.8%
Tap Fees	7,150,000	3,933,450		5,914,112	1,980,662	150.4%
Interest Income	1,525,000	889,584		1,772,411	882,827	199.2%
Miscellaneous	4,374,191	2,551,611		4,385,377	1,833,766	171.9%
Sub-total Water/Wastewater Revenues	<u>46,243,414</u>	<u>24,671,449</u>		<u>32,276,962</u>	7,605,513	130.8%
Carryover	12,408,738	12,408,738		12,408,738	-	100.0%
Total Revenues and Carryover	<u>58,652,152</u>	<u>37,080,187</u>		<u>44,685,700</u>	7,605,513	120.5%
<b>Expenditures</b>						
Central Charges	13,028,061	6,255,687		5,520,675	(735,012)	88.3%
Finance	566,598	317,295		297,536	(19,759)	93.8%
Public Works & Utilities	18,510,925	9,292,017		8,389,622	(902,395)	90.3%
Information Technology	2,545,499	1,400,024		1,341,532	(58,492)	95.8%
Total Operating Expenses	<u>34,651,083</u>	<u>17,265,023</u>		<u>15,549,365</u>	(1,715,658)	90.1%
Revenues and Carryover Over(Under) Expenses (1)	<u>24,001,069</u>	<u>19,815,164</u>		<u>29,136,335</u>	<u>9,321,171</u>	

(1) \$24,001,069 budgeted for capital projects.

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Revenues and Carryover</b>						
License & Permits	75,000	43,750		53,340	9,590	121.9%
Charges for Services						
Rates and Charges	23,210,392	11,657,446		14,688,829	3,031,383	126.0%
Tap Fees	5,200,000	2,852,450		4,573,415	1,720,965	160.3%
Interest Income	875,000	510,417		1,043,991	533,574	204.5%
Miscellaneous	4,364,191	2,545,778		4,385,356	1,839,578	172.3%
Sub-total Water Revenues	<u>33,724,583</u>	<u>17,609,841</u>		<u>24,744,931</u>	<u>7,135,090</u>	<u>140.5%</u>
Carryover	12,554,503	12,554,503		12,554,503	-	100.0%
<b>Total Revenues and Carryover</b>	<u>46,279,086</u>	<u>30,164,344</u>		<u>37,299,434</u>	<u>7,135,090</u>	<u>123.7%</u>
<b>Expenses</b>						
Central Charges	10,599,156	5,405,570		4,527,667	(877,903)	83.8%
Finance	566,598	317,295		297,536	(19,759)	93.8%
Public Works & Utilities	12,380,384	6,461,031		5,811,459	(649,572)	89.9%
Information Technology	2,545,499	1,400,024		1,341,532	(58,492)	95.8%
<b>Total Operating Expenses</b>	<u>26,091,637</u>	<u>13,583,920</u>		<u>11,978,194</u>	<u>(1,605,726)</u>	<u>88.2%</u>
Revenues and Carryover Over(Under)						
Expenses	(1) <u>20,187,449</u>	<u>16,580,424</u>		<u>25,321,240</u>	<u>8,740,816</u>	

(1) \$20,187,449 budgeted for capital projects

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Revenues and Carryover</b>						
Charges for Services						
Rates and Charges	9,908,831	5,595,608		5,462,893	(132,715)	97.6%
Tap Fees	1,950,000	1,081,000		1,340,697	259,697	124.0%
Interest Income	650,000	379,167		728,420	349,253	192.1%
Miscellaneous	10,000	5,833		21	(5,812)	0.4%
Sub-total Water Revenues	<u>12,518,831</u>	<u>7,061,608</u>		<u>7,532,031</u>	<u>470,423</u>	<u>106.7%</u>
Carryover	(145,765)	(145,765)		(145,765)	-	100.0%
Total Revenues and Carryover	<u>12,373,066</u>	<u>6,915,843</u>		<u>7,386,266</u>	<u>470,423</u>	<u>106.8%</u>
<b>Expenditures</b>						
Central Charges	2,428,905	850,117		993,008	142,891	116.8%
Public Works & Utilities	6,130,541	2,830,986		2,578,163	(252,823)	91.1%
Total Operating Expenses	<u>8,559,446</u>	<u>3,681,103</u>		<u>3,571,171</u>	<u>(109,932)</u>	<u>97.0%</u>
Revenues and Carryover Over(Under) Expenses	(1) <u>3,813,620</u>	<u>3,234,740</u>		<u>3,815,095</u>	<u>580,355</u>	

(1) \$3,813,620 budgeted for capital projects

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Storm Drainage Fund</b>						
<b>Revenues and Carryover</b>						
Charges for Services	900,000	525,000		529,124	4,124	100.8%
Interest Income	-	-		58,866	58,866	N/A
Sub-total Storm Drainage Revenues	<u>900,000</u>	<u>525,000</u>		<u>587,990</u>	<u>62,990</u>	<u>112.0%</u>
Carryover	174,377	174,377		174,377	-	100.0%
Total Revenues and Carryover	<u>1,074,377</u>	<u>699,377</u>		<u>762,367</u>	<u>62,990</u>	<u>109.0%</u>
<b>Expenses</b>						
Central Charges	-	-		5	5	N/A
Organization Support Services	97,373	37,002		24,195	(12,807)	65.4%
PW&U Admin	0	0		0	0	N/A
Total Expenses	<u>275,000</u>	<u>138,117</u>		<u>84,294</u>	<u>(53,823)</u>	<u>61.0%</u>
Revenues and Carryover Over(Under) Expenses	(1) <u>799,377</u>	<u>561,260</u>		<u>678,073</u>	<u>116,813</u>	

(1) \$799,377 budgeted for capital projects



**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Courses Combined</b>						
<b>Revenues</b>						
Charges for Services	3,058,567	1,830,649		1,811,570	(19,079)	99.0%
Interfund Transfers	285,000	166,250		916,250	750,000	551.1%
Other Financing Sources	582,144	582,144		582,144	-	100.0%
<b>Total Revenues</b>	<b>3,925,711</b>	<b>2,579,043</b>		<b>3,309,964</b>	<b>730,921</b>	<b>128.3%</b>
<b>Expenses</b>						
Central Charges	197,528	114,476		106,942	(7,534)	93.4%
Recreation Facilities	3,228,165	2,173,469		2,043,222	(130,247)	94.0%
<b>Total Expenses</b>	<b>3,425,693</b>	<b>2,287,945</b>		<b>2,150,164</b>	<b>(137,781)</b>	<b>94.0%</b>
Operating Income (Loss)	500,018	291,098		1,159,800	868,702	398.4%
Debt Service Expense	500,018	152,509		152,509	-	100.0%
<b>Revenues Over(Under) Expenditures</b>	<b>-</b>	<b>138,589</b>		<b>1,007,291</b>	<b>868,702</b>	

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Legacy Ridge Fund</b>						
<b>Revenues</b>						
Charges for Services	1,346,849	831,006		955,320	124,314	115.0%
Interest Income	-	-		-	-	N/A
Interfund Transfers	0	0		228,322	0	N/A
<b>Total Revenues</b>	<u>1,346,849</u>	<u>831,006</u>		<u>1,183,642</u>	<u>352,636</u>	<u>142.4%</u>
<b>Expenses</b>						
Central Charges	97,128	56,043		55,703	(340)	99.4%
Recreation Facilities	1,249,721	787,324		710,584	(76,740)	90.3%
<b>Sub-Total Expenses</b>	<u>1,346,849</u>	<u>843,367</u>		<u>766,287</u>	<u>(77,080)</u>	<u>90.9%</u>
<b>Revenues Over(Under) Expenditures</b>	<u>-</u>	<u>(12,361)</u>		<u>417,355</u>	<u>429,716</u>	

**City of Westminster  
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For the Seven Months Ending July 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Revenues</b>						
Business Fees						
Charges for Services	1,711,718	999,643		856,250	(143,393)	85.7%
Interfund Transfers	285,000	166,250		687,928	521,678	413.8%
Other Financing Sources	582,144	582,144		582,144	-	100.0%
<b>Total Revenues</b>	<b>2,578,862</b>	<b>1,748,037</b>		<b>2,126,322</b>	<b>378,285</b>	<b>121.6%</b>
<b>Expenses</b>						
Central Charges	100,400	58,433		51,239	(7,194)	87.7%
Recreation Facilities	1,978,444	1,386,145		1,332,638	(53,507)	96.1%
<b>Sub-Total Expenses</b>	<b>2,078,844</b>	<b>1,444,578</b>		<b>1,383,877</b>	<b>(60,701)</b>	<b>95.8%</b>
Operating Income	500,018	303,459		742,445	438,986	244.7%
Debt Service Expense	500,018	152,509		152,509	-	100.0%
<b>Revenues Over(Under) Expenses</b>	<b>-</b>	<b>150,950</b>		<b>589,936</b>	<b>438,986</b>	

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF JULY 2006

Center Location Major Tenant	YTD 2006			YTD 2005			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	2,947,258	22,209	2,969,467	3,156,838	25,538	3,182,376	-7	-13	-7
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	2,836,692	19,351	2,856,043	2,322,213	34,776	2,356,989	22	-44	21
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,660,903	3,467	1,664,370	1,571,688	1,831	1,573,519	6	89	6
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	1,621,404	4,348	1,625,752	1,649,443	8,615	1,658,058	-2	-50	-2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,356,076	15,403	1,371,480	1,380,249	12,696	1,392,944	-2	21	-2
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,215,799	10,189	1,225,988	1,173,401	21,720	1,195,121	4	-53	3
SHOPS AT WALNUT CREEK 104TH & REED TARGET	949,126	16,473	965,599	698,938	19,333	718,271	36	-15	34
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	943,272	111,284	1,054,555	867,199	192,212	1,059,411	9	-42	0
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	735,102	8,841	743,943	692,364	39,659	732,023	6	-78	2
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	667,052	2,453	669,505	683,629	6,197	689,826	-2	-60	-3
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	511,455	2,937	514,392	564,126	4,816	568,942	-9	-39	-10
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	427,394	1,849	429,244	461,238	5,293	466,531	-7	-65	-8
WILLOW RUN 128TH & ZUNI SAFEWAY	390,339	1,842	392,181	392,649	10,947	403,596	-1	-83	-3
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	376,348	1,205	377,553	405,410	1,662	407,072	-7	-28	-7
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	344,093	4,813	348,906	370,052	6,302	376,354	-7	-24	-7

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF JULY 2006

Center Location Major Tenant	YTD 2006			YTD 2005			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY									
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	302,548	8,579	311,127	296,985	2,940	299,925	2	192	4
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	283,398	3,917	287,314	312,450	4,149	316,599	-9	-6	-9
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	240,495	1,371	241,867	412,565	5,634	418,199	-42	-76	-42
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	209,743	3,037	212,780	238,516	2,697	241,214	-12	13	-12
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	200,545	5,507	206,053	169,852	5,091	174,942	18	8	18
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	186,322	4,264	190,586	171,081	7,161	178,242	9	-40	7
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	172,580	1,664	174,243	239,677	2,453	242,130	-28	-32	-28
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	169,147	4,995	174,143	179,476	10,929	190,405	-6	-54	-9
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	159,034	6,660	165,693	123,354	230	123,583	29	2799	34
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	142,849	1,162	144,011	152,535	873	153,408	-6	33	-6
	19,048,973	267,821	19,316,794	18,685,928	433,753	19,119,681	2	-38	1



## Agenda Item 8 B

**WESTMINSTER**

**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 28, 2006



**SUBJECT:** Quarterly Insurance Report: April - June 2006

**Prepared By:** Martee Erichson, Risk Management Officer

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

Accept the 2nd Quarter 2006 Insurance Report.

#### **Summary Statement**

- The attached report provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer, acting as the City Manager's designee, has the authority to settle claims of less than \$30,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjuster and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Information on the status of each claim received during the 2nd quarter of 2006 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee Representatives and Department Heads. Follow up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the 2nd quarter of 2006, Staff has noted the following summary information:

- Nine of the 11 claims reported in the 2nd quarter of 2006 are closed at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

Department	2nd Qtr 2006			YTD
	Total Claims	Open	Closed	Total
CD	1	1	0	2
Fire	0	0	0	1
Police	3	0	3	8
PR&L	1	0	1	1
PWU - Streets	0	0	0	1
PWU - Utilities	6	1	5	7
<b>TOTAL</b>	<b>11</b>	<b>2</b>	<b>9</b>	<b>20</b>

The attached report provides detailed information on each claim made during the second quarter of 2006.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**Quarterly Insurance Report  
January - March 2006**

<b>Claim Number</b>	<b>Date</b>	<b>Dept</b>	<b>Claimant</b>	<b>Address</b>	<b>Claim Description</b>	<b>Payment</b>	<b>Status</b>	<b>Notes</b>
2006-256	4/1/2006	PWU - Util	Heritage Town homes / Richard Benson	3668 W 111 <sup>th</sup> Dr., Unit B, Westminster CO	The HOA for Heritage Town homes at Legacy Ridge claim damage to their sod due to mites which they allege the City caused by a delay in the installation of their new reclaimed water system	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2006-261	4/30/2006	N/A	David Hellen	13258 Downing St., Thornton CO	Claimant alleges he suffered injuries at the Hyland Hills Golf Course as a result of the actions of an employee at the golf course	\$0.00	Closed	Claim was denied and the claimant was referred to the Hyland Hills Recreation District as the City does not own or operate Hyland Hills GC
2006-279	5/1/2006	CD	Inez Catbagan	14472 Inca Ct., Westminster CO	Claimant alleges damage to her vehicle after driving through a construction zone	\$0.00	Open	CIRSA Investigating
2006-204	5/10/2006	PD	Deb Fernandez	6621 W 116 <sup>th</sup> Ave, Westminster CO	Claimant was assisting the police department in training for bicycle officers when a police bicycle blew over and hit the claimant's vehicle	\$651.18	Closed	
2006-209	5/18/2006	PRL	Kim Chrisman	6824 Harlan St., Arvada CO	Seasonal Parks employee hit claimant's parked vehicle with a City truck	\$1,433.77	Closed	
2006-216	5/26/2006	PWU - Util	Andrey Sidorenko/ Lyudmyla Svjstunova	2707 E 111 <sup>th</sup> Dr, Northglenn CO	Meter Shop employee driving a City vehicle rear-ended claimant's vehicle	\$0.00	Open	CIRSA is waiting for repair estimates from claimant
2006-226	5/26/2006	PWU - Util	Harlan & Joyce Bockman	14792 Kalamath Ct., Westminster CO	A water main was shut down to allow a contractor to do some work. The water main was reloaded incorrectly causing a pressure surge which caused damaged the claimants' home.	\$1,496.49	Closed	
2006-221	5/30/2006	PD	David Santarelli	9627 Independence Dr, Westminster CO	Claimant's home was damaged during a SWAT team call-out to the neighboring home	\$500.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City employees. Claimant was offered \$500 "good neighbor" settlement per agreement between Police and Risk Management.
<b>Claim Number</b>	<b>Date</b>	<b>Dept</b>	<b>Claimant</b>	<b>Address</b>	<b>Claim Description</b>	<b>Payment</b>	<b>Status</b>	<b>Notes</b>
2006-243	5/30/2006	PD	Martha Connell	9619 Independence Dr., Westminster CO	Claimant's vehicle was allegedly damaged during a SWAT team call-out to the neighboring home	\$500.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City employees. Claimant was offered \$500



								"good neighbor" settlement per agreement between Police and Risk Management.
2006-232	6/1/2006	PWU - Util	Peter & Natalie Evans	9130 Carr Ct., Westminster CO	Claimant alleges damage to their landscaping after Utility employee trimmed a bush that was restricting access to the meter pit in the claimants' yard.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of City employees.
2006-246	6/1/2006	PWU - Util	Jean Barnes	7367 Clay St., Westminster CO	Claimant alleges she fell in an open meter pit in her yard and was injured	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City
2006-252	6/22/2006	PWU - Util	Lisa VanLingen	3730 95 <sup>th</sup> Pl., Westminster CO	Utility employee failed to set the parking brake on a tandem truck parked in front of the claimant's house and the truck rolled into the claimant's vehicle causing damage	\$1,298.26	Closed	
					<b>GRAND TOTAL</b>	<b>\$5,879.70</b>		



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** England Pipeline Construction Contract Award

**Prepared By:** Abel Moreno, Capital Projects and Budget Manager

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Tierdael Construction in the amount of \$1,676,667 for the construction of the England Pipeline; authorize a ten percent construction contingency in the amount of \$167,667; authorize a contract amendment with the City's design engineer ASCG in the amount not to exceed \$45,000 for additional design and construction management related services; authorize a contract with J & T Consultants, Inc in the amount not to exceed \$45,000 for owner's representative services on a time and material basis; and authorize the transfer of \$575,000 from the water capital project reserve account to fund the completion of this project.

**Summary Statement**

- The England Pipeline project will provide water transmission capacity to the southern part of the City replacing the capacity lost with the elimination of the former England Water Treatment Facility as a source of water.
- The project consists of installing approximately 6,000 linear feet of 24-inch water line and three steel encasements from approximately 87<sup>th</sup> Avenue and Sheridan Boulevard along the east edge of the Burlington Northern Santa Fe Railroad to 78<sup>th</sup> Avenue and Sheridan Boulevard.
- Due to a vacancy on City Staff, Staff is recommending the hiring of J & T Consultants, Inc. to provide project management related services on behalf of the City so that the England Pipeline project can continue as planned.
- The scheduled improvements will be completed during the first quarter of 2007.
- The total authorized budget of \$1,880,000 was based on a previous alignment of the water line that is no longer feasible. Staff is recommending an increase of the authorized budget by \$575,000 for a new total authorized budget of \$2,455,000. Approximately \$430,000 has already been spent for engineering design services and easement acquisition.

**Expenditure Required:** \$2,014,334

**Source of Funds:** Utility Fund – England Pipeline Project

## **Policy Issue**

Should the City proceed with the England Pipeline project?

## **Alternatives**

One option is for the City to re-scope the project to meet the current authorized budget and re-bid the project. However, this option is not recommended since this entire water line is needed to improve fire flows and peak supply in the southern part of Westminster. Additional phases of water lines will be needed in future years to fully achieve the recommended improvements per the Infrastructure Master Plan that is being completed by URS. This option is not recommended.

A second option is to re-scope the project with another acceptable construction technique that may result in lower construction costs. Staff directed ASCG to evaluate “pipe bursting” as an acceptable construction technique utilizing the former England Water Treatment Facility Raw Water Line as the pipeline that would be burst. Upon completion of the evaluation, Staff determined that it would actually cost more to pipe burst a 24-inch pipeline and there were few contractors, if any, that could pipe burst this large of a pipe. This option is not recommended.

## **Background Information**

The England Waterline will be a 24-inch treated waterline of approximately 6,000 linear feet that will provide transmission supply to the south part of the City where high demand and fire flow supply is needed. Previously, the waterline was designed entirely in the Burlington Northern Santa Fe (BNSF) Railroad Right of Way (ROW), but the new FasTracks commuter rail line that will be built conflicted with the planned alignment. A new alignment was chosen in and along City streets using existing street ROW, new easements, and a small portion of BNSF ROW.

The England Pipeline project has been in the works for a number of years now and has been delayed due to various design and right-of-way issues. Approximately 1,000 feet of the over 6,000 feet of waterline will be installed in BNSF ROW in an area that is extra wide and that will accommodate the waterline without interference from the future FasTracks commuter rail line installation. After securing the needed easements and working through coordination issues with the proposed FasTracks alignments, Staff finalized the design and advertised for bidders in late July 2006.

The City’s current authorized budget of \$1,880,000 was based on the original alignment that had the pipeline being installed entirely on the east side of the BNSF ROW. In order to accommodate the new alignment, three easements were acquired and one additional bore was designed. Also, since the original budget request was developed in 2004 the cost of materials has increased on average between 10 and 12 percent. Rather than prematurely request additional funds for the project, Staff determined that it would be appropriate to wait until the construction bids were received to determine additional funding needed.

ASCG Engineers was contracted to provide design and construction phase services in the amount of \$122,210 in May 2004. In November 2004, City Council authorized a change order in the amount of \$19,154 for a revised contract of \$141,364. The change order was issued due to revising the previous alignment that had located the pipeline on the east edge of the Burlington Northern Santa Fe Rail Road. The proposed additional contract amendment is due to additional design and adding time for construction management services. ASCG’s original scope of work only included 10 weeks of construction management versus the estimated 16 weeks that it will take to complete the project.

The funding breakdown for the project is as follows:

<b>Item</b>	<b>Amount</b>
Design Services	\$278,499
Additional Design Services	\$45,000
Design/Construction Management Contingency	\$14,900
Construction	\$1,676,667
Construction Contingency (10%)	\$167,667
Land/Right-of-Way Acquisition	\$187,330
Owner’s Representative Services	\$45,000
Street Cut Impact Fees	\$40,000
Total	\$2,455,063
Current Authorized Budget	\$1,880,000
Budget Surplus/(Shortfall)	(\$575,163)

The City received six qualified bids on August 11, 2006 with Tierdael Construction submitting the lowest qualified bid. After thoroughly reviewing all six bids and checking references, Staff is confident in Tierdael Construction’s ability to complete the project in its scheduled manner and budget. Tierdael Construction is a reputable contractor who has successfully completed water line installation projects for the City.

The construction bid tabulation is as follows:

<b>Contractor Name</b>	<b>Amount</b>
Tierdael Construction	\$1,676,667
T. Lowell Construction	\$1,750,000
ERS Constructors	\$1,772,235
BT Construction	\$1,894,722
Concrete Express	\$1,990,000
DeFalco Construction	\$2,087,129
Engineer’s Estimate (ASCG)	\$1,697,175

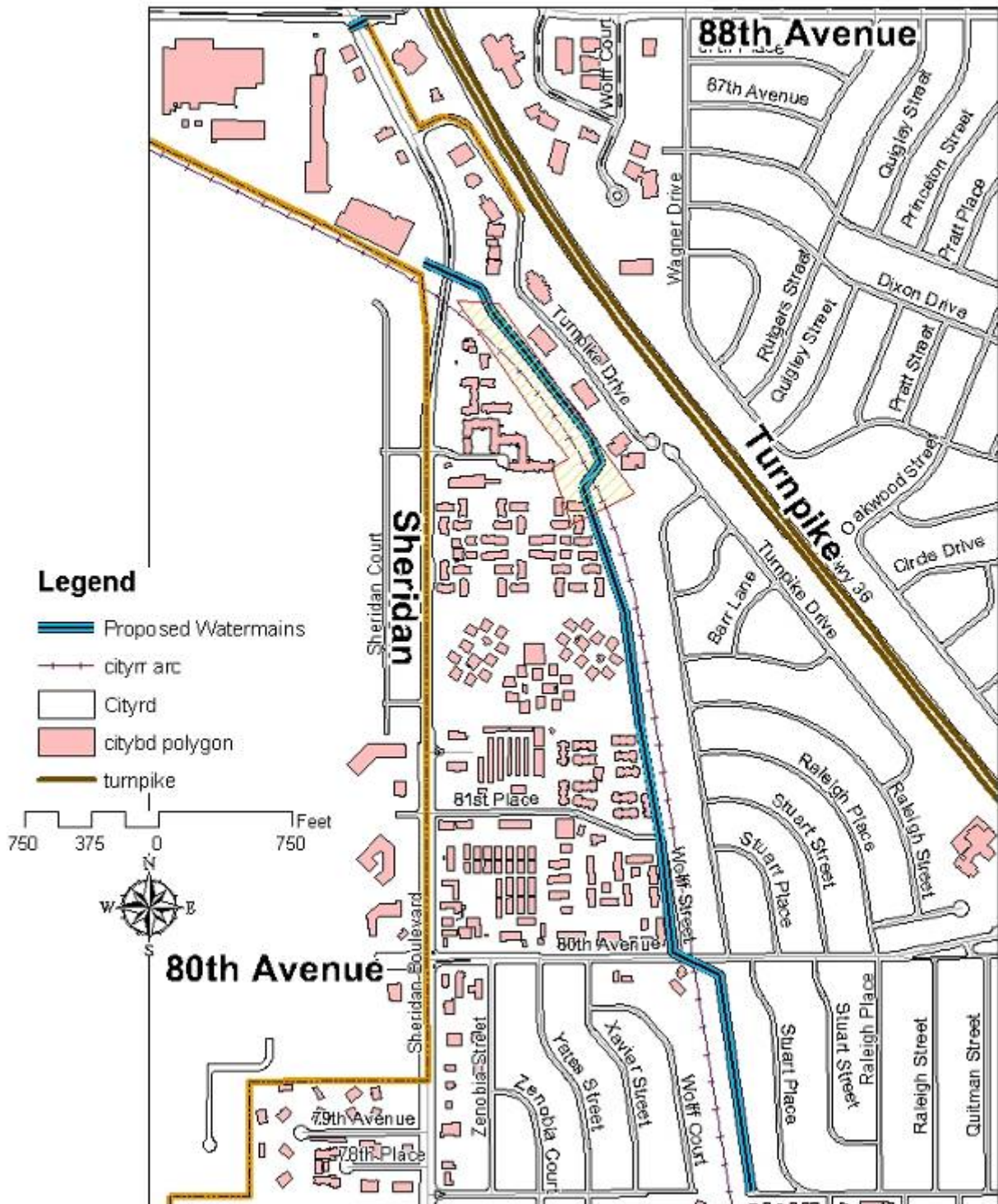
Staff has been working with J & T Consultants, Inc. to provide project management services to complete the England Pipeline due to the resignation of the former project manager. At the time that the project manager left the City, the England Pipeline project was being advertised to bidders for construction services. In order to keep the project moving forward and on schedule, Staff began discussions with J & T Services who is providing similar services to the City on the Big Dry Creek Wastewater Treatment Facility expansion and renovation project. J & T Consultants has done a superior job for the City assisting Staff manage a complex and costly capital improvement project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

# England Pipeline Project





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Second Reading of Councillor's Bill No. 45 re Lease for the Former Animal Shelter

**Prepared By:** Carl Pickett, Purchasing Officer

**Recommended City Council Action**

Pass Councillor's Bill No. 45 on second reading authorizing the City Manager to sign an agreement with The Dog and I, LLC, for the lease of the former City of Westminster Animal Shelter located at 8800 Sheridan Boulevard, Unit 100.

**Summary Statement**

- Lease agreements are used to define the responsibilities of each party, to protect the interests of the City and to maintain the improvements on the property.
- The proposed five-year lease agreement, with an optional five-year renewal, requires The Dog and I, LLC, to purchase liability insurance and be responsible for all maintenance inside the building. The City would be responsible for all exterior and grounds maintenance and all utilities. Annually, The Dog and I, LLC, would pay \$25,200 through the five-year lease term for the former Animal Shelter, parking as needed on the south side of the building, and fenced areas on the north and east sides of the building. This amount was arrived at through market survey and by taking into consideration the business is already in Westminster.
- Leasing of property by the City must be ratified by ordinance under section 13.4 of the City's Charter.
- The City is not responsible for making any tenant improvements to the building.
- This item was passed by City Council on first reading on August 14, 2006.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3302**

COUNCILLOR'S BILL NO. **45**

SERIES OF 2006

INTRODUCED BY COUNCILLORS  
**Major - Lindsey**

**A BILL**

**FOR AN ORDINANCE APPROVING A LEASE WITH THE DOG AND I FOR THE LEASE OF THE MAIN LEVEL OF THE FORMER CITY OF WESTMINSTER ANIMAL SHELTER**

WHEREAS, the City of Westminster ("City") is the owner of the property at 8800 Sheridan Boulevard, Unit 100, Westminster, Colorado (the "Property"); and

WHEREAS, the property was formerly used as an animal shelter; and

WHEREAS, the City desires to lease the main level of the Property to The Dog and I, a Colorado for Profit corporation, for use as a dog day care and dog hotel; and

WHEREAS, the final form of the lease has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease between the City and The Dog and I for the lease of the main level of the former animal shelter located at 8800 Sheridan Boulevard, Unit 100, Westminster, Colorado, is approved in substantially the same form as attached as Exhibit "A."

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of August, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of August, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

## LEASE AGREEMENT

**This Lease Agreement** is made between City of Westminster, a Colorado home rule municipality herein called Lessor, and The Dog and I, a Colorado for Profit Corporation herein called Lessee.

Lessee hereby offers to lease from Lessor the Premises described in Paragraph 1 below subject to the additional terms and conditions set forth herein below:

1. **Premises.** The Premises consist of the main level of the Former Animal Shelter located at 8800 Sheridan Boulevard, Unit 100, in Westminster, Colorado, County of Adams, State of Colorado.
2. **Term and Rent.** Lessor demises the above premises for a term of 5 years, commencing September 1, 2006, and terminating on August 31, 2011, or sooner as provided herein at the annual rental of Twenty Five Thousand Two Hundred Dollars (\$25,200) payable in equal installments in advance on the first day of each month for that month's rental, during the term of this lease. All rental payments shall be made to Lessor, at the following address: City of Westminster, c/o Carl Pickett, 4800 W. 92<sup>nd</sup> Avenue, Westminster, Colorado 80031. The first two months of this lease shall be rent free, and the first year the annual rent shall be Twenty One Thousand Dollars (\$21,000)
3. **Use.** Lessee shall use and occupy the premises for a dog day care and dog hotel. The premises shall be used for no other purpose. Lessor represents that the premises may lawfully be used for such purpose.
4. **Care and Maintenance of Premises.** Lessee acknowledges that the premises are in good order and repair, unless otherwise indicated herein. Lessee shall, at its own expense and at all times, maintain the premises in good and safe condition, including plate glass, electrical wiring, plumbing and heating installations and any other system or equipment upon the premises and shall surrender the same, at termination hereof, in as good condition as received, normal wear and tear excepted. Lessee shall be responsible for all repairs required, excepting the roof, exterior walls, and structural foundations which shall be maintained by Lessor. Lessor shall maintain in good condition such portions adjacent to the premises, such as sidewalks, driveways, lawns and shrubbery.
5. **Alterations.** Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, additions, or improvements, in, to or about the premises.
6. **Ordinances and Statutes.** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by Lessee.
7. **Assignment and Subletting.** Lessee shall not assign this lease or sublet any portion of the premises without prior written consent of the Lessor. Any such assignment or subletting without consent shall be void and, at the option of the Lessor, may terminate this lease.
8. **Utilities.** Lessor shall be solely liable for utility charges as they become due, including those for sewer, water, gas, electricity. Lessee shall be responsible for telephone services.
9. **Entry and Inspection.** Lessee shall permit Lessor or Lessor's agents to enter upon the premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessor at any time within sixty (60) days prior to the expiration of this lease, to place upon the premises any usual "To Let" or "For Lease" signs, and permit persons desiring to lease the same to inspect the premises thereafter.
10. **Possession.** If Lessor is unable to deliver possession of the premises at the commencement hereof, Lessor shall not be liable for any damage caused thereby, nor shall this lease be void or voidable, but Lessee shall not be liable for any rent until possession is delivered. Lessee may terminate this lease if possession is not delivered within 60 days of the commencement of the term hereof.



- 11. Indemnification of Lessor.** Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the demised premises or any part thereof, and Lessee agrees to hold Lessor harmless from any claims for damages, no matter how caused.
- 12. Insurance.** Lessee, at his expense, shall maintain plate glass and public liability insurance including bodily injury and property damage insuring Lessee and Lessor with minimum coverage as follows: Workers' Compensation Insurance in accordance with the Workers' Compensation laws of the State of Colorado, and Commercial General Liability of \$500,000 per person / \$1,000,000 per occurrence. Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The Certificate shall provide for a ten-day written notice to Lessor in the event of cancellation or material change of coverage.
- 13. Eminent Domain.** If the premises or any part thereof or any estate therein, or any other part of the building materially affecting Lessee's use of the premises, shall be taken by eminent domain, this lease shall terminate on the date when title vests pursuant to such taking. The rent, and any additional rent, shall be apportioned as of the termination date, and any rent paid for any period beyond that date shall be repaid to Lessee. Lessee shall not be entitled to any part of the award for such taking or any payment in lieu thereof, and may not file a claim for any taking of fixtures and improvements owned by Lessee, nor for moving expenses.
- 14. Destruction of Premises.** In the event of a partial destruction of the premises during the term hereof, from any cause, Lessor shall forthwith repair the same, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate this lease, except that Lessee shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Lessee on the premises. If such repairs cannot be made within said sixty (60) days, Lessor, at his option, may make the same within a reasonable time, this lease continuing in effect with the rent proportionately abated as aforesaid, and in the event that Lessor does not elect to make such repairs which cannot be made within sixty (60) days, this lease may be terminated at the option of either party. In the event that the building in which the demised premises may be situated is destroyed to an extent of not less than one-third of the replacement costs thereof, Lessor may elect to terminate this lease whether the demised premises be injured or not. A total destruction of the building in which the premises may be situated shall terminate this lease
- 15. Lessor's Remedies on Default.** If Lessee defaults in the payment of rent, or any additional rent, or defaults in the performance of any of the other covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within 30 days, after the giving of such notice (or if such other default is of such nature that it cannot be completely cured within such period, if Lessee does not commence such curing within such 30 days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this lease on not less than 30 days' notice to Lessee. On the date specified in such notice the term of this lease shall terminate, and Lessee shall then quit and surrender the premises to Lessor, without extinguishing Lessee's liability. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. No failure to enforce any term shall be deemed a waiver.
- 16. Security Deposit.** Lessee shall deposit with Lessor on the signing of this lease the sum of Two Thousand One Hundred Dollars (\$2,100) as security for the performance of Lessee's obligations under this lease, including without limitation the surrender of possession of the premises to Lessor as herein provided. If Lessor applies any part of the deposit to cure any default of Lessee, Lessee shall on demand deposit with Lessor the amount so applied so that Lessor shall have the full deposit on hand at all times during the term of this lease.
- 17. Tax Increase.** In the event there is any increase during any year of the term of this lease in the City, County or State real estate taxes over and above the amount of such taxes assessed for the tax year during which the term of this lease commences, whether because of increased rate or valuation, Lessee shall pay to Lessor upon presentation of paid tax bills an amount equal to 100% of the

increase in taxes upon the land and building in which the leased premises are situated. In the event that such taxes are assessed for a tax year extending beyond the term of the lease, the obligation of Lessee shall be proportionate to the portion of the lease term included in such year.

**18. Common Area Expenses.** In the event the demised premises are situated in a shopping center or in a commercial building in which there are common areas, Lessee agrees to pay his pro-rata share of maintenance, taxes, and insurance for the common area.

**19. Attorney's Fees.** In case suit should be brought for recovery of the premises or for any sum due hereunder, or because of any act which may arise out of the possession of the premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee.

**20. Waiver.** No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

**21. Notices.** Any notice which either party may or is required to give, shall be given by mailing the same, postage prepaid, to Lessee at 8800 Sheridan Boulevard, Unit 100, Westminster, Colorado, or Lessor at the address specified as follows: City of Westminster, c/o Carl Pickett, 4800 W. 92<sup>nd</sup> Avenue, Westminster, Colorado 80031, or at such other places as may be designated by the parties from time to time.

**22. Heirs, Assigns, Successors.** This lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties.

**23. Option to Renew.** Provided that Lessee is not in default in the performance of this lease, Lessee shall have the option to renew the lease for an additional term of 60 months commencing at the expiration of the initial lease term. All of the terms and conditions of the lease shall apply during the renewal term except that the monthly rent shall be the sum of \$2,200. The option shall be exercised by written notice given to Lessor not less than 90 days prior to the expiration of the initial lease term. If notice is not given in the manner provided herein within the time specified, this option shall expire.

**24. Subordination.** This lease is and shall be subordinated to all existing and future liens and encumbrances against the property.

**25. Radon Gas Disclosure.** As required by law, Lessor makes the following disclosure: "Radon Gas" is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Colorado. Additional information regarding radon and radon testing may be obtained from your county public health unit.

**26. Entire Agreement.** The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties.

Signed this \_\_\_ day of \_\_\_\_\_, 2006.

By: Lessor \_\_\_\_\_

By: \_\_\_\_\_ Lessee



## Agenda Item 10 A&B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Public Hearing and Resolution No. 41 re Hyland Village Metropolitan District

**Prepared By:** Tammy Hitchens, Director of Finance  
John Carpenter, Director of Community Development

**Recommended City Council Action**

1. Open the public hearing.
2. Adopt Resolution No. 41 approving the service plan for Hyland Village Metropolitan District.

**Summary Statement**

- The developers of property at approximately 96<sup>th</sup> Avenue and Sheridan Boulevard propose the creation of a Metropolitan Special District to fund infrastructure to serve the Hyland Village new urbanism residential development. The District will consist of approximately 72 acres of predominately residential with some commercial development. The developer is McStain Enterprises, Inc.
- Metropolitan Special Districts are governmental entities created by property owners of the district and is legally distinct from the City. However, the City must approve a Service Plan before a district can be created. This is a “skeletal service plan” that allows the developer to proceed with the formation of the district at the November election. The district will not be allowed to levy any tax, impose any fee, construct any improvements or incur any debt until the Amended Service Plan is reviewed by City staff and approved by Council at a later date.
- McStain is proposing this Metro District in a manner that would meet the City’s policy for metro districts, including a limit on the mill levy for the residential portion of this project of 25 mills or less.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should the City Council allow a new metropolitan district to be formed within the City's boundaries?

**Alternative**

Do not approve the Service Plan and wait for the detailed Amended Service Plan to be submitted and reviewed. This would mean that the developer could not form the district until November 2007, at the earliest, if at all. The service plan that has been submitted for approval prohibits the district from doing anything other than organize until the Amended Service Plan is approved by Council.

**Background Information**

The developer of the Hyland Village new urbanism development has requested that the City approve a metropolitan special district to fund infrastructure to serve the development. The project is located on the site bounded by Sheridan Boulevard, 94th Avenue, 98<sup>th</sup> Avenue and US 36.

Council adopted a metro district policy on December 13, 2004 that generally discourages the formation of metro districts for residential areas and places restrictions on metro districts for commercial areas. However, the policy does allow for metro districts for unique Bradburn type new urbanist projects which incorporate retail, a variety of residential products along with significant recreational amenities (pool and clubhouse), private parks and public parks and open space.

The site of the proposed Hyland Village project is designated as Traditional Mixed Use Neighborhood Development (TMUND) in the City's Comprehensive Land Use Plan. This is the same designation used for the Bradburn project. Council has already awarded Service Commitments from the TMUND category to allow for this project to proceed through the development review process. The project is currently reviewed by City staff and will likely be considered by Council in December 2006.

The request for the district was discussed at a City Council Study Session on August 21, 2006. At that meeting, Council gave general support for the district formation request.

The action requested of Council is the approval of a "skeleton" service plan. Service plans must be approved by City Council for any metropolitan special district proposed for formation within the City. The skeleton plan provides the necessary information to allow the issue of district formation to be placed on the fall 2006 ballot. However, no bonds can be issued or property taxes levied until the comprehensive service plans are approved by City Council. Staff anticipates that the more detailed plans will be submitted to Council for review in the next few months.

The details on the extent of the improvements financed, bond issuance details, maximum/minimum mill levies and so forth will be presented to Council as a part of the review of the Service Plan.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **41**

INTRODUCED BY COUNCILLORS

SERIES 2006

**Dittman - Major**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO  
APPROVING THE SERVICE PLAN FOR THE HYLAND VILLAGE METROPOLITAN  
DISTRICT**

WHEREAS, § 32-1-204.5, C.R.S. provides that no special district shall be organized except upon adoption of a resolution approving the Service Plan of the proposed special district; and

WHEREAS, a service plan dated July 31, 2006 has been submitted to the City Council of the City of Westminster (the "City") for the Hyland Village Metropolitan District (the "District") in compliance with § 32-1-204.5, and City policies (hereinafter referred to as the "Service Plan"); and

WHEREAS, the District and the City anticipate that the Service Plan may be revised in the future, such revision to be approved by the City; and

WHEREAS, the territory of the proposed District is located wholly within the boundaries of the City; and

WHEREAS, adequate notice has been published and sent to property owners and interested parties of a public hearing of the City Council of the City of Westminster to review the Service Plan; and

WHEREAS, the City Council of the City of Westminster has conducted a public hearing on the Service Plan for the Hyland Village Metropolitan District.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO:

Section 1. That notice of the hearing was properly given and the City Council has jurisdiction to hear this matter.

Section 2. The City Council makes the following findings:

a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.

b. The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.

c. The proposed special district is capable of providing economical and sufficient service to the areas within their proposed boundaries.

d. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 3. The Service Plan for the Hyland Village Metropolitan District is hereby approved. Nothing herein limits the City's powers with respect to the District, the property within the District, or the improvements to be constructed by the District. The City's findings are based solely upon the evidence in the Service Plan and such other evidence presented at the public hearing, and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the Districts or the achievability of the results.

PASSED AND ADOPTED this 28<sup>th</sup> day of August 2006.

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Mayor Pro Tem

ATTEST:

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Clerk



## Agenda Item 10 C&D

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Public Hearing and Resolution No. 42 re Application to Designate Lower Church Lake Barn and Silo as a Local Historic Landmark

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

1. Hold a public hearing.
2. Adopt Resolution No. 42 designating the Lower Church Lake Barn and Silo as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.

**Summary Statement**

- An application has been prepared by the City's Open Space Division to designate the Lower Church Lake Barn and Silo as a local historic landmark.
- The Lower Church Lake property is located at 10850 Wadsworth Boulevard.
- The area was homesteaded in 1864 by the Church family and the barn and silo are examples of an architectural style associated with the early 20<sup>th</sup> Century Westminster area.
- The structures are on City open space and provide a familiar visual reminder of the City's historic agricultural heritage.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Policy Issue**

Does the City Council support the local historic landmark designation of the Lower Church Lake Barn and Silo?

### **Alternative**

Do not designate the site as a local historic landmark. Staff does not recommend this alternative because local landmark designation protects the Lower Church Lake barn and silo from demolition and makes the site eligible for possible grants to assist with restoration.

### **Background Information**

An application has been prepared by the City's Open Space Division to designate the Lower Church Lake Barn and Silo as a local historic landmark. The Lower Church Lake property is located at 10850 Wadsworth Boulevard. The area was homesteaded in 1864 by the Church family and the barn and silo are examples of an architectural style associated with the early 20<sup>th</sup> Century Westminster area. The structures are on City open space and provide a familiar visual reminder of the City's historic agricultural heritage

### **Compliance with Westminster Municipal Code**

The Westminster Municipal Code requires an application to include the following content:

1. Description of the characteristics of the proposed historic landmark that justify its designation pursuant to this chapter,
2. A description of the particular features that should be preserved, and
3. A legal description of the location and boundaries of the historic property.

In compliance with Westminster Municipal Code, the application provides the name, location, legal description, and owner of the proposed landmark. The application further provides a statement of significance with information to support the following six criteria for designation (paragraph numbers correspond to paragraphs in W.M.C. Section 11-13-5A):

1. Exemplifies specific elements of an architectural style or period: The style of the barn and silo are typical of early 20<sup>th</sup> century farm buildings in northern Jefferson County.
5. Represents a style particularly associated with the Westminster area: The style of barn and brick silo represent one of the styles of construction found in the Westminster area. The materials of both the barn and silo are distinctive and may be unique among the barns and silos still existing within the City of Westminster.
9. Is the site of an historic event that had an effect upon society: The Lower Church Lake, located just to the south of the barn and silo, was one of the first irrigation reservoirs in the state and provided irrigation for an early wheat farm in Colorado.
10. Exemplifies cultural, political, economic or social heritage of the community: The Lower Church Lake and the Church Ranch helped to establish this area of Westminster as a farming community. The barn and silo represent one of the early irrigated farms in Colorado.
14. Enhances sense of identity of the community: The barn and silo are located on Westminster open space and could provide a location for passive recreational activities associated with proposed trails and usage of the lake. Designation as a landmark would provide an enhanced community understanding of the agricultural heritage of the area. The views to the south and east from the barn and silo provide a dramatic juxtaposition of the historic agricultural origins of the City with

the nearby new development, include the Westminster Promenade, the Shops at Walnut Creek and the future commuter rail station along the adjacent railroad tracks.

15. Is an established and familiar natural setting or visual feature of the community: The barn and silo are an established visual feature from both Wadsworth Boulevard and U.S. 36. The open space on which they are located, provides a view of the Front Range mountain backdrop and a view of elements of the prairie history of the area.

Notice of the City Council public hearing was published in the Westminster Window on August 24, 2006, and the property was posted by City Staff on or before August 24, 2006. The application was referred to the Westminster Historical Society on July 3, 2006, as required by the Westminster Municipal Code.

Section 11-13-7(A)(3) requires the Director of Community Development to review an application in the following respects: (a) its relationship to the comprehensive plan; (b) the effect of the designation on the surrounding neighborhood; (c) the criteria set forth in this chapter; and (d) such other planning considerations as may be relevant to the proposed designation.

The site is zoned PUD and is owned by the City of Westminster as an open space parcel. The landmark designation should be beneficial to the City and this neighborhood because designation will help the citizens of Westminster understand the history of the area and will protect the defining architectural characteristics of the barn and silo. In addition, the site is a reminder of the historic social and agricultural character of the neighborhood. Staff believes that the application meets the criteria set forth in the ordinance.

The Historic Landmark Board passed its Resolution No. 2006-002 (attached), recommending to the City Council that it designate the Lower Church Lake Barn and Silo as a local historic landmark.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments:

- Proposed Resolution
- Landmark Application
- Historic Landmark Board Resolution No. 2006-002



RESOLUTION

RESOLUTION NO. 42

INTRODUCED BY COUNCILLORS

SERIES OF 2006

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**DESIGNATE THE LOWER CHURCH LAKE BARN AND SILO  
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, the Lower Church Lake barn and silo are historically significant because they:

1. Are more than fifty years old and, taken together as a historic site, they:
2. Exemplify specific elements of an architectural style or period: The style of the barn and silo are typical of early 20<sup>th</sup> century farm buildings in northern Jefferson County.
3. Represent a style particularly associated with the Westminster area: The style of barn and brick silo represent one of the styles of construction found in the Westminster area. The materials of both the barn and silo are distinctive and may be unique among the barns and silos still existing within the City of Westminster.
4. Are the site of an historic event that had an effect upon society: The Lower Church Lake, located just to the south of the barn and silo, was one of the first irrigation reservoirs in the state and provided irrigation for an early wheat farm in Colorado.
5. Exemplify cultural, political, economic or social heritage of the community: The Lower Church Lake and the Church Ranch helped to establish this area of Westminster as a farming community. The barn and silo represent one of the early irrigated farms in Colorado.
6. Enhance sense of identity of the community: The barn and silo are located on Westminster open space and could provide a location for passive recreational activities associated with proposed trails and usage of the lake. Designation as a landmark would provide an enhanced community understanding of the agricultural heritage of the area. The views to the south and east from the barn and silo provide a dramatic juxtaposition of the historic agricultural origins of the City with the nearby new development, include the Westminster Promenade, the Shops at Walnut Creek and the future commuter rail station along the adjacent railroad tracks.
7. Are an established and familiar natural setting or visual feature of the community: The barn and silo are an established visual feature from both Wadsworth Boulevard and U.S. 36. The open space on which they are located, provides a view of the front range mountain backdrop and a view of elements of the prairie history of the area.

WHEREAS, the City Staff has caused the historical significance of the property to be documented and has applied to the Historic Landmark Board for a recommendation as to whether the site should be designated as a local historic landmark, and

WHEREAS, the Historic Landmark Board has held a public hearing and passed a resolution recommending that the site be designated as a local historic landmark,

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

1. The Lower Church Lake barn and silo be designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.

2. Description of features that should be preserved:

Architectural Features – Barn (25’ wide x 36’ long)

- Corrugated clay block construction (11” x 11.5” x 7” thick)
- Wood lap siding on gables
- Eaves (10” depth)
- Hay loft windows
- Wood doors, strap hinges
- Corrugated metal roof
- Gambrel roofline

Architectural Features – Silo

- Cylindrical
- 9 x 12 inch orange clay block
- 55 blocks high (approximately 42 feet high)
- Circumference approximately 30 feet)
- Eight openings on north side
- Flat top

3. The legal description and location of the property are:

**Name of proposed landmark:** Lower Church Lake Barn and Silo

**Address or location:** 10850 Wadsworth Boulevard

**Legal Description:** Generally located in the northeast quarter of Section 11, Township 2 South, Range 69 West, Sixth Principal Meridian, Jefferson County.

**UTM coordinates:** UTM Zone 13  
Datum NAD 27  
Linear Unit: meter  
493107.53; 4415922.50

PASSED AND ADOPTED this 28<sup>th</sup> day of August, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**City of Westminster  
Historic Landmark Application**

**Name of proposed landmark:** Lower Church Lake Barn and Silo

**Address or location:** 10850 Wadsworth Boulevard

**Legal Description:** Generally located in the northeast quarter of Section 11, Township 2 South, Range 69 West, Sixth Principal Meridian, Jefferson County.

**UTM coordinates:** UTM Zone 13  
Datum NAD 27  
Linear Unit: meter  
493107.53; 4415922.50

**Nominated by:** City of Westminster

**Property Owner:** City of Westminster

**Reasons for designation pursuant to W.M.C. section 11-13-5:** The Lower Church Lake area was homesteaded in 1864 by the Church family. The Lower Church Lake Barn and Silo qualify for designation as a Westminster historic landmark because they are more than fifty years old and based on the following criteria (Item numbers correspond to subsections of WMC 11-13-5(A)):

6. Exemplifies specific elements of an architectural style or period: The style of the barn and silo are typical of early 20<sup>th</sup> century farm buildings in northern Jefferson County.
4. Represents a style particularly associated with the Westminster area: The style of barn and brick silo represent one of the styles of construction found in the Westminster area. The materials of both the barn and silo are distinctive and may be unique among the barns and silos still existing within the City of Westminster.
11. Is the site of an historic event that had an effect upon society: The Lower Church Lake, located just to the south of the barn and silo, was one of the first irrigation reservoirs in the state and provided irrigation for an early wheat farm in Colorado.
12. Exemplifies cultural, political, economic or social heritage of the community: The Lower Church Lake and the Church Ranch helped to establish this area of Westminster as a farming community. The barn and silo represent one of the early irrigated farms in Colorado.
16. Enhances sense of identity of the community: The barn and silo are located on Westminster open space and could provide a location for passive recreational activities associated with proposed trails and usage of the lake. Designation as a landmark would provide an enhanced community understanding of the agricultural heritage of the area. The views to the south and east from the barn and silo provide a dramatic juxtaposition of the historic agricultural origins of the City with the nearby new development, include the Westminster Promenade, the Shops at Walnut Creek and the future commuter rail station along the adjacent railroad tracks.
17. Is an established and familiar natural setting or visual feature of the community: The barn and silo are an established visual feature from both Wadsworth Boulevard and U.S. 36 (the Boulder-Denver Turnpike). The open space on which they are located, provides a view of the front range mountain backdrop and a view of elements of the prairie history of the area.

## Description of features that should be preserved:

### Architectural Features – Barn (25' wide x 36' long)

- Corrugated clay block construction (11" x 11.5" x 7" thick)
- Wood lap siding on gables
- Eaves (10" depth)
- Hay loft windows
- Wood doors, strap hinges
- Corrugated metal roof
- Gambrel roofline

### Architectural Features – Silo

- Cylindrical
- 9 x 12 inch orange clay block
- 55 blocks high (approximately 42 feet high)
- Circumference approximately 30 feet)
- Eight openings on north side
- Flat top

**History:** The property on which the silo and barn are located was once part of the Church Ranch. In 1864 Henry Church established a home on Old Wadsworth Boulevard near the railroad underpass at present-day West 105<sup>th</sup> Avenue. A public house, which became a stage stop for the Overland Stage Company, was also built in the area. During the 1860's, this area was called Church's Crossing. Church's Crossing provided meals, lodging for travelers and a livery for exchange of horses. President Grant and his daughter stayed at Church's Crossing on their way to visit miners in Central City.

In 1868, Wells Fargo discontinued service to Church's Crossing but the Church family continued to house ox-team drivers headed for the mountains from Denver. In 1877 a vast irrigation system that brought water from Clear Creek was started by Henry Church's son, George Henry Church. Church's Upper Lake was an irrigation reservoir and Church's Lower Lake (now known as Lower Church Lake, and located just south of the barn and silo) was built to store additional water and irrigate more land. A reliable water source allowed the Church family to become the first in Colorado to plant wheat and raise Hereford cattle. The Church Ditch is still in operation today. The Church Farm was centered near where Walnut Creek runs through the underpass as Wadsworth Boulevard dips and curves to the west and north, just north of 103<sup>rd</sup> Avenue.

In 1881 the Denver, Utah and Pacific Railroad *constructed* a narrow-gauge line that ran through *the Church Farm's* fields of corn. In approximately 1920, the original stagecoach station, which had become the bunkhouse, was given to the community and became Lorraine-Mandalay school. This structure is still located on Wadsworth Boulevard, south of 103<sup>rd</sup>. The farm was handed down and continuously owned and farmed by the Church family for over 100 years and is designated by the Colorado Historical Society as a Centennial Farm.

While the Lower Church Lake Barn and Silo are located on land that was once part of the Church ranch and is adjacent to the historic Lower Church Lake, little is known about the residents who owned it after it was separated from the Church Ranch. The Hazelwood and Plass families each owned it and then it passed through the hands of investors and developers prior to its sale to the City of Westminster for open space. Mrs. Plass was a trick horseback rider and one photo was found of her performances.

In addition to its historic associations, the significance of the Lower Church Lake Barn and Silo is based mainly on its representation of northern Jefferson County settlement and farming, the style of construction, and the visual prominence of the structures from Wadsworth Boulevard and U.S. 36.

**Sources:**

Interview with Bob Ide, October 31, 2002

It Ain't Like It Usta Be  
Broomfield Star, August 1972  
Reproduced in Church Family History

Memories of George Henry Church  
Silver State Record, December 1963  
Reproduced in Church Family History

President Grant Slept Here!  
Broomfield Long Ago by Dorothy Chambers  
Broomfield News, date unknown  
Reproduced in Church Family History

...Wins 'Oldest Award  
Denver Post, September 1972  
Reproduced in Church Family History

Written account of Mrs. George H. Church

Written account of Marcetta Lutz



## RESOLUTION

RESOLUTION NO. 2006-002

INTRODUCED BY BOARD MEMBER

SERIES OF 2006

April Luber

WHEREAS, the Lower Church Lake barn and silo are historically significant because they:

1. Are more than fifty years old and, taken together as a historic site, they:
2. Exemplify specific elements of an architectural style or period: The style of the barn and silo are typical of early 20<sup>th</sup> century farm buildings in northern Jefferson County.
3. Represent a style particularly associated with the Westminster area: The style of barn and brick silo represent one of the styles of construction found in the Westminster area. The materials of both the barn and silo are distinctive and may be unique among the barns and silos still existing within the City of Westminster.
4. Are the site of an historic event that had an effect upon society: The Lower Church Lake, located just to the south of the barn and silo, was one of the first irrigation reservoirs in the state and provided irrigation for an early wheat farm in Colorado.
5. Exemplify cultural, political, economic or social heritage of the community: The Lower Church Lake and the Church Ranch helped to establish this area of Westminster as a farming community. The barn and silo represent one of the early irrigated farms in Colorado.
6. Enhance sense of identity of the community: The barn and silo are located on Westminster open space and could provide a location for passive recreational activities associated with proposed trails and usage of the lake. Designation as a landmark would provide an enhanced community understanding of the agricultural heritage of the area. The views to the south and east from the barn and silo provide a dramatic juxtaposition of the historic agricultural origins of the City with the nearby new development, include the Westminster Promenade, the Shops at Walnut Creek and the future commuter rail station along the adjacent railroad tracks.
7. Are an established and familiar natural setting or visual feature of the community: The barn and silo are an established visual feature from both Wadsworth Boulevard and U.S. 36 (the Boulder-Denver Turnpike). The open space on which they are located, provides a view of the front range mountain backdrop and a view of elements of the prairie history of the area.

WHEREAS, the City Staff has caused the historical significance of the property to be documented and has applied to this Board for a recommendation as to whether the property should be designated as a historic landmark,

NOW, THEREFORE, the Historic Landmark Board of the City of Westminster resolves that:

1. The Board recommends to the Westminster City Council that the Lower Church Lake barn and silo be designated as a local historic landmark pursuant to Section 11-13-5 of the

Westminster Municipal Code.

2. Description of features that should be preserved:

Architectural Features – Barn (25' wide x 36' long)

Corrugated clay block construction (11" x 11.5" x 7" thick)  
Wood lap siding on gables  
Eaves (10" depth)  
Hay loft windows  
Wood doors, strap hinges  
Corrugated metal roof  
Gambrel roofline

Architectural Features – Silo

- Cylindrical
- 9 x 12 inch orange clay block
- 55 blocks high (approximately 42 feet high)  
Circumference approximately 30 feet)  
Eight openings on north side  
Flat top

3. The legal description and location of the property are:

**Name of proposed landmark:** Lower Church Lake Barn and Silo

**Address or location:** 10850 Wadsworth Boulevard

**Legal Description:** Generally located in the northeast quarter of Section 11, Township 2 South, Range 69 West, Sixth Principal Meridian, Jefferson County.

**UTM coordinates:** UTM Zone 13  
Datum NAD 27  
Linear Unit: meter  
493107.53; 4415922.50

PASSED AND ADOPTED this 12<sup>th</sup> day of July, 2006.

April E. Ruben  
Chair

ATTEST:

Francis Brunet



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Resolution No. 43 re Carry Forward Balance of 2006 Private Activity Bond Allocation

**Prepared By:** Vicky Bunsen, Programs Coordinator

**Recommended City Council Action**

Adopt Resolution No. 43 approving the carry forward of the City of Westminster's 2006 Private Activity Bond (PAB) allocation in the amount of \$4,207,080 for the qualified purposes set forth in the resolution, and authorize the Mayor to execute the documents necessary to preserve this allocation.

**Summary Statement**

- The City's 2006 PAB allocation is \$4,207,080. The allocation is issued by the State of Colorado pursuant to federal legislation, and is required for municipalities wanting to issue bonds for certain "private activities" such as residential mortgage programs, construction of affordable rental housing, and certain redevelopment projects.
- The City's 2006 PAB allocation has not been assigned to any project, nor has the City received any proposals to utilize the funds to date. If the City's PAB allocation is not carried forward by September 15, 2006, it will revert to the State pool. To maintain flexibility and not lose the allocation, the City may keep the allocation by passing a resolution stating that the allocation will be used for a qualified carry forward purpose.
- Qualified carry forward purposes include:
  - Qualified single-family mortgage revenue bonds, and mortgage credit certificates;
  - Qualified redevelopment bonds;
  - Qualified residential rental multifamily housing bonds.
- The attached Resolution has been reviewed and approved by the City Attorney's Office and is ready for City Council's formal action. This Resolution will formally carry forward \$4,207,080 of the City's 2006 PAB allocation. Staff will then proceed to identify for Council specific recommended project(s) for private activity bond financing prior to February 15, 2007, as required by state law. If a specific designation of the use of the City's PAB allocation is not made by February 15, 2007, the City and the State will lose this allocation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A



**Policy Issue**

Whether to carry forward the City's 2006 Private Activity Bond allocation or allow the \$4,207,080 allocation to revert back to the State pool.

**Alternative**

Take no action, and allow the City's allocation to revert to the State pool. This option is not recommended; as it would limit the options that City Council would have for use of the PAB allocation relative to redevelopment in Westminster. The action to carry forward the allocation is routinely used and is acceptable to the State of Colorado, acting as the administrative agent for the federal government.

**Background Information**

When cities intend to issue tax-exempt bonds to finance certain eligible "private activities" as allowed by the Internal Revenue Code, they can do so only to the extent they have received a PAB allocation from the federal government. Each year, the City of Westminster receives an allocation of private activity bonds to use towards bond financing of certain eligible "private activities" as defined by federal law. The issuance of low-interest, tax-exempt bonds can save developers and the City from the higher costs of commercial financing that can provide a significant savings to the project. Such bonds can also be used to provide subsidies for certain qualified homebuyers. The PAB financing further allows cities to sponsor community development and redevelopment activities that they deem important.

If the PAB allocation is not specifically designated to a specific project by September 15, 2006, federal law allows the allocation to be carried forward and preserved through February 15<sup>th</sup> of the following year. By February 15, 2007, a specific assignment of the allocation must be made or the City and the State will lose the PAB allocation. To maintain flexibility and to consider competitive projects, it is important that the City act to carry forward this allocation. Staff will study the near-term possibilities for multi-family housing and qualified redevelopment projects, especially in the Northgate and City Center areas, and recommend specific projects before the February 15, 2007, deadline.

This action is consistent with City Council actions in past years and is considered routine by the State of Colorado, the administrative agent for the PAB program.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 43

INTRODUCED BY COUNCILLORS

SERIES OF 2006

**Major - Dittman**

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER TO ISSUE OR CAUSE BONDS TO BE ISSUED IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$4,207,080 FOR QUALIFIED MORTGAGE BONDS, ONE OR MORE QUALIFIED RESIDENTIAL RENTAL PROJECTS, OR ONE OR MORE QUALIFIED REDEVELOPMENT PROJECTS; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE ISSUANCE OF SUCH BONDS.**

WHEREAS, the City of Westminster (the "City"), is a municipal corporation duly organized and existing as a home-rule municipality under Article XX of the State Constitution (the "Constitution") and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, pursuant to the Private Activity Bond Ceiling Allocation Act, Title 24, Article 32, Part 17, of Colorado Revised Statutes (the "Allocation Act"), the City has been allocated private activity bond "volume cap" for 2006, the amount of which is \$4,207,080; and

WHEREAS, the City intends and proposes to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$4,207,080, in one or more series, for (1) qualified redevelopment purposes as described in Section 144(c) of the Internal Revenue Code of 1986, as amended (the "Code") OR (2) qualified mortgage bonds as described in section 143 of the code, or (3) qualified residential rental projects as described in Section 142(d) of the Code, together with the costs of funding any reserve funds for the bonds (the "Bonds"), the costs of securing the Bonds and costs incidental to the authorization, issuance and sale of the Bonds (collectively, the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, IN THE COUNTIES OF ADAMS AND JEFFERSON, STATE OF COLORADO:

Section 1. All action not inconsistent with the provisions of this resolution heretofore taken by the City Council, and the officers, employees and agents of the City, directed toward the Project, and the issuance and sale of the Bonds therefore, is hereby ratified, approved and confirmed.

Section 2. The City intends to issue, or cause to be issued by another qualified issuer, the Bonds in the approximate aggregate principal amount of \$4,207,080 to pay the cost of the Project, upon terms acceptable to the City as set forth in a bond ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by this resolution, including without limiting the generality of the foregoing, the following:

- (i) Carrying forward the City's unused private activity bond volume cap allocation for 2006 pursuant to Section 146(f) of the Code;
- (ii) Notifying the Colorado Department of Local Affairs prior to September 15, 2006, of the City's desire to treat its initial 2006 allocation of private activity bond volume cap as an allocation to the Project;

- (iii) Obtaining, if necessary, an additional share of the allocation for 2006 allotted to the State of Colorado pursuant to Section 146 of the Internal Revenue Code of 1986, as amended (the "Code");
- (iv) Assigning, if necessary, the City's 2006 allocation of private activity bond volume cap to another qualified issuer.

Section 4. The cost of financing the Project will be paid out of the proceeds of the Bonds or other available moneys of the City.

Section 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 6. If any section, paragraph, clause or provision of this resolution or the question shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or the question.

Section 7. All acts, orders and resolutions, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. This resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this 28th day of August, 2006.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF COLORADO )  
 )  
COUNTIES OF ADAMS ) SS.  
AND JEFFERSON )  
 )  
CITY OF WESTMINSTER )

I, Linda Yeager, the City Clerk of the City of Westminster, Colorado do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the City Council (the "Council") of the City at a meeting of the Council held on August 28, 2006.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 28, 2006, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye: Dittman, Kaiser, Kauffman, Lindsey, Major, McNally, and Price

Those Voting Nay: None

Those Absent: None

Those Abstaining: None

3. The members of the Council were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the City seal, attested by the Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council, which might prohibit the adoption of said Resolution.

6. Notice of the meeting of August 28, 2006, in the form attached hereto as Exhibit A was posted at the City Hall, Westminster, Colorado, not less than 24 hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this 29<sup>th</sup> day of August, 2006.

---

City Clerk

(SEAL)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Resolution No. 44 re Compliance Hearing for the Kerr Annexation

**Prepared By:** David Falconieri, Planner III

**Recommended City Council Action**

Adopt Resolution No. 44 accepting the annexation petition submitted by James Kerr, property owner, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of September 25, 2006, for the annexation hearing.

**Summary Statement**

- The Kerr property is located at 9931 Ammons Circle, and consists of approximately 3 acres.
- The applicant wishes to annex into the City of Westminster in order to create a viable building site for one new home and an adjustment to the property line of the existing lot.
- The property is subject to the requirements of the Northeast Comprehensive Development Plan and permits the proposed residential development.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City annex the Kerr property at this time?

**Alternative**

Make a finding that there is no community of interest with the Kerr property and take no further action. If this course is taken, the property in question will remain unincorporated, and the owners could proceed with their proposed development in the County. The City would still be required to provide water and sewer service if this action is taken.

**Background**

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

1. An allegation that the annexation is desirable and necessary
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed (In this case, James Kerr, signer of the petition, owns 100% of the property.)
4. The legal description of the land to be annexed
5. The date of each signature
6. An attached map showing the boundaries of the area

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

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

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments**

- Petition
- Resolution
- Vicinity Map

RESOLUTION

RESOLUTION NO. **44**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

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**KERR PROPERTY ANNEXATION**

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

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes September 25, 2006, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

PASSED AND ADOPTED this 28th day of August, 2006.

ATTEST:

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Mayor

---

City Clerk



WESTMINSTER

Department of Community Development

ANNEXATION PETITION

1. It is desirable and necessary that the area shown on the attached annexation map be annexed into the City of Westminster.
2. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. 1973, as amended, exist or have been met.
3. The signers of this petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed exclusive of streets and alleys.
4. The undersigned hereby request the City of Westminster to approve the annexation of the area proposed to be annexed.

5. Signature of landowner *James Kerr* \*  
 Title James Kerr cell 303-931-9139

6. Mailing address of signer 9931 Arroyo Cir  
Broomfield Co 80021

7. Legal description of land owned by signer:  
 See Exhibit A Attached

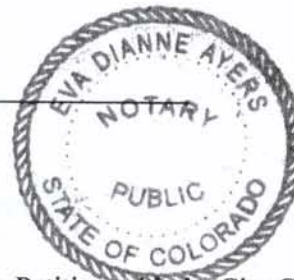
8. Date of Signing 7/21/06

9. Subscribed and sworn to before me this 21<sup>st</sup> day of July,  
 2006.

Witness my hand and Official Seal.

My Commission expires 2-27-07

*Eva Dianne Ayers*  
 Notary Public

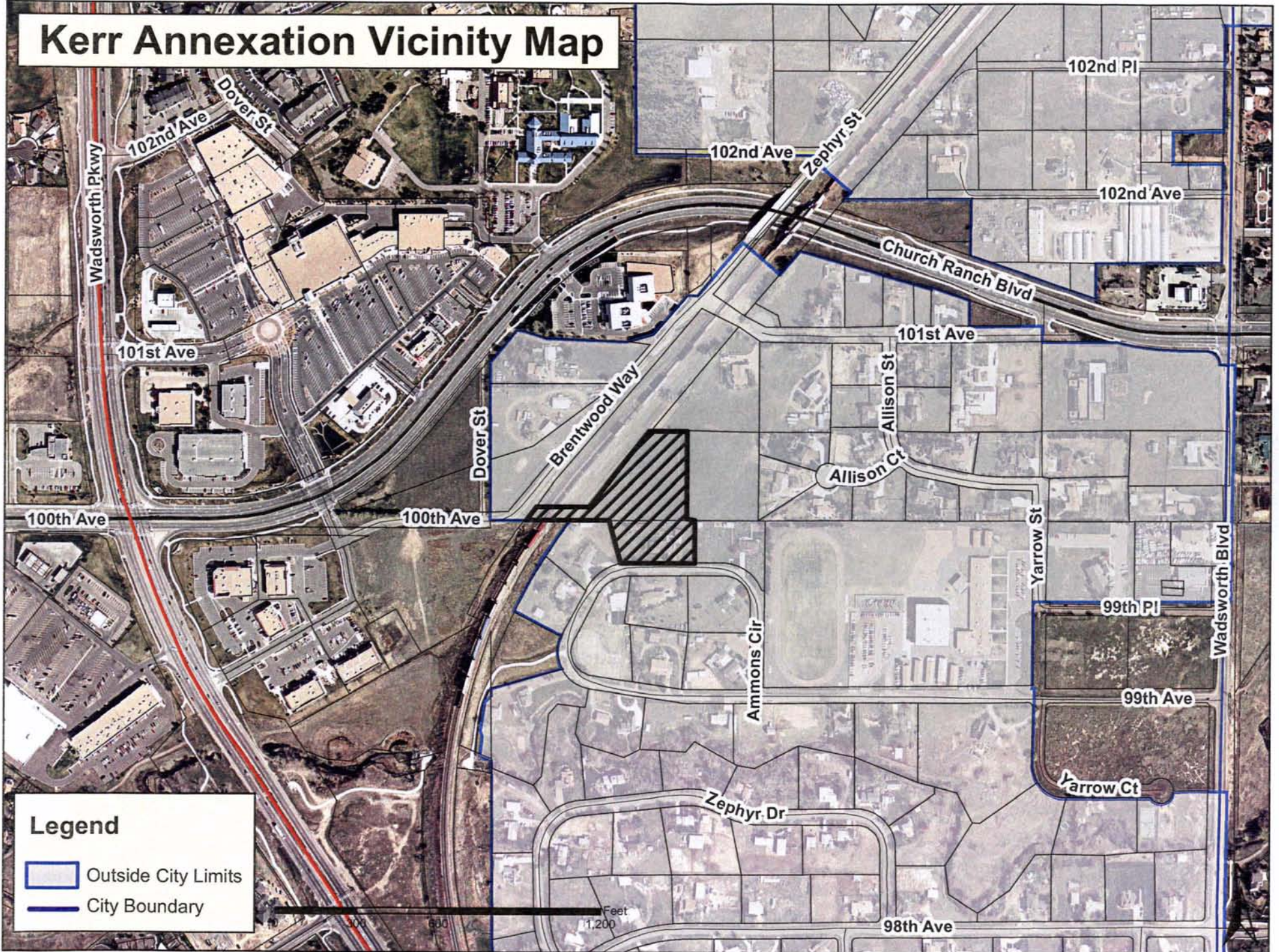


\* No signature is valid if date is more then 180 days prior to filing the Petition with the City Clerk.



My Commission Expires 2/27/07



# Kerr Annexation Vicinity Map



## Legend

-  Outside City Limits
-  City Boundary

Feet

0 600 1,200



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
August 28, 2006



**SUBJECT:** Resolution No. 45 re Ambulance Fee Schedule

**Prepared By:** Ken Watkins, Deputy Chief of Technical Services  
Randy Peterson, Emergency Medical Services Coordinator

**Recommended City Council Action**

Adopt Resolution No. 45 establishing the new ambulance fee schedule.

**Summary Statement**

Staff has completed an annual survey of ambulance fees in the Denver-metro area and is presenting it to City Council as Attachment #1. After evaluation of the survey data Staff is recommending approval of an increase to maintain the user fee philosophy adopted by City Council in 1991 when the City started ambulance operations. These ambulance user fees are used to offset the costs for the provision of emergency medical services. The proposed fee upgrades range from a 4.35% increase for basic life support care to 7.69% increase for advanced life support care. Other fees such as the fee for Care Rendered/No Transport range from a zero to 50% increase as noted below. The following is a comparison of the current and proposed Westminster ambulance fees, as well as the metro average.

<b>Service</b>	<b><u>Current</u></b>	<b><u>Proposed</u></b>	<b><u>Metro Average</u></b>
Basic Life Support Care	\$575	\$600	\$612
Advanced Life Support Care	\$650	\$700	\$702
Mileage Charge	\$10	\$12	\$12
Oxygen Charge	\$50	No Change	\$49
Ortho/Spinal Immobilization Fee	\$50	\$65	\$62
Care Rendered/No Transport	\$100	\$150	\$131
Disposable Medical Supplies	\$100	No Change	\$78 / Itemized
Westminster Med Program	\$25/40	No Change	Not Surveyed

Westminster's fees were last increased in 2005. Westminster's fees will remain equal to or below the Denver Metro average in most of the categories.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City affirm the policy of a user fee-based ambulance operation and the maintenance of an ambulance fee structure roughly equal to the Denver-metro area average?

**Alternatives**

1. Leave the Ambulance Transport Fee Schedule unchanged. This will place the City below the Denver-metro average for ambulance service charges and eliminate potential cost recovery revenue of \$214,000 in 2007 to offset expenses within the program.
2. Increase existing fees up to the City Manager authorized 10% level. Aside from the Basic Life Support and Advanced Life Support fees, Westminster ambulance billing fees would be 10-19% below the Denver-metro area average.

**Background Information**

The proposed fee increase for ambulance services will bring the City's rates in line with the Denver-metro area average. Projected annual ambulance revenues for 2006 are estimated to be \$2,040,432 with the approval of the new fee structure and projected ambulance transport activity. This is an increase in 2006 of approximately \$56,000 over the existing billing structure. The annual revenue projection is based on a conservative 53% collection rate for ambulance services billed. The City's actual collection rate is currently significantly better than this rate.

The attached Ambulance Fee Survey is a two-part survey that includes base fees plus a set of sample patient scenarios. Staff has created this two-part survey in order to be as accurate as possible since different billing systems charge for the same procedure or service in different ways, i.e. some may charge a fee for IV therapy or they may include it in the Advanced Life Support charge or in a supply charge. There is a significant difference in how the City and other agencies charge for disposable supplies. Many of the agencies in the Denver Metro area itemize the disposable supplies used, charging separately for each item, whereas the City bills these items as a flat fee. Depending on patient treatment this can create large differences in the actual amount charged to the patient.

Staff is not recommending any fee changes for the Westminster Med Program in 2006. City Council increased fees for this program in 2005, and with so few agencies in the Denver-metro area offering this program, staff is comfortable with the current fees and doesn't see the need to survey them at this time.

Please note that the City Manager has authorization to increase fees up to 10%. The proposed ambulance fee schedule increases certain itemized fees over 10% to remain in-line with the Denver-metro area average resulting in the need for City Council approval.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 45

INTRODUCED BY COUNCILLORS

SERIES OF 2006

**A RESOLUTION ESTABLISHING A NEW AMBULANCE FEE SCHEDULE**

WHEREAS, the Westminster Fire Department staffs and operates an advanced life support ambulance transport service; and

WHEREAS, in 2005 the City adopted a fee schedule after review of the metro area ambulance fee structures was completed; and

WHEREAS, City Council has directed staff to develop and maintain an ambulance membership program as a means to provide City residents preferential treatment with regard to ambulance billing; and

WHEREAS, the City's needs and philosophies in establishing an ambulance fee structure have been identified; and

WHEREAS, City Staff has completed another review of the metro area ambulance fee structures in 2006.

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

1. Residents and non-residents shall be billed according to an itemized rate structure for all emergency medical calls where a Westminster Fire Department ambulance is used to transport a patient to a hospital as follows: \$600 for Basic Life Support (BLS) level care or \$700 for Advanced Life Support (ALS) level care; \$12 per mile or portion of a mile transported; \$50 for oxygen therapy if received; \$65 for ortho/spinal immobilization if received; \$100 for disposable medical supplies. If active ALS resuscitative efforts are undertaken that are ceased by a base station physician order and the patient is not transported, the patient shall be assessed only the charge for ALS care.

2. On emergency calls where the Fire Department provides treatment to a patient or client needing emergency helicopter transportation, an ALS charge shall be assessed.

3. On emergency calls where two or more advanced medical procedures are performed and the patient, patient's family or guardian then refuses ambulance transport to an area hospital, a \$150 charge shall be assessed.

4. If more than one patient is transported to a hospital by the Westminster Fire Department ambulance, all patients shall be assessed individually according to the fee structure listed above.

5. The Finance Director and the Fire Chief in mutual agreement may allow exceptions to this fee structure and forgive portions of an ambulance bill based solely on the documented ability to pay of the person responsible for paying the ambulance bill.

6. Uncollected portions of ambulance bills that are more than 60 days past due shall be subject to the following collection measure:

> Consignment to an outside collection agency.

7. The City may enter into contractual agreements with health care insurance provider organizations that set different rates than those listed above. Such agreements shall conform to all insurance laws and regulations recognized by the State of Colorado.

8. A City ambulance membership program (Westminster MED) shall be continued. The annual membership fee shall be \$25 for an individual and \$40 for a family. The annual fee shall represent the pre-payment of the uninsured portion of any City ambulance transport bill for an emergency medical condition. The City shall retain the right to bill and expect payment of benefits covered by the individual's insurance companies.

9. The City Manager shall have the authority to adjust ambulance fees up to 10% annually to address market conditions and/or operating costs.

PASSED AND ADOPTED this 28th day of August 2006.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

## Attachment #1: Ambulance Fee Schedule Survey

The following fee survey was conducted in two parts. The first part (Fees) reflects the base fees that agencies charge. The second part (Scenarios) reflects what agencies actually charge for procedures, supplies, and service based on four given scenarios. Staff created this additional survey to capture true costs, as different billing systems charge for the same procedure or service in different ways, i.e. some may charge for IV therapy or they may include it in ALS charge or in a supply charge.

	Federal Heights	North Washington	Littleton	City of Thornton	Mountain View	North Metro	Sable	Parker	Northglenn Ambulance	Pridemark	SWAC	West Metro	Average	WFD	Proposed Rates
<b>Fees</b>															
Basic Life Support	\$550	\$750	\$550	\$750	\$525	\$575	\$750	\$675	\$396	\$350	\$600	-	\$612	\$575	\$600
Advanced Life Support	\$650	\$750	\$575	\$750	\$700	\$645	\$1,200	\$675	\$850	\$723	\$700	-	\$702	\$650	\$700
Mileage	\$12	\$15	\$10	\$10	\$11	\$10	\$15	\$10	\$20	\$13	\$12	-	\$12	\$10	\$12
Oxygen	\$40	\$50	\$45	\$50	\$60	\$40	N/A	\$40	\$68	\$35	\$60	-	\$49	\$50	\$50
Spinal Immobilization	\$30	\$50	\$60	\$65	\$100	\$50	N/A	\$60	\$113	\$60	\$80	-	\$62	\$50	\$65
Care Rendered/No Transport	\$200	\$200	N/A	\$100	\$100	\$75	\$200	N/A	\$53	\$50	\$200	-	\$131	\$100	\$150
Disposable Medical Supplies	\$60	\$100	N/A	\$60	\$100	\$50	N/A	N/A	\$74	\$25	\$100	-	\$78	\$100	\$100

\*Numbers in shaded cells were outliers and were therefore not calculated into averages. \*\*N/A represents incomplete survey data or a service not charged for by the represented agency. \*\*\*Unable to obtain information from West Metro.

<b>Scenario A</b>	\$1,130	\$1,155	\$840	\$1,060	\$1,055	\$890	\$1,275	\$860	\$1,347	\$1,023	\$995	-	\$1,057	\$850	\$910
<b>Scenario B</b>	\$876	\$1,070	\$680	\$1,005	\$1,048	\$865	\$1,320	\$855	\$1,191	\$770	\$1,048	-	\$975	\$930	\$1,011
<b>Scenario C</b>	\$1,328	\$1,410	\$945	\$1,310	\$1,194	\$1,040	\$1,410	\$965	\$1,799	\$1,400	\$1,223	-	\$1,275	\$940	\$1,033
<b>Scenario D</b>	\$365	\$375	\$105	\$280	\$200	\$205	\$200	\$85	\$194	\$235	\$260	-	\$228	\$250	\$300

**Scenario A:** Advanced life support transport of a cardiac patient transported five miles code three; the patient received oxygen, IV's, blood draw, EKG, and medications administered by a paramedic.

**Scenario B:** Advanced life support transport from a routine minor traffic accident where the patient was transported eight miles code two. The patient receives oxygen and spinal immobilization administered by an EMT.

**Scenario C:** Traumatic cardiac arrest patient transported 14 miles code three to a trauma center. The patient received intubation, suctioning, IV's, blood draw, EKG, and spinal immobilization performed by a paramedic.

**Scenario D:** This is a diabetic patient that received oxygen, IV, and a blood test. Patient refused transport and was charged for care rendered no transport.



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Resolution No. 46 re November 2006 Coordinated Election Costs

**Prepared By:** Linda Yeager, City Clerk

**Recommended City Council Action**

Adopt Resolution No. 46 authorizing the transfer of \$35,000 from the General Fund contingency account into the elections expense account within the General Services City Clerk Division operating budget to pay unanticipated coordinated election costs to Adams and Jefferson Counties.

**Summary Statement**

- Pursuant to City Council’s direction to certify questions to the November 7, 2006 ballot, separate Intergovernmental Agreements with Adams and Jefferson Counties for 2006 election services have been reviewed by the City Attorney and executed by the City Manager.
- In addition to the cost of conducting the election, the inclusion of additional information in the TABOR notice will significantly increase the costs charged to the City by each County.
- The City’s estimated cost to participate in the November 2006 election is approximately \$55,000. City Council authorized \$20,000 for these expenses in the 2006 budget.

**Expenditure Required:** \$55,000

<b>Source of Funds:</b>	City Clerk Operating Division	\$20,000
	General Fund Contingency	\$35,000

**Policy Issue**

Should questions be placed on the Adams and Jefferson County ballots in November 2006 to amend the City Charter and to extend the parks and open space tax resulting in the need to appropriate General Fund contingency in order to pay the costs of a coordinated election with Adams and Jefferson Counties?

**Alternatives**

1. City Council could call for a special election to be conducted by mail ballot on November 7, 2006, rather than participating in coordinated elections with each County. Staff does not recommend this course of action as the cost of conducting an independent election would far exceed the City's shared cost of participating in coordinated elections. The proportional cost to the City of including information in the TABOR Notice would not change if we conducted an independent election.
2. City Council could postpone the electorate's consideration of the proposed questions until the City's regular election in November of 2007. Staff does not recommend this course of action because timely consideration of the electorate is needed to clarify intent of and remedy inconsistencies in the City Charter's provisions concerning Initiative, Referendum, and Recall, and to extend the parks and open space tax so that acquisitions can proceed before the land is developed and existing parks and open space can be maintained.

**Background Information**

Based on formulas contained in the Intergovernmental Agreements for 2006 Election Services from Adams and Jefferson Counties, it is estimated the cost of placing language on the November ballot will approach \$55,000. The City Clerk's 2006 operating budget has \$20,000 allocated for election expense. As there is no uniform formula imposed on Counties to standardize the costs that can be passed on to other jurisdictions desiring to coordinate issues or questions for the convenience of a common electorate, it is becoming increasingly difficult to forecast election charges the City can anticipate for budgetary purposes.

The parks and open space tax question necessitates inclusion of applicable information in the TABOR notice that will be published by each County Clerk, an additional expense not anticipated in forecasting 2006 election expense. The November 7, 2006 election cannot be conducted by mail because Colorado Law does not permit mail ballots to be used when partisan candidate races are being considered. Costs generally increase due to labor and facilities expenses incurred by conducting elections at voting centers or polling places.

The attached resolution authorizes a \$35,000 contingency account transfer to the elections expense account in the General Services City Clerk's operating budget to cover the unanticipated cost of adding ballot language to the November 7, 2006 ballot in accordance with City Council's direction.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **46**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

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**CONTINGENCY TRANSFER  
2006 ELECTION EXPENSES**

WHEREAS, the Section 7-1-3 (A) of the Westminster Municipal Code requires that elections be conducted, whenever possible, as coordinated elections with Adams and Jefferson Counties; and

WHEREAS, the City Council has directed that ballot language concerning questions and/or issues be certified to the November 7, 2006 ballots of Adams and Jefferson Counties; and

WHEREAS, the Intergovernmental Agreements for 2006 Election Services from each County indicate the City's proportional cost of participating in the coordinated elections and TABOR notifications will approach \$55,000; and

WHEREAS, funds appropriated to the City Clerk's operating budget for election expenses in 2006 total \$20,000; and

WHEREAS, the General Fund contingency balance is \$993,448, which is sufficient to meet the unanticipated \$35,000 shortfall in the election expense account.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER THAT:

Section 1. \$35,000 be transferred from the 2006 General Fund contingency to the election expenses account (10012070.67900.0000) in the General Services City Clerk Division operating budget.

PASSED AND ADOPTED this 28th day of August, 2006.

ATTEST:

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Mayor

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City Clerk





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Resolution No. 47 re Adams County Open Space Grant Application for the 2006 Trail Repairs Project

**Prepared By:** Brad Chronowski, Landscape Architect II

**Recommended City Council Action**

Adopt Resolution No. 47 authorizing the Department of Parks, Recreation and Libraries to pursue a grant with Adams County Open Space during the 2006 second grant cycle for trail improvements along the Big Dry Creek and Farmers' High Line Canal Trail.

**Summary Statement**

- The Department of Parks, Recreation and Libraries wishes to pursue a grant from Adams County Open Space for assistance with the City's 2006 Trail Repairs Project.
- Staff recommends requesting a \$50,000 grant for repairs to the Big Dry Creek and Farmers' High Line Canal trail in the vicinity of 112<sup>th</sup> Avenue and Sheridan Boulevard.
- Due to increased development and natural drainage, the City's trail system is affected in a way that presents safety concerns and places an additional burden on the City's maintenance staff.
- The Department of Parks, Recreation and Libraries wishes to upgrade the trail section along the Big Dry Creek trail by adding a 10-foot-wide concrete trail, paralleled by a 4-foot gravel trail.
- The Farmers' High Line Canal Trail near Legacy Ridge Boulevard will be reconstructed to alleviate an unsafe situation where standing water produces moss growth that renders the trail unusable or messy for its users.
- Council approved the construction contract for this project on August 14, 2006.
- If approved, the money from this grant will allow Staff to reduce the City's financial commitment to City Council's recent approval of trail and drainage improvements along Big Dry Creek and the Highline Canal and use the unexpended money for additional improvements in other areas of the City's trail system.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should the City attempt to seek assistance for the 2006 Trail Repair Project by pursuing grant monies from the Adams County Open Space Grant Program?

**Alternative**

Council could choose not to pursue additional funding for the 2006 Trail Repairs Project and proceed with the council-approved improvements using only City funds. However, Staff recommends attempting to secure additional funding for this project through this grant opportunity.

**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. In recent years, the City has received grant money from Adams County Open Space for park and trail development projects as well as open space acquisitions. The City has developed a strong partnership with Adams County in its successful use of these grant funds.

In 2003, the City received a grant from Adams County for \$250,000 to complete the Big Dry Creek Trail from Huron Street to Interstate 25. This project was successfully completed in a manner that mirrors the current request for trail repairs. The opportunity to create a regional trail that serves users using road bicycles, in-line skates or pushing strollers while providing a soft trail for runners and equestrians will be available along this important and highly-used section of trail.

Both the Big Dry Creek and Farmers' High Line Canal Trails originate in Westminster and continue through the communities in Adams County to provide a diverse and safe trail experience. The Adams County Open Space Grant Program has responded positively to trail-related grant requests from Westminster and its neighboring cities along these two regional trails.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **47**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

---

**GRANT REQUESTS FOR THE 2006 OPEN SPACE GRANT PROGRAM**

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

WHEREAS, The City of Westminster has budgeted for improvements for annual trail repairs;

WHEREAS, grant money received from Adams County would significantly enhance the improvements for the above-mentioned project.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a grant application to the Adams County Open Space Grant program for the second funding cycle of 2006, requesting funding in the amount of \$50,000 to enhance the Big Dry Creek Trail.

PASSED AND ADOPTED this 28th day of August 2006.

ATTEST:

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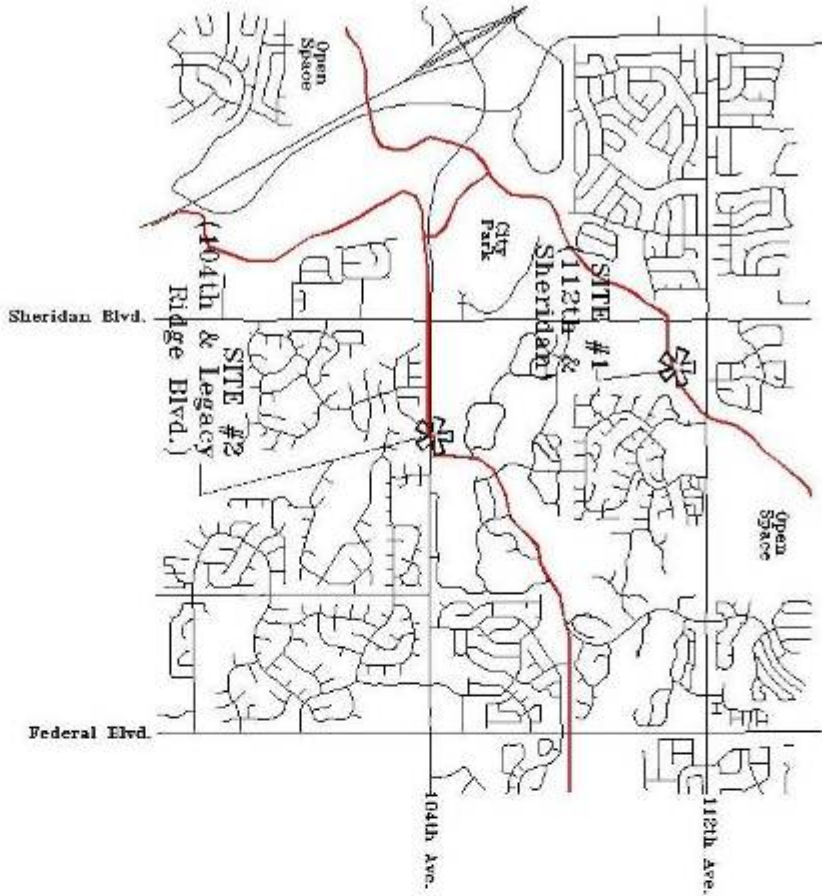
Mayor

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City Clerk

# Location Map

NO SCALE

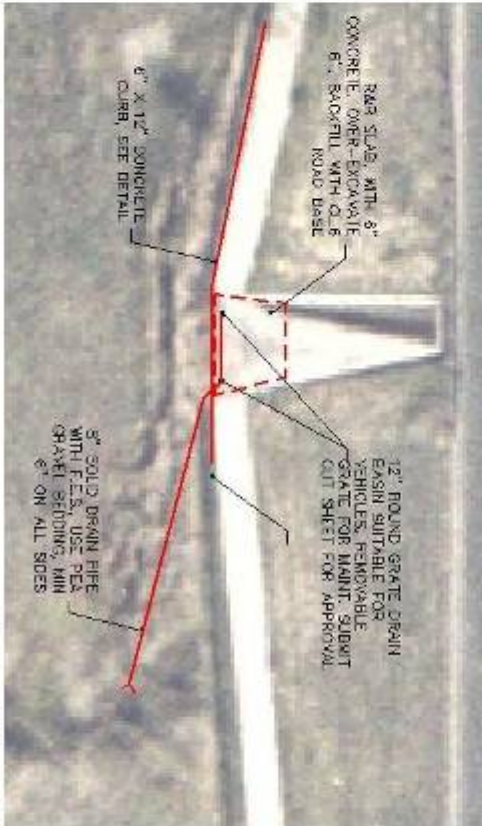


**OWNER**  
**CITY of WESTMINSTER**  
 Brad Chiroswall  
 4800 WEST 92ND AVENUE  
 Westminster, CO 80031  
 303-430-2400 x2205



**Layout**  
 Site #1 - 112th & Sheridan

Scale: 1" = 300'



**Layout**  
 Site #2 - 104th & Legacy Ridge Blvd.

Scale: 1" = 40'

## Big Dry Creek Trail Repairs - 2006

Westminster, Colorado



DATE	1/13/06
BY	JANIS VAN DYKE
SCALE	1" = 40'
SHEET NO.	1 of 2



## Agenda Item 10 J

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Resolution No. 48 re Sponsoring Hyland Hills for an Adams County Open Space Grant Application

**Prepared By:** Julie M. Meenan Eck, Landscape Architect II

**Recommended City Council Action**

Adopt Resolution No. 48 sponsoring Hyland Hills Park and Recreation District (Hyland Hills) for two Adams County Open Space grant applications.

**Summary Statement**

- Adams County Open Space provides grant money in Adams County to assist municipalities, recreation districts and private non-profit entities with recreational capital improvements and open space purchases.
- In order for recreation districts to qualify, they must seek sponsorship of their application from the entity in which the project is located.
- Big Dry Creek Park is a joint construction project between Hyland Hills and the City of Westminster; Carroll Butts Park is a joint ownership park between Hyland Hills and the City of Westminster.
- A resolution from City Council indicating sponsorship for the Hyland Hills Park and Recreation District's Adams County Open Space grant application is requested by Hyland Hills to apply for additional funds needed to construct all of the Big Dry Creek Park.
- The City already has budgeted \$700,000 for construction of Big Dry Creek Park, which Hyland Hills can use toward their grant match, and is requesting an additional \$250,000 in the 2007 Capital Improvement Program (CIP) Budget.
- Hyland Hills plans to contribute \$500,000 from the 2002 General Obligation Bond toward the Big Dry Creek Park construction.
- Hyland Hills is also applying for a grant for the Carroll Butts project, with no contributions from the City, for improvements to the park lake.
- Sponsoring a grant on behalf of Hyland Hills does not affect the ability of the sponsoring entities to submit their own grants.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Does City Council support the Hyland Hills grant applications to secure additional funding for the construction of Big Dry Creek Park and improvements to Carroll Butts Park lake?

**Alternative**

Council could choose not to sponsor the grant applications for Hyland Hills. However, these funds are necessary to complete more bid alternates of the Big Dry Creek master plan and to improve the water quality of the Carroll Butts Park lake.

**Background Information**

Professional landscape architectural services were obtained to develop a master plan for an 18-acre park, Big Dry Creek, at 128<sup>th</sup> Avenue and Big Dry Creek. The master plan (see attached) features two shelters, play area, tennis court, two soccer fields; two little league fields, restroom enclosures, trails, a dog park, and a self-contained parking lot. The park was designed to serve as a community park with athletic fields, as well as, serving the surrounding neighborhoods and will be warm and inviting while accommodating a diverse array of users and uses. Hyland Hills Park and Recreation District and the City will schedule the use of the little league fields and the City will schedule the soccer fields. Additional funds will be needed to construct the entire master plan.

Hyland Hills is contributing \$500,000 to the City's \$700,000, with an additional \$250,000 proposed in the City's 2007 CIP Budget. Staff is still determining how much the final park construction will cost, but anticipate at least a \$600,000 request from Adams County Open Space. The grant monies will allow more bid alternates of the master plan to be constructed and will possibly include the construction of a tennis court, soccer field, little league field and additional parking to support these uses.

Hyland Hills has plans to improve the pump system at Carroll Butts Park, and by doing so, it will improve the water quality of the lake. The ultimate goal is to improve the water quality to a support fishing in the lake. Hyland Hills will match the Adams County Grant request with their own monies, and this project will not include any City funds or resources.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



# Big Dry Creek Park

Schematic Site Plan

City of Westminster      Shalkey & Team, Inc.  
May 9, 2006



**CONCEPTUAL SITE PLAN  
CARROLL BUTTS PARK  
CITY OF WESTMINSTER, COLORADO**

WESTMINSTER  
 SCALE 1"=40'  
 20 AUGUST 2003  
 HYLAND HILLS  
 Park & Recreation District



- 8' WALKING TRAIL
- PLANTING BUFFER
- 3/4 SIZE BASKETBALL COURT
- PLAY STRUCTURE
- PICNIC SHELTER
- TENNIS COURT
- PARKING 98 SPACES
- PARK ENTRANCE
- PICNIC SHELTER & PLAZA
- PARK IDENTIFICATION SIGN
- BASEBALL FIELD
- BASEBALL FIELD
- BASEBALL FIELD
- BASEBALL FIELD
- EXISTING IN-LINE SKATE RINK
- EXISTING PARKING 100 SPACES
- GAZEBO
- PUMP STATION
- PEDESTRIAN BRIDGE
- 8' WALKING TRAIL
- POND OVERLOOK
- PICNIC SHELTER
- EXISTING PICNIC SHELTER
- EXISTING PLAY AREA
- PICNIC SHELTERS
- POOL
- BATH HOUSE
- LOW WOOD FENCE
- THE BREAKAWAY CENTER
- DUMPSTER ENCLOSURE
- EXISTING PARKING (150 SPACES)
- EXISTING PARKING (68 SPACES)



RESOLUTION

RESOLUTION NO. **48**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

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**SPONSORSHIP OF HYLAND HILLS PARK AND RECREATION DISTRICT FOR  
APPLICATION TO ADAMS COUNTY OPEN SPACE PROGRAM**

WHEREAS, Adams County has established an Open Space grant application process to assist with development of passive and active use projects for eligible jurisdictions within Adams County, Colorado; and

WHEREAS, the County will accept applications from park and recreation districts and private non-profit groups located within the county provided that the entity in which the project is located will sponsor the application; and

WHEREAS, the City of Westminster is the sponsoring entity for the application by Hyland Hills Park and Recreation District to secure additional funds for Big Dry Creek Park and Carroll Butts Park; and

WHEREAS, matching grant funding from the Adams County Open Space Program would assist in the complete construction of the above projects for the benefit and enjoyment of those residences of Hyland Hills Park and Recreation District, Adams County, and the City of Westminster.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster will sponsor the grant application to the Adams County Open Space Program, from Hyland Hills Park and Recreation District, requesting funds for the construction of Big Dry Creek Park, located at 128<sup>th</sup> Avenue and Pecos Street in the City of Westminster, Adams County, and Carroll Butts Park at 4201 W. 94<sup>th</sup> Avenue in the City of Westminster, Adams County.

PASSED AND ADOPTED this 28<sup>th</sup> day of August 2006.

ATTEST:

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Mayor

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City Clerk



## Agenda Item 10 K

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 28, 2006



**SUBJECT:** Resolution No. 49 re Referral of a Ballot Issue to Extend the Open Space, Parks, Recreation and Trails Sales and Use Tax and to Authorize the Issuance of Bonds.

**Prepared By:** Ruth C. Becker, Open Space Coordinator  
Steve Smithers, Assistant City Manager

### Recommended City Council Action

Adopt Resolution No. 49 referring ballot issue 2A to the voters for extension of the 0.25% open space, parks, recreation and trails sales and use tax for a period of 16 years until 2032, and authority to issue up to \$20 million in bonds to be repaid over the next 25 years.

### Summary Statement

- In 2005, City Council directed staff to poll Westminster residents to determine their support for a ballot issue to extend and/or increase the 0.25% open space, parks and recreation sales and use tax.
- Frederick Polls conducted a survey of 300 Westminster residents on May 12 – 14, 2005. The poll indicated clear support for extending the existing tax and issuing additional bonds. Eighty-four percent (84%) of respondents indicated they would vote in favor of a sales tax extension at the existing rate for 25 years and approve the sale of bonds to advance the purchase of open space property and park development. Council decided not to place the sales tax extension and bonding question on the 2005 ballot, preferring to reconsider the issue in 2006 when additional retail would be coming on line and the prospects for a larger bond issue were better.
- At the May 1, 2006 Study Session, Council directed staff to prepare ballot language for the open space, parks, recreation and trails sales tax extension and bond issue if the City's biannual citizen survey showed continuing support for the measure. The 2006 citizen survey indicated seventy-seven percent (77%) of respondents strongly supported or somewhat supported the extension of the existing sales and use tax.
- At a Study Session on August 7, 2006, Council directed staff to present ballot language for an extension of the current sales and use tax for 16 years until 2032 and bonding authority for issuance of bonds to be repaid over 25 years until 2032.

**Expenditure Required:** \$55,000 (Election expense for both the Open Space ballot issue and proposed Charter Amendment)

**Source of Funds:** General Fund – City Clerk Operating Budget \$20,000  
General Fund – Contingency \$35,000

**Policy Issue**

Should the City proceed with the recommended ballot language for the Open Space, Parks, Recreation and Trails sales and use tax extension and bonding authority to be presented to the voters on the November election ballot?

**Alternatives**

1. Don't pursue a ballot issue this fall. The City's current open space, parks, recreation and trails tax does not expire until 2016, which does allow the City to continue with a limited amount of open space purchases and park improvements. However, the City has expended all of the previously issued open space bond funds, leaving approximately \$750,000 a year for land purchases, and approximately \$565,000 of those funds will be applied annually to the Metzger purchase. Delaying a bond issue would likely result in development of land earmarked for acquisition.
2. Direct Staff to modify the language of the ballot question. The language presented in the attachment to this Agenda Memo reflects the review and input of the City's bond counsel Sherman and Howard, the City's bond underwriter Hanifen Imhoff, and Staff from the City Attorney's Office and the City Manager's Office. Staff believes this language meets legal requirements and will represent fairly to the voters the City's intent on this issue.
3. Direct staff to modify the ballot question to provide for a perpetual sales tax extension, instead of an extension for 16 years or a different finite term. A perpetual sales tax would provide a steady stream of revenues for the future maintenance of open space, and development and refurbishment of parks and recreation properties. A perpetual sales tax would not have a substantial effect on the size of the bond issue. A perpetual tax would decrease the cities future flexibility or use of this tax capacity for other purposes.

**Background Information:**

The City of Westminster's first open space sales tax was passed in 1985. The one-quarter cent sales tax was devoted to the acquisition of open space and was extended by the voters in 1989, with half of the proceeds going to parks and recreation improvements. In 1996, the citizens once again extended the one-quarter cent sales tax for 20 more years, through 2016, and authorized the City to issue \$26 million of bonds to fund additional open space purchases, as well as, facility construction and park development. This action has resulted in \$13 million in bonds for open space acquisitions, as well as \$13 million for parks and facility development. The City has also received grants from other jurisdictions and joint ventured with government partners to leverage its open space funds.

In order to continue to make progress towards the City's open space, parks, recreation and trails goals, additional bonding capacity is needed to establish the cash funding for additional land acquisitions and key projects. In addition, the Parks, Recreation and Libraries Department has several park sites to develop and recreational improvements, for which funding is not currently available. Voter approval of an extension of the current one quarter of one percent open space, parks, recreation and trails sales and use tax until the year 2032 would allow the City to issue as much as \$20,000,000 in bonds, repayable over the next 25 years. These funds would assist the City with meeting the 15% open space goal and to develop and maintain additional parks and recreation opportunities.

At the Open Space Advisory Board meeting on July 26, 2006, the Board indicated its unanimous support for a perpetual sales tax extension. The vote was 6-0, with one member who was excused from the meeting later indicating his support for the perpetual tax. Board members expressed their desire to have a continuous funding stream for future maintenance and revegetation efforts for open space, and funds available to maintain park facilities.

**SUBJECT:** Resolution re Ballot Issue to Extend the Open Space Sales Tax

Page 3

City Council reviewed this issue at a Study Session on August 7, 2006, and indicated its support for a sales tax extension of 16 years, until 2032, and a 25 year bond issue. Staff is recommending the language in the attached resolution be placed on the November ballot.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 49

INTRODUCED BY COUNCILLORS

SERIES OF 2006

**Major - Price**

**A RESOLUTION SUBMITTING TO THE ELIGIBLE ELECTORS  
OF THE CITY THE QUESTION OF CONTRACTING BONDED  
INDEBTEDNESS OF THE CITY AND EXTENDING THE  
EXPIRATION DATE OF THE CITY'S OPEN SPACE, PARKS,  
RECREATION AND TRAILS SALES AND USE TAX.**

WHEREAS, the City of Westminster (the "City"), is a municipal corporation duly organized and existing as a home-rule municipality under Article XX of the State Constitution (the "Constitution") and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for the creation of any debt, the extension of an expiring tax, and for spending certain moneys above limits established by TABOR; and

WHEREAS, the eligible electors of the City have previously approved the imposition of a 1/4 of 1 percent sales and use tax for the acquisition and development of parks, open space and trails by the City (the "POST Tax") and have approved the extension of the expiration of POST Tax until December 31, 2016; and

WHEREAS, the interest of the City and the public interest and necessity demand and require the acquisition and development of open space, parks, recreation and trails by the City, all at an estimated cost of \$20,000,000 (the "Open Space, Parks, Recreation and Trails Project"); and

WHEREAS, TABOR also requires the City to submit ballot issues (as defined in TABOR) to the City's electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 7, 2006, is one of the election dates at which ballot issues and spending questions may be submitted to the City's eligible electors pursuant to TABOR; and

WHEREAS, Adams County and Jefferson County (the "Counties") are conducting a coordinated election pursuant to Section 1-7-116, C.R.S. on November 7, 2006; and

WHEREAS, pursuant to Section 3.1 of the City Charter, Section 7-1-3, W.M.C., Sections 1-1-102, C.R.S., and this resolution, the City is authorized to participate in the coordinated election on November 7, 2006; and

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at the coordinated election to be held on November 7, 2006, the question of: creating an indebtedness in an aggregate principal amount of not to exceed \$20,000,000 to finance a portion of the Open Space, Parks, Recreation and Trails Project, of extending the expiration of the POST Tax until December 31, 2032, and the spending of certain moneys above the limits established by TABOR; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, IN THE COUNTIES OF ADAMS AND JEFFERSON, STATE OF COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election, the Open Space, Parks, Recreation and Trails Project and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code.

Section 3. Pursuant to Section 3.1 and 3.4 of the City Charter and Section 7-1-3, W.M.C., the Council hereby determines to call a special election to be conducted pursuant to the Uniform Election Code as part of the coordinated election (the "election") being conducted by the Counties on November 7, 2006. The Council hereby determines that at the election, there shall be submitted to the

eligible electors of the City the question set forth in Section 4 hereof. Because the election will be a coordinated election, the Council hereby determines to contract with the County Clerk and Recorder of each of the Counties (collectively, the "County Clerk") to conduct the election on behalf of the City. The officers of the City are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the City Clerk to certify to the County Clerk, on or before September 8, 2006, the question in substantially the form hereinafter set forth. Such question shall be submitted to the eligible electors of the City at election in the substantially the following form:

**ISSUE 2A: OPEN SPACE, PARKS, RECREATION AND TRAILS TAX EXTENSION**

SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED \$20 MILLION WITH A REPAYMENT COST OF \$41.9 MILLION (MAXIMUM TOTAL PRINCIPAL AND INTEREST) WITHOUT ANY NEW TAXES OR TAX RATE INCREASES FOR THE PURPOSE OF:

- ACQUIRING, DEVELOPING, ENHANCING, AND MAINTAINING OPEN SPACE AND PARKLAND THROUGHOUT THE CITY,
- DEVELOPING, ENHANCING, MAINTAINING AND EXTENDING TRAILS THROUGHOUT THE CITY,
- DEVELOPING, ENHANCING AND MAINTAINING RECREATIONAL FACILITIES IN THE CITY

TO BE REPAYED FROM THE CURRENT 1/4 OF 1 PERCENT SALES AND USE TAX INCLUDING THE EXTENSION TO DECEMBER 31, 2032, AND ANY OTHER AVAILABLE REVENUES; AND SHALL THE CITY CONTINUE TO LEVY UNTIL DECEMBER 31, 2032, THE 1/4 OF 1 PERCENT SALES AND USE TAX CURRENTLY PROVIDED FOR BY CITY CODE SECTION 4-2-3 AND USE SUCH REVENUES FOR THE ACQUISITION, DEVELOPMENT, ENHANCEMENT, AND MAINTENANCE OF OPEN SPACE AND PARKLAND AND FOR THE DEVELOPMENT, ENHANCEMENT, AND MAINTENANCE OF PARKS, RECREATIONAL FACILITIES AND TRAILS; AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR PARKS, OPEN SPACE AND TRAILS, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND THE REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 5. The City Clerk is hereby appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the election.

Section 6. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. If a majority of the votes cast on the question to authorize the bonds and extend the levy of taxes submitted at the election shall be in favor of issuance of the bonds and extension of the levy of taxes as provided in such question, the City, acting through the Council, shall be authorized to proceed with the necessary action to issue the bonds and extend the levy of taxes in accordance with such question. Any authority to issue the bonds and extend the levy of the taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to issue the bonds and levy the taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 8. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 9. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 10. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 11. The effective date of this resolution shall be immediately upon adoption.

PASSED AND ADOPTED this August 28, 2006.

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Mayor

(SEAL)

ATTEST:

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City Clerk

STATE OF COLORADO )  
 )  
 COUNTIES OF ADAMS ) SS.  
 AND JEFFERSON )  
 )  
 CITY OF WESTMINSTER )

I, Linda Yeager, the City Clerk of the City of Westminster, Colorado (the "City"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the City Council (the "Council") of the City at a meeting of the Council held on August 28, 2006.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 28, 2006, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Nancy McNally, Mayor	x			
Tim Kauffman, Mayor Pro Tem	x			
Chris Dittman, Councillor	x			
Mark L. Kaiser, Councillor	x			
Mary Lindsey, Councillor	x			
Scott Major, Councillor	x			
Jo Ann Price, Councillor	x			

3. The members of the Council were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the City seal, attested by the Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Resolution.

6. Notice of the meeting of August 28, 2006 in the form attached hereto as Exhibit A was posted at the City Hall, Westminster, Colorado, not less than 24 hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this 29<sup>th</sup> day of August, 2006.

(SEAL)

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City Clerk



EXHIBIT A  
(Attach Form of Notice of Meeting)

pubfin\590436\_4



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Councillor's Bill No. 47 re Vacation of a Portion of Wadsworth Boulevard Public Right-of-Way within the Mandalay Gardens Subdivision and Correction of Walker Final Plat

**Prepared By:** Ruth C. Becker, Open Space Coordinator

**Recommended City Council Action**

1. Pass Councillor's Bill No. 47 on first reading to accomplish the vacation of a portion of the Wadsworth Boulevard public right-of-way that crosses the front yard of the former Walker house open space property (10695 Wadsworth Boulevard) within the boundaries of the former Mandalay Gardens Subdivision, located north of 106<sup>th</sup> Avenue and south of Lower Church Lake.
2. Authorize the City Manager to execute and deliver a correction Special Warranty Deed to the Camalicks for Lot 1A of the Walker Subdivision, as described on the Corrected Final Plat.

**Summary Statement**

- The City purchased the property located at 10695 Wadsworth Boulevard (the "Walker Property") for open space in March, 2004. The City divided the Walker property into two parcels, a house lot and an open space lot. The Final Plat for the Walker Subdivision, creating the house lot and the surrounding open space lot, was recorded on August 19, 2005, at Reception Number 2005069026 in the Jefferson County records. The Final Plat for the Walker Subdivision included a dedication of right-of-way for future widening of Wadsworth Boulevard. On August 22, 2005, the City exchanged the house lot for additional open space along Walnut Creek, owned by Jeffrey and Rebecca Camalick.
- Following closing of the exchange of property and dedication of the right-of-way, City staff learned that the Final Plat contained survey errors, and that the location of the Wadsworth Boulevard right-of-way was incorrect, as well as the boundaries for the house lot and the open space lot.
- The surveying company has provided the City with a Corrected Final Plat to provide correct legal descriptions for the Walker house lot, the City's open space parcel, and the Wadsworth Boulevard right-of-way dedication.
- The right-of-way that was dedicated was incorrectly described and Council is being asked to vacate the right-of-way dedicated on the original Final Plat. In addition, the City is asked to file a corrected plat and authorize the delivery of a correction Special Warranty Deed to the Camalicks with the corrected legal description. The vacation will not become effective, by its own terms, until it is recorded.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Does City Council want to proceed with this right-of-way vacation?

**Alternative**

Council is under no obligation to vacate the subject portion of the Wadsworth Boulevard right-of-way. However, Staff recommends that Council proceed with the requested vacation because this portion of the right-of-way is incorrectly described. Vacation of this portion of the right-of-way and dedication of the new right-of-way will provide the City with the right-of-way that was intended for future widening of Wadsworth Boulevard.

**Background Information**

During the course of negotiations between the City and the Camalicks for exchange of the Walker House located at 10695 Wadsworth Boulevard (south of Lower Church Lake) for the Camalicks' parcels along Walnut Creek, the parties agreed that right-of-way for potential future widening of Wadsworth Boulevard would be dedicated as part of the transaction. The right-of-way was dedicated on the Final Plat Walker Subdivision that was recorded prior to the conveyance of the Walker House to the Camalicks. Following closing, the City learned that there were mistakes in the legal description for the Final Plat, including incorrect descriptions for the dedicated right-of-way, for the lot conveyed to the Camalicks, and for the open space lot retained by the City.

Council is being asked to vacate the original right-of-way and grant authority to the City Manager to execute a correction deed to the Camalicks to correct mistakes that exist in the legal descriptions. The vacation ordinance will become effective when the other actions needed to unravel and correct the original transaction, including dedication of the right-of-way, are recorded in the appropriate order. These actions include the following: the Camalicks will quit claim to the City their interest in the house lot as incorrectly described on their deed, the City will execute and record the Corrected Plat simultaneously with recordation of the vacation ordinance, and thereafter the City will convey to the Camalicks Lot 1A, the house lot, as correctly described on the Corrected Final Plat. The result of these actions will be to place the City and the Camalicks in the positions that they expected as of the closing of the exchange transaction, and to clean up errors in the surveyed legal descriptions.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments:**

- Ordinance
- Exhibit A – Map of right-of-way to be vacated
- Exhibit B – Legal description for right-of-way to be vacated
- Exhibit C – Vicinity Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **47**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE VACATING PUBLIC RIGHTS-OF-WAY WITHIN THE MANDALAY  
GARDENS SUBDIVISION**

WHEREAS, right-of-way was dedicated on the Final Plat Walker Subdivision, recorded on August 19, 2005, at Reception No. 2005069026 of the Jefferson County Records; and

WHEREAS, that right-of-way was incorrectly described and the boundaries of the Final Plat Walker Subdivision were incorrectly described; and

WHEREAS, a corrected Final Plat Walker Subdivision will be recorded with a new dedication of right-of-way in the correct location; and

WHEREAS, the right-of-way dedicated on the original Final Plat Walker Subdivision is not needed to serve the purpose for which it was originally intended.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way described below:

A PARCEL OF LAND CONTAINING 0.19 ACRES, MORE OR LESS, LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SW1/4, SE1/4), OF SAID SECTION 11;  
THENCE S14°51'59"E, A DISTANCE OF 158.77 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE N00°16'30"W, A DISTANCE OF 154.00 FEET;  
THENCE N89°13'30"E, A DISTANCE OF 57.10 FEET;  
THENCE S01°46'09"W, A DISTANCE OF 154.15 FEET;  
THENCE S89°13'30"W, A DISTANCE OF 51.60 FEET TO THE TRUE POINT OF BEGINNING.  
THE ABOVE DESCRIBED PARCEL CONTAINS 0.19 ACRES MORE OR LESS.

Section 2. This ordinance shall not take effect until the recording of this ordinance in the Office of the Clerk and Recorder for Jefferson County, after passage on second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28<sup>th</sup> day of August 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18<sup>th</sup> day of September 2006.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

**EXHIBIT A**  
MAP SHOWING PROPOSED RIGHT-OF-WAY VACATION

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**EXHIBIT B**

Legal Description for Right-of-Way to be Vacated

A PARCEL OF LAND CONTAINING 0.19 ACRES, MORE OR LESS, LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SW1/4, SE1/4), OF SAID SECTION 11;

THENCE S14°51'59"E, A DISTANCE OF 158.77 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE N00°16'30"W, A DISTANCE OF 154.00 FEET;

THENCE N89°13'30"E, A DISTANCE OF 57.10 FEET;

THENCE S01°46'09"W, A DISTANCE OF 154.15 FEET;

THENCE S89°13'30"W, A DISTANCE OF 51.60 FEET TO THE **TRUE POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.19 ACRES MORE OR LESS.

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**EXHIBIT C**  
VICINITY MAP

FINAL PLAT WALKER SUBDIVISION  
 A PART OF THE SE 1/4 OF SECTION 11  
 T2S, R69W OF THE 6TH PRINCIPAL MERIDIAN  
 CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO  
 SHEET 2 OF 2



N 1/2 SE 1/4  
 SECTION 11  
 T.2S., R.69W.

SW 1/4  
 SECTION 11  
 T.2S., R.69W.

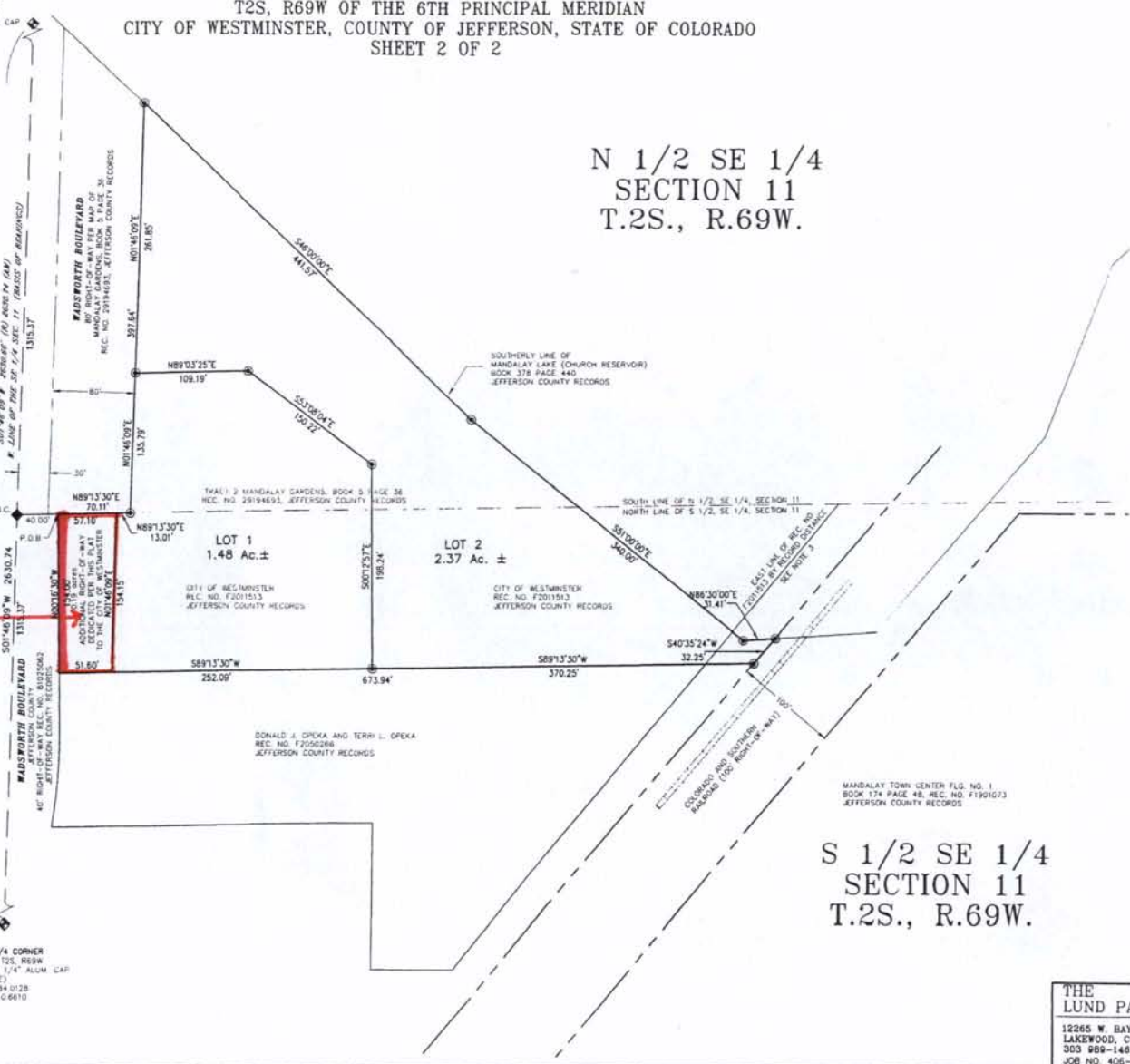
RIGHT-OF-WAY  
 VACATION

CENTER 1/4 CORNER  
 SEC. 11, T2S, R69W  
 FOUND 2 1/4" ALUM. CAP  
 IN RANGE BOX  
 (ALLEGRE)  
 N 120423.4143  
 E 3118291.8740

NORTHWEST CORNER  
 SW 1/4, SE 1/4  
 SEC. 11, T2S, R69W  
 SET 2 1/4" REBAR WITH  
 J-1/4" ALUM. CAP  
 STAMPED AS SHOWN

CP  
 123.483W  
 11.11  
 2005  
 +13 24mm

SOUTH 1/4 CORNER  
 SEC. 11, T2S, R69W  
 FOUND 3 1/4" ALUM. CAP  
 (ALLEGRE)  
 N 120184.0128  
 E 3118310.6610



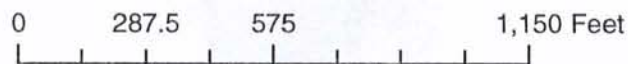
- LEGEND**
- ◆ SET LAND CORNER AS NOTED
  - ⊕ FOUND LAND CORNER AS NOTED
  - ⊙ SET #0 REBAR W/ PLASTIC CAP STAMPED "LPI PLS 34985"
  - (R) RECORD BEARINGS AND DISTANCES PER JEFFERSON COUNTY RECORDS
  - (AM) AS MEASURED BEARINGS AND DISTANCES BY THE LAND PARTNERSHIP, INC.
  - P.O.B POINT OF BEGINNING
  - P.O.C POINT OF COMMENCEMENT

S 1/2 SE 1/4  
 SECTION 11  
 T.2S., R.69W.

THE  
 LUND PARTNERSHIP, INC.  
 12265 W BAYAUD AVE. SUITE 130  
 LAKEWOOD, COLORADO 80228  
 303 989-1461  
 JOB NO. 406-0101 AUGUST 18, 2005

# Walker Subdivision Right-of-Way Vacation

Exhibit C





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Councillor's Bill No. 48 re Supplemental Appropriation for the 100<sup>th</sup> Avenue / Wayne Carle Middle School Sidewalk Project

**Prepared By:** Mike Normandin, Transportation Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 48 on first reading providing for supplementary appropriations to the 2006 General Capital Improvements fund; authorize a change order in the amount of \$73,898 with Keene Concrete, Inc., the low bidder for the 2006 Concrete Replacement Program; based on the recommendation of the City Manager, the City Council finds that the public interest would best be served by authorizing the City Manager to execute a contract for the construction of a concrete wall with Great Wall Systems, LLC in the amount of \$66,081; authorize the purchase and installation of two gates with Kayne Fence Company, the low bidder, in the amount of \$9,390 and authorize a total construction project budget of \$156,869, which includes a \$7,500 construction contingency.

**Summary Statement**

- The new Wayne Carle Middle School located on 100<sup>th</sup> Avenue at Countryside Drive is opening for the upcoming school year. Currently, there is no sidewalk on the south side of 100<sup>th</sup> Avenue from the east property line of the school site to the western boundary of the Westbrook Subdivision (see attached map). This is a critical missing link that will provide safe pedestrian access to the new middle school. City Staff has been working with the Jefferson County School District to identify funding for this sidewalk project. The School District has concurred with the City's proposal to utilize cash-in-lieu of school land dedication fees to fund this project.
- The project involves right-of-way acquisition from the two properties adjacent to the sidewalk link, relocation of the fence adjacent to the recreational vehicle (RV) storage facility and construction of the sidewalk.

**Expenditure Required:** \$156,869

**Source of Funds:** Cash-in-Lieu of school land dedication fees



**Policy Issue**

Should the City pursue the construction of this missing link of sidewalk?

**Alternative**

The City could choose not to construct this missing link of sidewalk at this time. If the sidewalk is not constructed, the students and other pedestrians walking to the new middle school will walk along the edge of the roadway creating an unsafe situation.

**Background Information**

The new Wayne Carle Middle School located on 100<sup>th</sup> Avenue at Countryside Drive is opening for the upcoming school year. Currently there is no sidewalk on the south side of 100<sup>th</sup> Avenue from the east property line of the school site to the western boundary of the Westbrook Subdivision. City Staff has evaluated alternatives for providing pedestrian facilities within the affected area. The alternative that was selected consists of constructing an eight foot-wide concrete sidewalk.

The project involves right-of-way acquisition from the two properties adjacent to the subject link. One of the parcels is an RV storage area. Constructing the new sidewalk will require the re-establishment of their existing fence that would be relocated to the new property line. The re-establishment of the fence is necessary to provide security for the RV storage facility. The owners of the RV storage property have expressed the desire to construct a concrete wall in lieu of another wood fence. They are willing to dedicate the necessary right-of-way if the City constructs the concrete wall. Great Wall Systems, LLC is the only supplier that fabricates the type of concrete wall that the RV property owner desires. The proposed concrete wall is similar to the one that was recently constructed on the east side of Harlan Street at 95<sup>th</sup> Avenue. The proposed wall will provide good screening of the recreational vehicles stored on this property. City Staff is in the final stage of acquiring right-of-way from the owners of the other property to facilitate the construction of the sidewalk.

City Council approval is required on the change order with Keene Concrete, Inc. for the sidewalk construction per the City’s purchase requirements.

Pricing was obtained for the two twenty-foot gates for the RV property, which is as follows:

<b>Bidders</b>	<b>Amount of Bid</b>
Kayne Fence Company	\$ 9,390.00
GID	\$ 9,820.00
Greater Western Fence Company	\$10,465.00

Staff proposes that the gates be purchased and installed by the low bidder, Kayne Fence Company.

It is anticipated that the construction of the wall for the RV storage property could commence by early September with the construction of the sidewalk to follow. This project could be completed within a three week period.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments – Map  
– Councillor’s Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,668,000 is hereby increased by \$156,869 which, when added to the fund balance as of the City Council action on August 28, 2006 will equal \$18,975,323. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to receipt of Cash-in-Lieu of school land dedication fees.

Section 2. The \$156,869 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Cash-in-Lieu Future Capital Projects	7500.40640.0020	\$77,230	<u>\$156,869</u>	\$234,099
Total Change to Revenues			<u>\$156,869</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Wayne Carle MS Sidewalk	80675030736.80400.8888	\$0	<u>\$156,869</u>	\$156,869
Total Change to Expenses			<u>\$156,869</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.

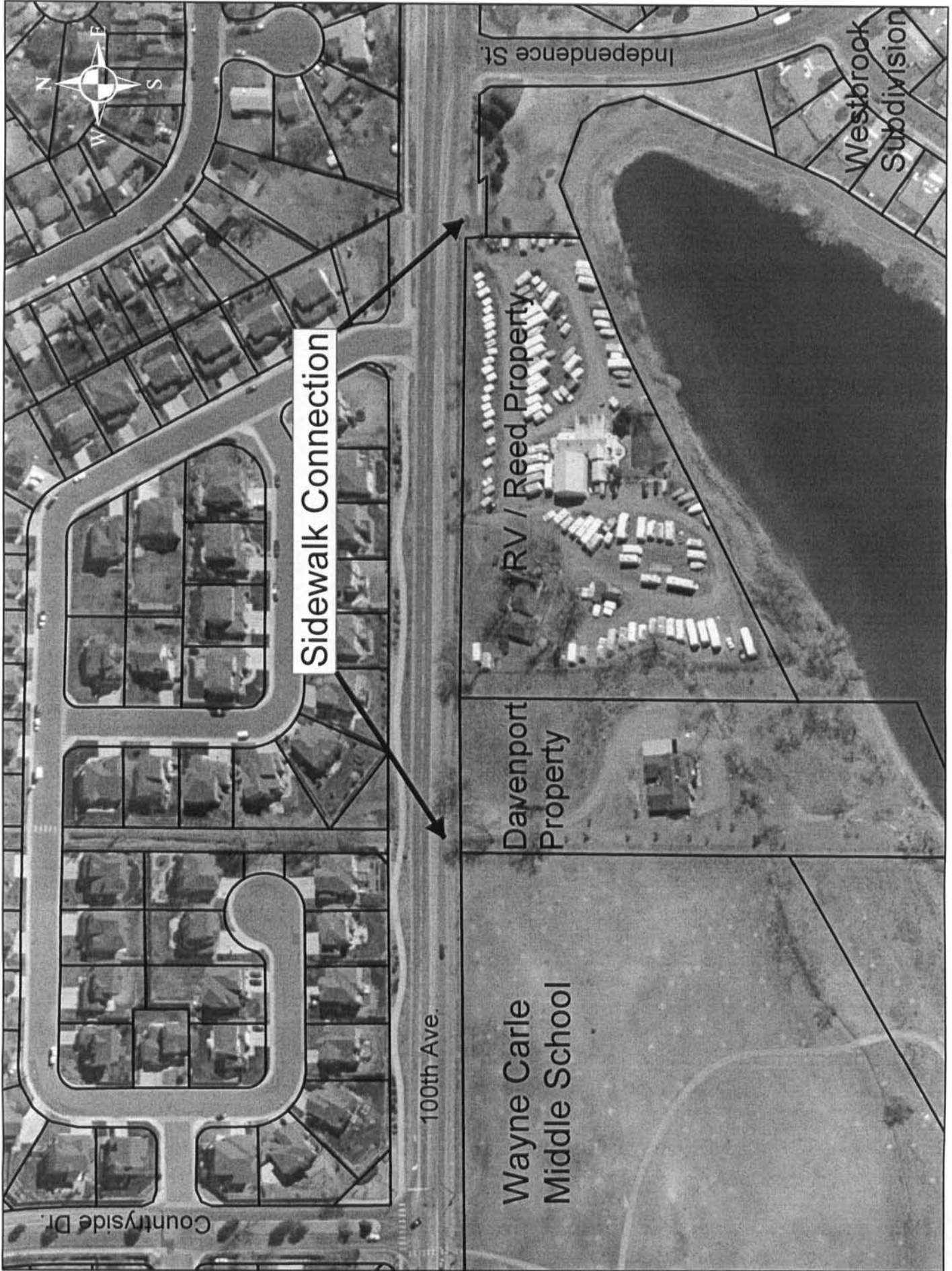
INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of August, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of September, 2006.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



Countryside Dr.



Sidewalk Connection

100th Ave.

Wayne Carle  
Middle School

Davenport  
Property

RV / Reed Property

Independence St.

Westbrook  
Subdivision



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Councillor's Bill No. 49 re Water and Sewer Code Revisions

**Prepared By:** Jim Arndt, P.E., Public Works and Utilities Director  
Mike Happe, P.E., Water Resources and Treatment Manager  
Stu Feinglas, Water Resource Analyst

**Recommended City Council Action**

Pass Councillor's Bill No. 49 on first reading to modify various sections of the Water and Sewer Codes.

**Summary Statement**

- City Council action is requested to pass the attached Councilor's Bill on first reading to clarify or modify existing regulations and, in some cases, establish new regulations to improve public safety, water conservation, utility operations, and update provisions on cost recovery land use and finance.
- Several minor "housekeeping" changes have been made to the Code and are not detailed in the Agenda Memo. The Agenda Memo describes the "policy level" changes that are being proposed.
- Staff has presented these proposed revisions to City Council at the August 7 Study Session.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does the City Council support modifications to the Municipal Code that clarify existing regulations or modify existing regulations and, in some cases, establish new regulations to improve public safety, water conservation, utility operations, and update provisions on cost recovery land use and finance?

**Alternative**

City Council may choose to not accept the proposed modifications or may select only specific changes for approval.

**Background Information**

**Modifications to Chapter 7- Water Regulations:**

This Agenda Memo and attached Councillor's Bill proposes modifying the water and sewer code to add and clarify existing language, update fees to reflect costs at current levels, and to add policy to address areas of need. Proposed modifications that require a change in policy or the implementation of new policy include the following:

**8-7-2: Tap Permit Required:**

**8-7-2:** (C) When the cost of a tap increases after a tap is purchased, but before the meter is installed, the difference must be paid prior to meter installation.

One of the problems the City is trying to help resolve is unauthorized water use at construction sites by providing an incentive to install the meter earlier in the construction process. Currently, there is no disincentive to delay the installation of the water meter as long as possible. The construction process does require water use and plumbing and other trades often hook up jumpers (a section of pipe designed to bypass the water meter connection) in the meter pit to take water illegally. It is difficult to prosecute this offense since the City generally cannot prove who installed the jumper.

An additional benefit to the City would be in the event a developer purchases taps and, for some reason, the project is delayed for a significant time period. During the delay period tap fees may rise significantly. At the time the project is ultimately developed and the water meter is actually installed, the developer would be required to pay the tap fee differential. One example of this occurring is the Prospectors Point apartment complex. Taps were purchased by US Homes for the development in 1988. All but two buildings were completed. The water meters to serve the remaining two buildings were never installed. In 2005 a new owner decided to build the remaining two buildings. The change in water tap fees during the 17-year construction delay was \$139,074 and was unable to be recovered.

**8-7-2:** (E) (NEW) This subsection is added to require all new construction within Westminster to connect to the City's water supply.

There is currently no code provision requiring connection to the municipal water supply. Such a requirement does exist for connection to the municipal sewer system. The City plans and invests in development of its water supply, as well as treatment and distribution systems, to deliver sufficient water to all properties within the city limits. To ensure equitable cost recovery for all users, properties should be required to connect to the municipal water system. Additionally, the City does not have control of water quality within private water systems. Arguably, there is a health benefit when commercial activities are required to use City water.

**8-7-3: Water Tap Fees within the City of Westminster:**

This section has been amended many times in the past and is lacking a consistent style. City Attorney's Office performed a significant rewrite of this section to improve the organization and readability. The rewrite does not change any requirements or policy, except as follows.

**8-7-3: (B)** The categories for residential service commitments have been modified to coincide with the categories within the City's Growth Management Program. The Water Regulations contained two multifamily service commitment categories while the Growth Management program only contained one. The change had the result of eliminating the 0.4 Service Commitment (SC) multifamily category.

**8-7-3: (H) 9. (NEW).** This paragraph allows the City to transfer tap credits generated through demolition within urban renewal areas to be transferred to an urban renewal authority or the City for use in redevelopment projects within that urban renewal area.

**8-7-4: Specifications:**

**8-7-4: (C)** Clarifies the requirement for separate single-family detached water taps and adds that single-family attached units are required to have separate water taps as well.

In the past, single-family attached buildings were treated as multi-family or single-family based on how the building was owned. Common parcel ownership required a common building tap while individual parcel ownership required individual taps. As a result, there was often confusion during different phases of construction about plumbing and water tap requirements. Individual water taps also lead to water conservation since each customer pays for his/her own water use. This policy change standardizes the water tap and meter requirement for the housing classification. There may be an increase in cost to the builder related to additional tap installations but there will be a corresponding cost reduction since builders currently are required to install sub-meters on all units that do not have their own tap and City meter.

**8-7-4: (E)** Requires sub-meters in all new development except single-family attached or detached units that are required to have individual meters. Currently, submeters are required in new multifamily development. New commercial units are not required to be sub-metered at this time.

Up to this point, only multi-family projects have been required to install sub-meters to determine individual unit water consumption data. Studies show a water use reduction when customers are billed for the water they actually use. Without sub-meters, it can be difficult to locate water leaks or waste within multi-tenant developments. Further, as water costs rise, an inequitable distribution of water costs to tenants often results in conflicts where the City may become involved. Information on actual water consumption provides an incentive to use water wisely.

**8-7-5: Modification of Water Taps:**

This section has been rewritten to include related requirements that have been removed from other sections and centralized in this location to improve organization, readability, and provide a consistent style.

**8-7-5:** (B) Changes to existing water use served by a water tap will trigger a new tap fee when that use is considered expanded.

Only uses that require a larger tap than the existing tap, by plumbing code requirements, will be considered an expanded water use. This is a codification of current implementation procedures. A plumbing code review by the Building Division to determine water velocity and tap sizing may be triggered by;

- Change of land use or zoning category
- Building or plumbing modifications that require a permit
- New or additional water use
- Tap relocation
- Landscape modifications that add water consumption are considered expanded when an Official Development Plan (ODP), ODP amendment, or ODP waiver is required.

Full credit at current costs will be given for any current tap that is required to be upgraded.

**8-7-5:** (C) Currently, demolished units have one year to use their old tap before the tap is considered abandoned. The proposed modification to the subsection increases that time period to three years recognizing the time lag in reconstruction.

**8-7-5:** (D) Currently, property owners who abandon a water tap for use at another location are required to abandon, or remove, the physical tap as per City specifications. Taps that are abandoned through non-use need to be removed as well. In most cases these abandoned taps are not removed for the same reasons the non-use occurred. In these instances, the City would be able to remove the tap and charge all costs to the property.

**8-7-7: Water Rate Schedule:**

**8-7-7:** (E) Non-consumption based charges, such as concrete replacement or meter charges, will continue to accrue when water is not consumed, including periods when the meter is shut off by the City for non-payment, until the City is requested to remove the meter and the account is declared inactive. City expenses related to these charges accrue regardless of water use.

**8-7-9: Delinquent Payments and Service Charges:**

When a customer performs an unauthorized water turn-on after the water has been shut off by the City, the City will impose a turn on/off fee per the schedule established. An additional turn-off fee is imposed when the City turns off an unauthorized water turn-on. Turn-on/off charges are higher each time they are applied within a 12 month period. Each time the charges are applied, they increase until they reach the maximum where they stay until a 12 month period of no turn-on or turn-off charges occurs.

The City may charge for damaged equipment as well as the fully loaded labor cost for the repair or installation. Charges are updated on specific items listed in the code. Repair or replacement of any equipment damaged that is not specifically listed may be charged at full cost plus the fully loaded labor costs for the installation. Currently, the City may charge customers for equipment that customers damage only if the item is specifically listed in this section. In cases where equipment is not listed, yet damaged, the proposal would allow the City to charge full cost. There is no current provision in the code to charge labor costs for repairs or installation of damaged equipment. Repair and/or replacement of damaged equipment is an unplanned and unbudgeted expense to the City that is made necessary due to customer's actions or his/her lack of required maintenance.

**8-7-12: Unauthorized Use or Tampering Prohibited:**

**8-7-12:** (A) The definition of unauthorized use or tampering is expanded to include;

- All tampering including meters, pipes, and connection devices within or without a meter pit or vault prior to the point of customer ownership
- Unauthorized connections to the water system
- Taking water without a paid utility permit
- Unauthorized water use from fire hydrants
- Unauthorized water turn-on's
- Use of unauthorized bypass pipes

The City may turn off water service for unauthorized use.

Though it is a criminal offense, the City often finds it not to be cost effective to prosecute for unauthorized use. Under the proposed language there would be a charge for unauthorized use. The charge is set at \$500 for the first occurrence, \$750 for a second occurrence, and \$1,000 for a third or additional occurrence within a 12-month period. Customers would need to have a 12-month violation-free-period to reset the unauthorized use charges to the lowest level. These charges accrue to the property, or in the case of unauthorized use through a fire hydrant the entity or individual benefiting from the water use, and are billed to the owner. The charge increases based on unauthorized use occurrences at all properties under the same ownership throughout the City.

In the past, the City has not been able to charge for the water used when unauthorized use occurs prior to the installation of a water meter or when the use bypasses the water meter. In such a case, it is proposed that the City be allowed to use reasonable methods to determine water use such as historical consumption, pipe size and water pressure.

When outstanding unauthorized use charges exist, no new tap or meter installations for properties under the same ownership will be allowed. This provision will help when dealing with developers who may have unauthorized use occurring at several locations.

**8-7-13: Duty of Consumer:**

**8-7-13:** (H) The compliance notification period for meter accessibility and maintenance requirements is modified in certain instances.

Currently, when there are issues with access to or maintenance of water meters by City Staff, a notice must be sent to the customer and property owner that allows two weeks for compliance. The proposed language requires immediate compliance in an emergency or shutoff situation and allows all related costs to be assessed to the property owner for non-compliance.

**8-7-15: VARIANCE; CITY MANAGER AUTHORITY:**

This new section centralizes the City Manager's authority to vary the requirements of sections 8-7-2, 8-7-4, and 8-7-5. Previously the City Manager's authority was detailed in each of the individual sections.

**8-7-26: Meter Set Installation Reinspection Fee:**

Inspection fees are increased and set on a graduated increasing level when reinspection is required due to contractor error.

Utilities crews find they are often performing multiple inspections for meter sets due to faulty or incorrect installations. Currently, up to two inspections are included in the meter connection fee. The third inspection is billed at \$90 and each inspection after is \$30. The proposed change allows one inspection in the meter connection fee, charges \$45 for a second inspection and \$90 for each inspection beyond three.



The section is further amended to require the payments of inspection fees be made to the Department of Public Works and Utilities for tracking purposes. Current fees are paid through the Building Division that uses a different inspection program than the Utilities Division to track fees and inspections.

**Modifications to Chapter 8- Sanitary Sewage:**

Staff proposes modifying the method used for calculating sewer tap fees to meet the Metropolitan Wastewater Reclamation District (Metro) calculation method in all instances. Metro tap fees apply to new sewer taps within the Metro service area, generally south of 92<sup>nd</sup> Avenue while Westminster tap fees apply to sewer taps within the Big Dry Creek (BDC) service area, generally north of 92<sup>nd</sup> Avenue.

**8-8-5: Service and User Charges Within the City of Westminster and Shaw Heights:**

**8-8-5:** (B) The sewer tap fee is comprised of two components. The transport facilities fee covers the costs associated with transporting sewage including pipes and lift stations. These costs are the City's and the associated tap fees go to the City regardless of location. The treatment facilities fee covers the costs related to treatment of sewage. In the Metro service area, the portion of the sewer tap fee related to treatment facilities, the Metro Fee, is passed through to Metro since those treatment facilities costs are Metro's. Metro sets Metro tap fees and adjusts them annually. While the current Westminster and Metro tap fees are the same, existing differences in the tap fee calculation method can require Westminster to pay Metro more than was collected from the new development. The most significant proposed change is that both the BDC and Metro service area portions of multi-family tap fees will now be based on the water meter size rather than the service commitment factor Westminster currently uses in determining a portion of the sewer tap fees. This will allow Westminster to recover full costs. Metro currently bills Westminster based on the proposed calculation method. Westminster will continue to use a per unit fee, based on living unit density, to calculate the transport portion of the sewer tap fee.

This modification will marginally lower developer sewer tap fees in some instances while marginally raising them in other instances. All multifamily sewer tap fees paid to the City from 2001 through 2004 were reviewed using the proposed calculation method. A total of 1.8 million dollars of sewer tap fees calculated, using the proposed method, would add \$57,600 in revenues over a period of four years, or approximately a 3% increase.

**8-8-13: Sewer Tap Fee Credits:**

This section has been rewritten to include changes related to tap fee credits within the Water Regulations as well as to improve organization, readability, and provide a consistent style.

**8-8-13: Modification of Sewer Taps:**

This section has been rewritten to include changes related to the modification of water taps within the Water Regulations as well as to improve organization, readability, and provide a consistent style.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **49**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

---

**A BILL**

**FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE, CHAPTERS 8-7 AND 8-8, CONCERNING WATER REGULATIONS AND SANITARY SEWERAGE REGULATIONS, RESPECTIVELY, AND SETTING OUT DETAILS IN RELATION THERETO**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Index to Chapter 8-7, W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 7**

**WATER REGULATIONS**

**8-7-1: DEFINITIONS**

**8-7-2: TAP PERMIT REQUIRED**

**8-7-3: ~~TAP FEE~~ WATER TAP FEES AND CREDITS**

**8-7-4: SPECIFICATIONS**

**8-7-5: ~~SINKING FUND TRANSFERS~~ MODIFICATION OF WATER TAPS**

**8-7-6: APPLICABILITY OF CHAPTER; RULES GOVERNING SUBDIVISIONS**

**8-7-7: WATER RATE SCHEDULE**

**8-7-8: COMPUTATION OF RATE**

**8-7-9: DELINQUENT PAYMENTS AND RETURNED CHECKS**

**8-7-10: ~~WHEN DEPOSIT REQUIRED~~ INACTIVE ACCOUNT; REACTIVATION**

**8-7-11: ~~(REPEALED BY ORDINANCE 1251)~~ WHEN DEPOSIT REQUIRED**

**8-7-12: UNAUTHORIZED USE OR TAMPERING ~~OR A BYPASS~~ PROHIBITED**

**8-7-13: DUTY OF CONSUMER**

**8-7-14: BLDG OCCUPIED BY MORE THAN ONE TENANT; OWNER PAY; EXCEPTIONS**

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**8-7-25: WASTE OF WATER**

**8-7-26: METER SET INSTALLATION REINSPECTION FEE**

**8-7-27: CROSS CONNECTION AND BACKFLOW CONTROL**

**8-7-28: VIOLATIONS AND PENALTIES**

Section 2. Section 8-7-1, W.M.C., DEFINITIONS, is hereby AMENDED to read as follows:

**8-7-1: DEFINITIONS:** when used in this Chapter, the following words and phrases shall be interpreted as follows, unless the context clearly indicates otherwise:

~~(A) CONSUMER: Any person, firm or corporation receiving water from the City waterworks.~~

~~(B) DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons including permanent provisions for sleeping, eating, cooking and sanitation.~~

~~(C) ATTACHED SENIOR HOUSING UNIT: An attached residential dwelling unit within a housing project restricted to persons sixty (60) years of age or over, as may otherwise be determined by Council.~~

CITY MANAGER: MEANS THE MANAGER OF THE CITY OF WESTMINSTER, COLORADO, OR HIS DESIGNEE.

CONSUMER: ANY PERSON, FIRM OR CORPORATION RECEIVING WATER FROM THE CITY WATERWORKS.

DWELLING UNIT: A SINGLE UNIT PROVIDING COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS INCLUDING PERMANENT PROVISIONS FOR SLEEPING, EATING, COOKING AND SANITATION.

~~(D) MAINS: The main pipes and connections forming a part of the City waterworks.~~

~~(E) METER: The device, appropriate to the premise served, installed to measure the amount of water passing through it, with an accuracy of between ninety five percent (95%) and one hundred one percent (101%) of actual quantities delivered. The term shall also include detector devices for water passing through fire service lines.~~

~~(F) METER SERVICE CHARGE: The fee for maintaining the meter, reading the meter, periodically billing the account, and processing payments.~~

~~(G) MOBILE HOME: Any dwelling unit built on a permanent wheeled chassis exceeding either 8 feet in width or 32 feet in length and designed for long term residential occupancy in a temporary or permanent location which is capable of being towed over public streets or highways as a unit or in sections and duly licensable as such.~~

~~(H) MULTI FAMILY: any residential housing other than single-family detached or single family attached.~~

~~(I) RESIDENTIAL IRRIGATION, APARTMENT, TOWNHOME/CONDO, PUBLIC/QUASI-PUBLIC USERS: Class of water user that includes homeowner's associations, townhouses (four units or more) and condominiums with master meters, apartments (four units or more) City facilities, other public agencies including special districts formed under Colorado Law, schools and churches.~~

~~(J) SERVICE COMMITMENT: The average water service provided to one single family detached dwelling unit.~~

~~(K) SERVICE PIPE: A branch pipe with its fittings and connections through which water is taken.~~

~~(L) SINGLE FAMILY ATTACHED: A single dwelling unit contained in a free-standing structure which has party walls with other structures IN WHICH EACH UNIT EXTENDS FROM FOUNDATION TO ROOF WITH OPEN SPACE ON AT LEAST TWO SIDES.~~

~~(M) SINGLE FAMILY DETACHED: A single dwelling unit contained in a free-standing structure which has no party walls with other structures.~~

~~(N) STREET: Any street, avenue, alley, lane or other thoroughfare.~~

~~(O) WATER TAP: An opening or connection in the mains through which water is taken.~~

~~(P) CITY MANAGER: means the Manager of the City of Westminster, Adams and Jefferson Counties, Colorado, or his designee.~~

Section 3. Section 8-7-2, W.M.C., subsections (C), (E), (F), and (G) are hereby AMENDED to read as follows:

## **8-7-2: TAP PERMIT REQUIRED:**

(C) Payment of the WATER Tap Fee shall be made no earlier than the date upon which a building permit is issued and no later than the date prior to OF the water meter installation. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy, OR THE ESTABLISHMENT OF A PERMANENT WATER ACCOUNT. The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made. Payment of the Water Tap Fee for an irrigation system, or for any other installation or construction not requiring issuance of a building permit, shall be MADE at the time of THE water tap UTILITY permit application. WHEN THE CALCULATED WATER TAP FEE, BASED ON THE TAP FEE SCHEDULE IN EFFECT AT THE TIME OF THE WATER METER INSTALLATION, IS DIFFERENT THAN THE WATER TAP FEE PAID AT THE TIME OF THE ISSUANCE OF THE UTILITY PERMIT, THE DIFFERENCE IN SUCH FEES MUST BE PAID PRIOR TO THE INSTALLATION OF THE WATER METER. WATER TAPS MAY NOT BE MADE WITHOUT A UTILITY TAP PERMIT.

~~(E) Where any unit currently having a water tap is demolished, and a building permit for reconstruction purposes on the same parcel is issued within one year of the date of demolition, and the reconstructed unit maintains the same water use patterns of the pre-existing unit, no new tap fee shall be required and the new unit shall be regarded as being served by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the water tap and the service commitment and any subsequent construction shall be done in conformance with the City Code of the City. ALL NEWLY CONSTRUCTED BUILDINGS AND IRRIGATION SYSTEMS WITHIN THE CITY OF WESTMINSTER THAT REQUIRE WATER SERVICE MUST CONNECT TO THE CITY'S WATER SUPPLY SYSTEM. PRIVATE OR ALTERNATE WATER SUPPLIES ARE NOT ALLOWED.~~

ANY PROPERTY WITHIN THE CITY SERVICED BY A PRIVATE WATER SOURCE MUST CONNECT TO THE CITY'S WATER SUPPLY SYSTEM UPON A CHANGE OF USE OF THE PROPERTY THAT REQUIRES A CHANGE IN THE LAND USE DESIGNATION.

~~(F) Any unit having a water meter not registering usage, and for which payment of the monthly meter charge has not been made, for more than thirty six (36) consecutive months, shall constitute an abandonment of the associated water tap and service commitment and the meter shall be removed by the City. Notification of the effective date of the abandonment of the water tap shall be mailed to the last known address of the property owner or manager. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.~~

~~(G) An account may be declared inactive if a request is made in writing by the customer to the city. Upon being declared inactive, the city shall remove the water meter. Inactive accounts will not accrue monthly fees. The customer shall have 36 months to reactivate their account, at which time the meter shall be reinstalled and the customer shall pay the current applicable connection fee. In the event the account is not returned to active status within 36 months, Section 8-7-2(F) shall apply.~~

Section 4: Section 8-7-3, W.M.C., is hereby REPEALED and REENACTED as follows:

## **8-7-3: WATER TAP FEES AND CREDITS:**

### **(A) FEE CALCULATION:**

1. An applicant for a water tap shall pay the fees set forth hereinafter, the total of which shall be known as the water tap fee, or those portions that are applicable to the type of tap required by this Chapter. The water tap fee or portions thereof are due and payable upon issuance of the water tap utility permit unless earlier paid as provided in Section 8-7-2(C). The water tap fee may consist of the following individual fees:
  - a. Water resources fee, being the share of the cost to provide adequate raw water supply to be utilized by the tap;
  - b. Treated water investment fee, being the share of the utility system related to treating and distributing water to be utilized by the tap;

- c. Meter connection fee, being the actual City cost for installation of a meter with electronic remote readout device, when applicable; inspection of the tap, service line and meter pit installation; meter testing, when applicable; account and billing activation and other administrative procedures;
  - d. and, when applicable, a fire connection fee, being that charge associated with a tap providing fire protection.
2. Water taps, water tap lines, and meters for the same service shall normally be the same size. If otherwise approved and/or required by the City, the tap and meter may be of different sizes in which case the fee for the meter size shall be paid. Water taps cannot be issued prior to building and/or tap entitlement approval. Any exceptions must be approved by the City Manager, i.e., conversion from well to the City water system, pursuant to Section 8-7-15.
  3. The base water tap fees are as follows\*:

<b>Water Resources Fee</b>	<b>\$6,435.00</b>
<b>Treated Water Investment Fee</b>	<b>\$7,880.00</b>
<b>Meter Connection Fee</b>	This connection fee is based on installed meter size and assessed on a per meter basis. See connection fee chart below.
<b>Fire Connection Fee</b>	<b>\$161.00</b>

\*On April 1<sup>st</sup> of each year, the water tap fee and its individual components shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver metropolitan area. The meter connection fee may also be adjusted separately at any time, when necessary, to reflect the full cost of said connection to the City.

4. The connection fees based on meter size are as follows:

METER SIZE (INCHES)	CONNECTION CHARGE*
5/8"	\$283
3/4"	\$283
1"	\$226
1-1/2"	\$226
2"	\$283
3"	\$340
4"	\$396
6"	\$453
8"	\$511

5. The water resources and treated water investment portions of the tap fee for City owned facilities may be implemented at rates below 100% at the direction the city manager or his designee.

(B) RESIDENTIAL WATER TAPS: The following regulations apply to residential water taps:

1. The water tap fee is based on a standard 5/8" meter size (commonly called a 5/8" by 3/4" meter) and is assessed on a per dwelling unit basis. One single-family detached dwelling unit served by a standard 5/8" meter has an assumed average annual water usage of 140,000 gallons per year.

- The ratio of the average annual water usage of each dwelling unit type to the water usage of a single-family detached unit establishes the service commitment factor (Sc factor). The service commitment factors are listed in the following chart:

Residence Type	Single Family Detached	Mobile Home Space	Single Family Attached Unit	Multifamily Unit	Attached Senior Housing Unit
SC factor	1.0	1.0	0.7	0.5	0.35

- The residential tap fees shall be calculated by applying the respective Sc factor to both the water resources fee and the treated water investment fee on a per unit basis plus the applicable meter connection fee, on a per meter basis, plus any applicable fire connection charge. If a tap and meter larger than the standard 5/8" meter is requested for any residential unit, the tap fees shall be calculated using the non-residential treated water investment calculation and SC factor in subsection (C) 2, below.
- No additional tap fees are required for landscaped areas on residential properties that are irrigated by the water tap for the individual unit or units. Tap fees for landscaped areas on or adjacent to residential properties, such as common areas, private parks and play areas, medians, and right-of-way strips, not irrigated by individual units shall be assessed as provided hereinafter under subsections (C) or (D).
- Tap fees for clubhouses, swimming pools, and other common buildings or structures shall be assessed as provided hereinafter under subsections (C) or (D).

(C) NON-RESIDENTIAL WATER TAPS: The following regulations apply to non-residential water taps:

- The City shall review and evaluate each applicant's requested water tap and meter size, and may adjust the requested tap and/or meter size if it determines the projected water usage will be greater than that requested.
- Every meter size has a corresponding service commitment factor (SC factor) that is based upon multiples of a single-family detached dwelling unit's usage characteristics. The treated water investment fee portion of the tap fee shall be calculated by multiplying the treated water investment fee, in subsection (A)3. above, by the respective SC factor in the following chart:

METER SIZE (INCHES)	treated water investment sc factor
5/8"	1.0
3/4"	1.5
1"	2.5
1-1/2"	5.0
2"	8.0
3"	17.5
4"	30.0
6"	62.5
8"	90

- The water resource fee portion of the tap fee shall be calculated based upon the estimated annual consumption, business type, and tap size required using methods and estimates developed by the Public Works and Utilities Department to determine the appropriate water resources service commitment factor, which shall be multiplied by the water resources fee in subsection (A)3, above.
- All non-residential developments that contain an irrigated area less than 40,000 square feet, which area is served by the water tap and meter for the building, shall pay the irrigation tap fees calculated pursuant to subsection (D) 4. below, in addition to the water tap fee for the building.

(D) IRRIGATION WATER TAPS: The following regulations apply to taps for irrigation:

1. Separate irrigation taps and meters shall be required for all residential developments other than a development whose land area consists entirely of single-family detached lots. A separate irrigation tap and meter is not required for non-residential developments having less than 40,000 square feet of irrigated area.
2. Irrigation tap fees are required based on the area and type of landscaping. Landscape types are defined as either standard or low-water as determined by the Community Development Department.
3. An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.
4. The irrigation tap fee consists of the meter connection fee plus the following square footage fees based upon landscape type:
  - A. \$1.43 per square foot for standard landscaping requiring an annual application of more than ten (10) gallons of water per square foot;
  - B. \$0.72 per square foot for low water landscaping requiring an annual application of up to and including ten (10) gallons of water per square foot.

(E) FIRE PROTECTION:

1. For any water tap which is intended to also provide fire protection, the fire connection fee shall be included in the total water tap fee in the amount provided for in subsection (A) 4. of this section.
2. For any size tap that is determined by the City Manager, or his designee, to provide solely fire protection, only the fire connection charge shall be collected. The applicant for a fire protection tap shall furnish all materials and labor as specified by the City, including any device required to detect any use of water for purposes other than fire protection.

(F) CONSTRUCTION WATER METERING: If any water is required for construction purposes, construction water meters must be installed, deposits collected as per Section 8-7-10, and water usage billed at commercial rates as per 8-7-7(D). It is prohibited to install any by-pass or jumper to provide water service without the installation of a water meter as per 8-7-12.

(G) PROVISION OF MATERIALS AND LABOR: For all water taps, the applicant shall furnish all labor and all materials as specified by the City except as provided by this paragraph. The City shall provide the applicant with a list of required materials & approved suppliers, at the time of application. The City shall provide all 5/8" by 3/4" meters. All other meter sizes shall be provided by the applicant as specified by the City at applicant's sole cost, and must be tested for accuracy by the City before installation. After payment of all required fees and charges, the City shall install all meters.

(H) TAP CREDITS:

1. Upon issuance of a tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current water resources fee and treated water investment fee of the original tap from the current value of the water resources fee and treated water investment fee of the first new service tap.
2. Treated water service commitment credits shall be calculated based on the tap size of the former tap. Water resource service commitment credits shall be calculated based on the most recent ten (10) year average annual water consumption through the former water tap.
3. The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.
4. When a credit is used for full or partial payment for a new water tap, all other applicable charges shall be assessed using the then current fee schedule in effect.
5. In no instance shall cash refunds be granted.

6. No credit shall be given for the meter connection fee or fire connection fee portions of the water tap fee.
7. If any tap is installed and completed without receiving a utility permit and the proper inspection and approval by the city, no tap fee credit shall be given.
8. If a demolition or vacation of a unit results in an abandonment of an associated water tap as defined in 8-7-5, no tap fee credit shall be granted at the time a new tap permit is issued.
9. Any service commitments associated with water taps to serve buildings demolished in established urban renewal areas may be transferred as tap credits to an urban renewal authority or the city for use in approved redevelopment projects within that same urban renewal area.

Section 5. Section 8-7-4, W.M.C., subsections (B), (C), (D), (E), are hereby AMENDED and new subsection (F) has been ADDED to read as follows:

**8-7-4: SPECIFICATIONS:**

(B) Authorization to install any tap or meter may be withheld by the City if the applicant is in violation of any law of the City or in default in any agreement with the City. It shall be unlawful to use, or permit to be used any water tap installation until the meter has been set, or approved by the City. Upon approval, the entire installation, INCLUDING THE WATER METER, shall become the property of the City.

(C) Except as may be provided elsewhere in this paragraph, each separate structure shall have a separate water tap and water meter. A SEPARATE TAP AND METER MUST BE INSTALLED FOR EACH SINGLE FAMILY DETACHED AND SINGLE FAMILY ATTACHED UNIT. An exception may be granted by the City Manager if an additional structure is an accessory use of the principal structure and the accessory use does not exceed one (1.0) Service Commitment.

(D) A SEPARATE TAP AND METER MUST BE INSTALLED FOR EACH PREMISES, UNIT OR STRUCTURE SERVED;

1. EXCEPT WHERE TWO (2) OR MORE PREMISES, UNITS OR STRUCTURES ARE LOCATED ON A SINGLE SUBDIVIDED PARCEL OF LAND UNDER SINGLE OR CONDOMINIUM OWNERSHIP IN WHICH CASE ONE TAP MAY BE REQUIRED. ALL UNITS MUST BE INDIVIDUALLY METERED OR SUBMETERED.
2. WATER AND SEWER TAPS SHALL SERVE THE SAME PREMISES, UNITS OR STRUCTURES.
3. AN EXCEPTION MAY BE GRANTED IF AN ADDITIONAL STRUCTURE IS AN ACCESSORY USE OF THE PRINCIPAL STRUCTURE AND THE ACCESSORY USE BY ITSELF DOES NOT EXCEED ONE (1.0) SERVICE COMMITMENT.

~~(D) Separate irrigation water taps and meters also shall be required for all non residential developments if the irrigated area exceeds 40,000 square feet. An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.~~

(E) The provisions of this paragraph and Section 8-7-3 notwithstanding, new residential developments other than single-family detached OR SINGLE FAMILY ATTACHED shall provide individual water meters for each individual dwelling unit, commonly referred to as submeters, to encourage water conservation, EQUITABLE DISTRIBUTION OF UTILITY EXPENSES, and timely correction of plumbing problems. Submeters shall be the property of the owner who shall be responsible for maintenance, repair and use of submeters.



(F) ALL METERS SHALL BE KEPT IN GOOD REPAIR BY THE CITY, AND SHALL BE AND REMAIN THE PROPERTY OF THE CITY AND UNDER ITS CONTROL. NO METER SHALL BE SET SO THAT THERE SHALL BE MORE THAN TWO FEET (2') OF EXPOSED UNMETERED SERVICE PIPE.

Section 6. Section 8-7-5, W.M.C., is hereby REPEALED and REENACTED to read as follows:

**8-7-5: MODIFICATION OF WATER TAPS:** A water tap, once installed, is associated with the building and property that it serves and no person shall disconnect, modify or change said tap in any way, except as provided below:

(A) **RELOCATING TAPS:** The disconnection or relocation of a water tap is subject to the following requirements:

1. Any person disconnecting or relocating a water tap must obtain written permission of the Director of Public Works and Utilities prior to commencing said disconnection or relocation; and
2. Disconnection of an existing water tap and/or installation of a relocated tap shall meet all requirements of section 8-7-3 and section 8-7-4 and shall be completed by the owner at the owners expense; and
3. Existing water taps may be disconnected and relocated to serve a use or building elsewhere on the same property or moved to serve a use or building on a different property only if both the property served by the existing tap and the property to which the tap is being moved are under the same ownership; and
4. When a water tap is relocated and applied to the same use with the same pattern and amount of water use, a utility permit and the payment of the connection fee shall be required for the connection.

(B) **CHANGE IN USE CONSTITUTING EXPANSION:** A change in use is subject to the following requirements:

1. A change in use must be reviewed by the City's Building Division using the applicable plumbing code. Such review will include a fixture unit count evaluation, a water velocity evaluation, and an AWWA guidelines review. A change in use is presumed to occur when:
  - (a) The use of the served property is changed to a different use category for zoning or land use purposes, or
  - (b) Any modifications to the landscape are made that require an ODP, ODP amendment, or ODP waiver, or
  - (c) Any building or plumbing modifications that require a permit are made to the served property, or
  - (d) A new or additional water use is introduced on the served property, or
  - (e) A water tap is relocated and applied to a different use or building on the served property, or
  - (f) A water tap is relocated to a different property.
2. If the review of the change in use determines the need for a larger water tap and/or meter than previously purchased for the property, the use will be considered an "Expansion of Use" and the provisions stated in paragraph 3) below apply.
3. When an expansion of use occurs, a water tap fee in an amount equal to the difference between the current water tap fee for the existing tap and the current water tap fee for the new tap, including the connection fee, serving the new location and/or use shall be paid.

(C) BUILDING DEMOLITION:

1. When any building currently having a water tap is demolished, and a building permit for a new building on the same parcel is issued within three (3) years of the last registered water consumption and the new building maintains the same use with the same pattern and amount of water use as the pre-existing building, no new water tap fee shall be required and the new building shall be regarded as being served by the tap in service prior to demolition of the pre-existing building. However, if the new building requires a meter installation, the current connection fee shall be paid.
2. When any building currently having a water tap is demolished and no new building permit on the same parcel is issued within three (3) years of the last registered water consumption abandonment will be presumed pursuant to subsection (D) below.

(D) ABANDONMENT:

1. Water resource service commitments are associated with a tap. Abandonment of any tap will result in the forfeiture of the associated service commitments.
2. Any building having a water meter not registering usage for more than thirty-six (36) consecutive months, and for which payment of the monthly meter charge has not been made continuously, shall constitute an abandonment of the associated water tap and service commitment and the meter shall be removed by the city. Notification of the effective date of the abandonment of the water tap shall be mailed to the last known address of the property owner or manager. Any subsequent water usage by that building shall require receiving a new service commitment and the purchase of a new water tap.
3. Upon abandonment of a tap, the consumer or the property owner shall be responsible for returning the meter to the city, and removing the existing service line from the meter pit to the corporation stop at the water main. An appropriate street cut permit shall be required to assure proper inspection and reconstruction of the street. In the event the service line is not appropriately removed, the city may remove the same and charge the cost thereof to the real property former served and may collect said charges in the same manner provided for in §8-7-9, delinquent payments and additional charges, W.M.C.

Section 7. Section 8-7-7, subsection (E), W.M.C., is hereby AMENDED to read as follows:

**8-7-7: WATER RATE SCHEDULE:**

(E) CONTINUANCE OF CUSTOMER CHARGES: Monthly customer charges shall be assessed in all cases including where no water is consumed until such time as City personnel are specifically requested to discontinue water service at the meter, PURSUANT TO SECTION 8-7-11 OF THIS CHAPTER.

Section 8. Section 8-7-9, W.M.C., subsections (A), (B), (C), and (D) are hereby AMENDED to read as follows:

**8-7-9: DELINQUENT PAYMENTS AND SERVICE CHARGES:**

(A) Statements for the rates and charges for the water service shall be dated and sent out to users at regular intervals. Water meters shall be read within a time frame of 27 to 33 days. In the event a water bill is not paid by the forty fifth day following the date of the bill, the City Manager, or his designee, shall be authorized to forthwith disconnect service; and the water so disconnected shall not again be reconnected until the delinquent bill and a disconnect charge for turning the water off and for turning the water on have been paid. ASSESSMENT OF NON-CONSUMPTION BASED FEES AND CHARGES WILL CONTINUE DURING ANY SHUTOFF PERIOD.

The number of turn offs and turn ons for an account accumulate over the most recent twelve month period. IF AN UNAUTHORIZED WATER TURN ON OCCURS AT A PROPERTY, AN ADDITIONAL TURN OFF/ON FEE SHALL BE APPLIED AND ELEVATE TO THE NEXT LEVEL OR REMAIN AT THE MAXIMUM ONCE AT THE MAXIMUM TURN OFF/ON FEE LEVEL, THE FEE LEVEL WILL NOT BE REDUCED UNTIL A TWELVE MONTH PERIOD WITHOUT TURN OFF'S OCCURS. AN ADDITIONAL TURN OFF/ON FEE SHALL BE APPLIED WHEN THE CITY TURNS OFF ANY UNAUTHORIZED WATER TURN ON. DAMAGED EQUIPMENT CHARGES ARE AS LISTED. ADDITIONALLY, LABOR IS CHARGED AT THE THEN CURRENT RATE FOR ACTUAL HOURS OF THE INSTALLATION. The charges for FINALS (SERVICE TRANSFERS), DAMAGED EQUIPMENT, AND turn offs and turn ons during the twelve month period are as follows:

Action / DAMAGE	Residential	All Other Classifications
First turn off/on FEE	\$30.00	\$30.00
Second turn off/on FEE	\$60.00	\$60.00
All additional TURN OFF/ON FEE	\$90.00	\$100.00
ACCOUNT FINAL	\$15.00	\$15.00
Damaged lock	\$15.00	\$15.00
Damaged can	<del>\$30.00</del> 35.00	<del>\$30.00</del> 35.00
Damaged pin	<del>\$30.00</del> 10.00	<del>\$30.00</del> 10.00
DAMAGED 5/8"X3/4" METER BODY	\$37.00	N/A
DAMAGED TRANSPONDER	\$180.00	180.00
DAMAGED SERVICE LINE PLUGS	\$16.00	16.00

EQUIPMENT DAMAGED, BUT NOT LISTED ABOVE, WILL BE CHARGED AT ACTUAL COST TO REPAIR AND/OR REPLACE PLUS ANY LABOR REQUIRED AT THE THEN CURRENT RATE FOR ACTUAL HOURS OF THE INSTALLATION.

(B) Any account paid with a check subsequently returned by the bank, will be charged a service charge equal to the service charge assessed by Section 1-8-3. THE CITY MAY REQUIRE THE CUSTOMER TO MAKE ANY SUBSEQUENT PAYMENTS USING CASH, CERTIFIED OR BANK CHECK, CREDIT CARD, OR MONEY ORDER.

(C) The City shall have as security for the collection of such water utility rates, penalties and charges a lien upon the real property served by such water service, which lien shall become effective immediately upon the supplying of such water and shall not be discharged until the payment is made of all the water service bills, penalties and charges as herein provided. SUCH LIENS SHALL BE GOVERNED BY TITLE I, CHAPTER 31 OF THE WESTMINSTER MUNICIPAL CODE.

~~(D) In the event the lien provided in this Section is not discharged by payment, the City Manager shall report the delinquency to the Council within not less than three (3) months from the date thereof; and the Council shall be authorized to collect the delinquent water bill causing such delinquent charges to be certified to the Treasurer for the City in the same manner as taxes, pursuant to Section 3-20-105, Colorado Revised Statutes, 1973.~~

Section 9. Sections 8-7-10 and 8-7-11 are hereby AMENDED to read as follows:

**8-7-10: INACTIVE ACCOUNTS; REACTIVATION:** AN ACCOUNT MAY BE DECLARED INACTIVE IF A REQUEST IS MADE IN WRITING BY THE CUSTOMER TO THE CITY. UPON BEING DECLARED INACTIVE, THE CITY SHALL REMOVE THE WATER METER. INACTIVE ACCOUNTS WILL NOT ACCRUE MONTHLY FEES. THE CUSTOMER SHALL HAVE THIRTY-SIX (36) MONTHS TO REACTIVATE THEIR ACCOUNT, AT WHICH TIME THE METER SHALL BE REINSTALLED AND THE CUSTOMER SHALL PAY THE CURRENT APPLICABLE CONNECTION FEE. IF THE ACCOUNT IS NOT REACTIVATED WITHIN THIRTY-SIX (36) MONTHS, ABANDONMENT WILL BE PRESUMED AND §8-7-5(D) SHALL APPLY.

~~8-7-10: 8-7-11:~~ (Rep. by Ordinance 1251) **WHEN DEPOSIT REQUIRED:** (953 1892 2968)

(A) The Department of Public Works and Utilities shall collect a deposit fee of an amount equivalent to the value of the metering device for the use of metering devices in connection with temporary water service used in construction and similar activities. Water use through these meters may be billed as needed based on consumption patterns. Any outstanding charge for temporary water service shall be deducted from the deposit fee when the meter is returned less a twenty five dollar (\$25) administrative fee. If the meter is not returned by the deadline specified by the city, or is reported as lost, the entire deposit fee shall be forfeited in order to compensate the City for loss of the equipment and for administering this service. Accounts of non-returned or lost meters shall have an additional amount equal to the value of the meter billed to the customer account for an assumed level of un-billed water registered on the missing meter.

Section 10. Section 8-7-12, W.M.C., Title, and subsection (A), are hereby AMENDED to read as follows:

**8-7-12: UNAUTHORIZED USE OR TAMPERING OR A BY-PASS PROHIBITED:**

(A) It shall be unlawful for any person to tamper with any meter, ~~or to install or use any by pass or other device whereby water may be drawn from a service pipe without being registered by the meter~~ OR TO CONNECT TO, USE, OR TAKE ANY WATER FROM THE CITY WATER OR RECLAIMED WATER SYSTEMS WITHOUT A VALID WATER UTILITY PERMIT AND PRIOR PAYMENT OF ALL REQUIRED FEES AND USER CHARGES. PROHIBITED USE SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE USE OR ACQUISITION OF WATER FROM FIRE HYDRANTS, ANY UNAUTHORIZED CONNECTIONS TO THE WATER SYSTEM, ANY UNAUTHORIZED TURN ON'S OF A WATER METER TURNED OFF BY THE CITY AND, STRAIGHT THROUGH OR BYPASS PIPES AT THE WATER METER PIT.

~~(B) All meters shall be kept in good repair by the City, and shall be and remain the property of the City and under its control. No meter shall be set so that there shall be more than two feet (2') of exposed unmetered service pipe.~~

(B) THE CHARGE FOR UNAUTHORIZED USE OF WATER IS A CHARGE OF FIVE HUNDRED DOLLARS (\$500.00) FOR THE FIRST OCCURRENCE, SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) FOR THE SECOND OCCURRENCE, AND ONE THOUSAND DOLLARS (\$1,000) FOR THE THIRD AND ADDITIONAL OCCURRENCES WITHIN ANY 12-MONTH PERIOD TO THE OWNER OF THE PROPERTY, OR IN THE CASE OF A FIRE HYDRANT THE ENTITY OR INDIVIDUAL BENEFITING FROM THE UNAUTHORIZED WATER USE, AND IS IN ADDITION TO ANY OTHER CHARGE BY THE CITY FOR WATER SERVICE INCLUDING ESTIMATED CONSUMPTION, TURN ON OR TURN OFF FEES, AND FEES FOR DAMAGED MATERIALS OR LABOR AS DESCRIBED IN 8-7-9. ANY REASONABLE EXPENSE INCURRED BY THE CITY AS A RESULT OF UNAUTHORIZED USE OR METER TAMPERING WILL BE CHARGED AT ACTUAL COST FOR EQUIPMENT AND MATERIALS PLUS ANY LABOR REQUIRED AT THE THEN CURRENT RATE FOR THE ACTION.

ALL CHARGES FOR UNAUTHORIZED USE OF WATER AND EXPENSES INCURRED BY THE CITY IN RESPONSE SHALL BE ASSESSED TO THE PROPERTY OWNER AS LIENABLE AMOUNTS AS DESCRIBED IN 8-7-9-(C). THE CHARGES INCREASE BASED ON THE NUMBER OF OCCURRENCES AT ALL PROPERTIES UNDER THE SAME OWNERSHIP WITHIN THE CITY.

(C) IN BILLING THE PROPERTY OWNER OR ENTITY BENEFITING FROM THE WATER USE FOR WATER USED WITHOUT AUTHORIZATION, THE CITY MAY USE ANY REASONABLE METHOD TO DETERMINE THE AMOUNT OF WATER SO USED INCLUDING, BUT NOT LIMITED TO, PREVIOUS ACCOUNT HISTORY, THE ACCOUNT HISTORY OF SIMILAR ACCOUNTS, PIPE SIZE AND WATER PRESSURE.

(D) NO NEW TAP AND/OR METER INSTALLATIONS WILL BE ALLOWED FOR ANY PROPERTY WHERE THERE ARE OUTSTANDING UNPAID UTILITY FEES OR CHARGES FOR ANY PROPERTIES WITHIN THE CITY UNDER THE SAME OWNERSHIP. THE CITY MAY TERMINATE A PERSON'S WATER SERVICE FOR A PROHIBITED USE OF THE WATER SYSTEM.

(E) ADVISEMENT TO THE PROPERTY OWNER OF CHARGES OR EXPENSES FOR PAYMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED. IF A HEARING IS REQUESTED, IT SHALL BE SCHEDULED AS SOON AS PRACTICAL BEFORE THE CITY MANAGER OR HIS DESIGNEE.

Section 11. Section 8-7-13, subsections (G) and (H), W.M.C., are hereby AMENDED to read as follows:

**8-7-13: DUTY OF CONSUMER:**

(G) No person owning or possessing the property on which a meter pit is located shall fail to assure that landscape materials taller than four inches (4") are no ~~closed~~-CLOSER than six inches (6") to the meter pit nor shall any such person allow any landscaping material to cover any part of the meter pit lid.

(H) If the City Manager finds that any person has failed to comply with any of the requirements of Subsections (C), (D), (E), (F) or (G) of this section, the City Manager shall notify the water consumer, owner or possessor of the property by hand delivery or certified mail that he shall be required to comply within fifteen (15) days of the date of delivering or mailing the notice. IN THE EVENT OF AN EMERGENCY OR SHUTOFF FOR NON-PAYMENT THE CITY MAY REQUIRE IMMEDIATE COMPLIANCE AND ASSESS ALL CHARGES AND EXPENSES TO THE PROPERTY OWNER AS DESCRIBED IN 8-7-12.

Section 12. Section 8-7-15, W.M.C., is hereby AMENDED BY THE ADDITION OF NEW LANGUAGE to read as follows:

**8-7-15: (~~Repealed by Ordinance 2634~~) VARIANCE; CITY MANAGER AUTHORITY:** THE CITY MANAGER OR THE MANAGER'S DESIGNEE MAY VARY THE REQUIREMENTS OF SECTIONS 8-7-2, 8-7-4, OR 8-7-5 OF THIS CHAPTER FOR A PARTICULAR PROPERTY, UPON A FINDING THAT GOOD CAUSE EXISTS TO GRANT SAID VARIANCE. ANY SUCH REQUEST FOR A VARIANCE SHALL BE IN WRITING AND SHALL STATE THE GROUNDS FOR SAID REQUEST, AND ANY VARIANCE GRANTED WILL BE IN WRITING SIGNED BY THE CITY MANAGER OR THE MANAGER'S DESIGNEE STATING THE BASIS THEREFORE.

Section 13. Section 8-7-26, W.M.C., is hereby AMENDED to read as follows:

**8-7-26: METER SET INSTALLATION REINSPECTION FEE:** Water ~~Tap~~ Fees provide for customary inspection of the meter set only ONCE. Where additional inspections are made necessary by incomplete or faulty work or incorrect posting by the contractor, ~~no~~ a fee OF FORTY-FIVE DOLLARS (\$45.00) shall be charged for the ~~first two~~ (2) SECOND inspections, ~~however~~ a fee of ninety dollars (\$90.00) will be charged for the ~~third~~ THIRD AND ANY ADDITIONAL inspectionS ~~and a fee of thirty dollars (\$30.00) for each inspection thereafter.~~ This fee shall be charged to the holder of the permit and paid to the City THROUGH THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES before any additional inspections will be made.

Section 14. Section 8-7-27, W.M.C., subsection (D), is hereby AMENDED to read as follows:

## **8-7-27: CROSS CONNECTION AND BACKFLOW CONTROL:**

### **(D) SPECIFIC SYSTEM REQUIREMENTS:**

1. Irrigation Systems. PRIVATE PLUMBING AND/OR CONNECTIONS ARE NOT ALLOWED WITHIN A PUBLIC METER PIT OR VAULT. The only types of backflow prevention devices approved for use in irrigation systems are atmospheric vacuum breakers, pressure vacuum breaker assemblies and reduced pressure backflow preventer assemblies. No other device or combination of devices will be accepted. The following guidelines shall apply to backflow prevention devices for irrigation systems:

a. An "Atmospheric Vacuum Breaker" shall contain a reliable vacuum relief device, shall be rated to 150 psi working pressure and to water temperatures up to 140° F.

(i) An "atmospheric vacuum breaker" may not be installed where it will be subjected to either continuous working pressure or backpressure. It may only be installed downstream of the control valve on "lateral" or "zone" piping, and must be a minimum of six (6) inches higher than the highest head on that lateral zone. The vacuum breaker shall be installed where it is accessible for periodic testing and where slight spillage would not be objectionable.

b. "Pressure Vacuum Breaker Assembled" shall consist of an approved check valve, vacuum relief means, inlet and discharge shut-offs and field testing cocks. Vacuum breakers shall be rated to 150 psi working pressure and to water temperatures of 150° F, under continuous service.

(i) A "pressure vacuum breaker" may be installed where it will be subject to continuous pressure, but shall not be installed where it would be subject to back pressure. The assembly must be a minimum of twelve (12) inches above the highest head on the entire irrigation system it is protecting so that the installation will preclude back pressure. The vacuum breaker shall be installed where it will be accessible for periodic testing and where, if spillage occurs, it would not be objectionable.

(ii) All pipe from the meter through the "Pressure Vacuum Breaker Assembly" and down into the ground to twelve (12) inches minimum depth shall be type K copper, and all fittings and nipples either copper or red brass. A union shall be installed on the downstream side of the vacuum breaker assembly.

c. A Double Check Valve Assembly may not be installed to serve as a backflow prevention device in any irrigation system.

d. "Reduced Pressure Backflow Preventer Assemblies" shall consist of two separate check valves and a differential relief valve, inlet and discharge gate valves, testing cocks and a wye-strainer on the inlet side. A union or similar device which will allow removal of the assembly is required, and both check valves and the differential relief valve shall be so constructed that they may be serviced without removing the device from the line. The backflow preventer shall be rated to 150 PSI working pressure and to water temperature of 140° F, under continuous service.

(i) A "reduced pressure backflow preventer assembly" may be installed under continuous pressure service and where it could be subject to back pressure. This device is generally considered the best protection of all backflow devices. Where fertilizer or other harmful chemicals may be introduced into the irrigation system, and under certain other circumstances, the "reduced pressure backflow preventer" may be the only acceptable device.

(ii) A "reduced pressure backflow preventer" does not provide protection if it is under water or other liquid, and therefore shall not be installed underground unless drainage out of the vault is certain and adequate. If installation is to be above ground, a vandal-resistant device shall be selected, and major spillage shall always be allowed in an area where spillage can be seen, but would not be objectionable. The assembly shall be located so that it may be tested periodically. Regarding manufacturer and models of these devices which are approved, the City follows the recommendations of the latest adopted edition of the ~~Uniform~~ INTERNATIONAL Plumbing Code.

Section 15. Section 8-8-3, subsection (F), is hereby AMENDED to read as follows:

**8-8-3: SANITARY SEWERS, SERVICE SEWERS AND CONNECTIONS:**

~~(F) No persons shall abandon any service sewer without first obtaining a permit under the building regulations of this Code. Such service sewer shall be sealed with a stopper and filler material at the tap specified by the City. Old service sewers may be used in connection with new units only when they are found, on examination and test by the City, to meet all requirements of this code. The cost of the examinations and tests shall be borne solely by the applicant.~~

~~Where any unit currently having a sewer tap is demolished and construction a new unit on said premises is completed and a certificate of occupancy is issued within one year of the date of demolition, no new tap fee shall be required and the new unit shall be regarded as being serviced by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the sewer tap and the service commitment. Any subsequent construction shall be done in conformance with the City Code of the City of Westminster.~~

~~Where any unit currently having a sewer tap is vacant for more than thirty six (36) consecutive months, it shall constitute an abandonment of the sewer tap and service commitment. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.~~

Section 16. Section 8-8-5, subsections (B), (C), (D), and (G), W.M.C., are hereby AMENDED to read as follows:

**8-8-5: SERVICE AND USER CHARGES WITHIN THE CITY OF WESTMINSTER AND SHAW HEIGHTS:**

**(B) RATE SCHEDULES:**

- ~~1. Residential Fee Schedule: Residential sewer tap fees are based on a five eighths inch (5/8") by three quarter inch (3/4") water tap size and assessed on a per dwelling unit basis equivalent to the ratio of water usage of various dwelling unit types to single family detached dwelling units. Single family detached sewer tap fees for any other water meter size shall be based on the non-residential sewer tap fee schedule pursuant to Section 8-8-5(B)(2).~~

~~SINGLE FAMILY RESIDENTIAL EQUIVALENT (SFRE). A SINGLE FAMILY RESIDENTIAL EQUIVALENT IS BASED ON A 5/8" x 3/4" (FIVE-EIGHTHS BY THREE-QUARTER INCH) WATER SERVICE TAP AND METER AND IS EQUAL TO (1) SINGLE FAMILY UNIT WHICH MEANS A BUILDING OR STRUCTURE USED OR DESIGNED TO BE USED AS ONLY ONE RESIDENTIAL UNIT (INCLUDING A DETACHED DWELLING [SINGLE FAMILY HOUSE] AND A MOBILE HOME); EACH RESIDENTIAL UNIT IN A DUPLEX; AND EACH RESIDENTIAL UNIT HAVING WATER SERVICE SEPERATELY CONNECTED TO THE WATER MAIN OR PRIVATE WATER DISTRIBUTION SYSTEM IN A BUILDING OR STRUCTURE WITH THREE OR MORE RESIDENTIAL UNITS.~~

~~ALL CONNECTIONS THAT ARE NOT SINGLE FAMILY RESIDENTIAL UNITS, OR ARE SINGLE FAMILY RESIDENTIAL UNITS WITH LARGER THAN A 5/8" x 3/4" (FIVE EIGHTHS BY THREE QUARTER INCH) WATER METER SERVICE, SHALL HAVE THE NUMBER OF SINGLE FAMILY RESIDENTIAL EQUIVALENTS (SFRE'S) DETERMINED THROUGH THE SIZE OF THE WATER SERVICE TAPS SERVING THE BUILDING, STRUCTURE, OR PREMISE, AND IN CERTAIN CASES (DETERMINED BY THE WATER SERVICE TAP SIZE) SHALL USE THE ALTERNATE CALCULATION METHOD INCLUDING ESTIMATED QUANTITIES OF FLOW, BOD, SS, AND TKN TO BE DISCHARGED TO THE SYSTEM.~~

The following residential Sewer Tap Fee calculation method shall be in effect for all tap fee payments made on or after April 10, 2006:

Residential Sewer tap fees shall be based on two of three components:

- The Transport Facilities Fee, and
- The Treatment Facilities Fee or
- The Metro Facilities Fee.

The RESIDENTIAL Transport Facilities Fee shall be calculated as the base Transport Facilities Fee times the number of units times the service commitment factor associated with the dwelling type as defined below. THE NON-RESIDENTIAL TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE NUMBER OF SFRE'S.

Residential Connection	Single Family Detached	Mobile Home Space	<10 DU Per Net Acre SINGLE FAMILY ATTACHED UNIT	>10 DU and <24 DU Per Net Acre MULTIFAMILY UNIT	>24 DU Per Net Acre	Elderly ATTACHED SENIOR Housing UNIT
SC Factor	1.0	1.0	0.7	0.5	0.4	0.35

The Treatment Facilities Fee shall be calculated as the current base Treatment Facilities Fee times the number of living units SFRE'S. For purposes of the treatment facilities fee, each living unit shall have a service commitment factor of 1.0, as defined by the metro wastewater reclamation district.

The Metro Facilities Fee shall be calculated as the current base Metro Wastewater Fee, as same shall be set by the Metro District, times the number of units SFRE'S. For purposes of the metro facilities fee, each living unit shall have a service commitment factor of 1.0, as defined by the Metro Wastewater Reclamation District.

REACTIVATION CHARGE: A REACTIVATION CHARGE SHALL BE CHARGED TO ANY REACTIVATED CONNECTION THAT HAS NOT REGISTERED METERED WATER USE FOR A PERIOD OF 10 YEARS. THE REACTIVATION CHARGE IS DUE FOR EACH SFRE FOR EACH YEAR BEYOND 10 YEARS THE CONNECTION HAS BEEN INACTIVE. THE REACTIVATION CHARGE SHALL BE ADJUSTED AS PART OF THE BASE SEWER TAP FEES TO EQUAL THE METRO DISTRICT REACTIVATION CHARGE.

2006 base Sewer Tap Fees PER SFRE are as follows:

Transport Facilities Fee	\$1,400.00
Treatment Facilities Fee	\$1,820.00
Metro Facilities Fee	\$1,820.00
REACTIVATION CHARGE	\$75.00 PER YEAR BEYOND 10 YEARS

Beginning on July 1, 2002 and on April 1st of each year thereafter, the Transport Facilities Fee shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. In addition, AT ANY TIME, the Treatment Facilities Fee shall be adjusted to reflect the City of Westminster's treatment FACILITIES costs, and the Metro Facilities Fee shall be adjusted in accordance with any changes to the base Metro Wastewater Fee.



Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in single-family detached, single-family attached, and multi-family developments are not included in the individual unit sewer tap fees listed above. Tap fees for these uses shall be calculated at the rates listed in ~~Sub-paragraph 2, THE non-residential feeSFRE schedule~~TABLE, below.

SFRE TABLE

2. ~~Non-Residential Fee Schedule: Non-residential sewer tap fees are based on the sum of the following service commitment SFRE factors, associated with the size of the water tap(s) used by the building served by a single sewer tap. The table below determines the appropriate service commitment factor.~~

WATER Meter Size in Inches	Metro District Service CommitmentsSFRE
5/8 x 3/4	1.0
3/4	1.9
1	4.5
1-1/2	11.0
2	20.0
3	42.0
4	76.0
6, 8, 10, 12	Alternate Calculation Method

The following sewer tap fee calculation method shall be in effect for all non-residential tap fee payments made on or after July 1, 2002 pursuant to section 8-8-5(C):

~~Non-residential sewer tap fees shall be based on two of three components: transport facilities fee, and the treatment facilities fee or the metro facilities fee. The transport facilities fee shall be calculated as the base transport facilities fee times the service commitment factor associated with the meter size as defined above. The treatment facilities fee and the metro facilities fee shall be calculated as the base treatment facilities fee or base metro facilities fee times the service commitment factor associated with the meter size as defined above.~~

2002 base sewer tap fees are as follows:

Transport facilities fee	\$1,018.00
<del>Treatment facilities fee</del>	<del>\$1,400.00</del>
Metro facilities fee	\$1,400.00

Alternate calculation method: new connections served by multiple new water service taps with a combined service commitment of greater than or equal to 205 shall have the number of service commitments determined as for connections with service taps 6" or larger.

For water service taps 6" or larger, the number of service commitments for calculating the sewer tap fee shall be determined from the following formula:

WHERE: FLOW = ESTIMATED FLOW, GPD (PEAK MONTH); BOD = ESTIMATED BIOLOGICAL OXYGEN DEMAND, LBS/DAY (PEAK MONTH); SS = ESTIMATED SUSPENDED SOLIDS, LBS/DAY (PEAK MONTH); TKN = ESTIMATED TOTAL NITROGEN, LBS/DAY (PEAK MONTH).

AND (F) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT FLOW, (B) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT BOD, (S) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT SS, (T) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT TKN.

FOLLOWING ARE THE FRACTIONS USED FOR THE TREATMENT OF FLOW AND LOADINGS, EFFECTIVE APRIL 10, 2006: FLOW (F) = 0.5543, BOD (B) = 0.2091, SS (S) = 0.1601, TKN (T) = 0.0765. THESE FRACTIONS MAY CHANGE AT ANY TIME TO REFLECT CHANGES IMPOSED BY THE METRO WASTEWATER RECLAMATION DISTRICT OR CHANGES IN THE CITY OF WESTMINSTER TREATMENT COSTS.

$$\begin{aligned}
 \text{SC's} &= \frac{\text{Flow} \times \text{F}}{225} + \frac{\text{BOD} \times \text{B}}{1.576} + \frac{\text{SS} \times \text{S}}{1.576} + \frac{\text{TKN} \times \text{T}}{0.236} \\
 \text{SFRE's} &= \frac{\text{Flow} \times (\text{F})}{225} + \frac{\text{BOD} \times (\text{B})}{1.576} + \frac{\text{SS} \times (\text{S})}{1.576} + \frac{\text{TKN} \times (\text{T})}{0.236}
 \end{aligned}$$

Where: flow = estimated flow, GPD (peak month); BOD = estimated BOD, lbs/day (peak month); SS = estimated suspended solids, lbs/day (peak month); TKN = estimated total nitrogen, lbs/day (peak month).

At minimum, the following values shall be used in the above formulas:

Tap Size	Flow	BOD	SS	TKN
6"	456,125	323.13	323.13	48.47
8"	74,250	520.17	520.17	78.02
10"	136,125	953.64	953.64	143.05

The City shall make the final determination of the estimated flow, BOD, SS and TKN used to determine the number of service commitments for each new connection, which is subject to the above formula.

~~Following are the fractions used for the treatment of flow and loadings, effective July 1, 2002: flow (F) = 0.5459, BOD (B) = 0.2187, SS (S) = 0.1647, TKN (T) = 0.0707.~~

~~Beginning on July 1, 2002 and on April 1st of each year thereafter, the transport facilities fee contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. In addition, the treatment facilities fee shall be adjusted to reflect the City of Westminster's treatment costs, and the metro facilities fee shall be adjusted in accordance with any changes to the base metro wastewater fee.~~

~~The City shall review applicant's determination of sewer WATER tap size and may adjust sSewer tTap fFee charges if the projected water use is more than the maximum service commitment for the corresponding water meter size listed in this paragraph.~~

(C) Payment of the sSewer tTap fFee shall be made no earlier than the date upon ~~the~~ which THE application is approved for a building permit and no later than the date upon which the water meter(s) are installed for the property ~~connecting to the City sewer system~~. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. ~~The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.~~ WHEN THE CALCULATED SEWER TAP FEE, BASED ON THE TAP FEE SCHEDULE IN EFFECT AT THE TIME OF THE WATER METER INSTALLATION, IS DIFFERENT THAN THE TAP FEE PAID AT THE TIME OF THE ISSUANCE OF THE UTILITY PERMIT, THE DIFFERENCE IN THE SEWER TAP FEE MUST BE PAID TO THE CITY PRIOR TO THE INSTALLATION OF THE WATER METER.

Payment of the sSewer tTap fFee for any other installation or construction not requiring issuance of a building permit shall be at the time of sewer tap UTILITY permit application.

Where additional units are to be served by a sanitary sewer previously installed and currently serving the original units, the ~~service charge~~SEWER TAP FEE for said additional units shall be at the current rates.

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly ~~rate~~ AMOUNT for use of the City of Westminster sanitary sewerage system by residential, including multiple unit residential, and public users shall be a sum equal to three dollars and ten cents (\$3.10) per thousand (1,000) gallons multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly rate for use of the City of Westminster's Sanitary Sewage System by multiple units and commercial users shall be a sum equal to three dollars and forty-six cents (\$3.46) per thousand (1,000) gallons multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water billed during the period of January through March and may be adjusted if the water billed during the months of July through September is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days service. Any new occupant of a residential unit shall be charged fifteen dollars and fifty cents (\$15.50) MINIMUM MONTHLY sewer charge until an experience rate has been established. RESIDENTIAL CUSTOMERS THAT, BASED UPON OCCUPANCY PATTERNS, REGISTER NO WATER USE DURING AT LEAST TWO MONTHS OF THE ANNUAL CALCULATION PERIOD SHALL BE CHARGED THE NEW OCCUPANT RATE FOR ANY PERIOD THE WATER ACCOUNT IS ACTIVE. INDIVIDUAL REVIEWS OF INDOOR WATER CONSUMPTION MAY BE MADE ON A CASE BY CASE BASIS.

Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available or consumption of similar accounts.

(G) Statements for sewer service charges shall be dated and sent out to users at regular intervals. Such statements shall be added to and made a part of the water bill, if customers receive water service from the City, or by separate billing if water service is not provided by the City.

Delinquent sewer bills shall be collected in the same manner as delinquent water charges, including the discontinuance of water service for nonpayment of sewer charges. Any paymentS received for combined water and sewer bills, which ~~is~~ARE for less than the sum of water and sewer bills, shall be first applied to the sewer charge, and any remainder to the water charge.

For customers not receiving City water service, these same provisions shall apply, except that instead of discontinuance of water, a ~~one dollar (\$1)~~ FIVE DOLLAR (\$5) late charge shall be added to the next bill at the time of billing, to cover additional accounting charges. If a sewer charge is not paid in nine (9) months a lien shall be filed on the property for the balance then due, plus a ten dollar (\$10) filing fee. If the lien is not paid in fifteen (15) months, the service line shall be disconnected from the City's main and plugged. Service shall not be restored until the account is paid in full plus the actual cost TO THE CITY of disconnecting the service line. Reconnection shall be the responsibility of the owner. If such disconnection is required, the City shall notify the Health Department and agency furnishing water to the premise of the action to be taken.

Section 17. Section 8-8-13, W.M.C., is hereby REPEALED and REENACTED as follows:

**8-8-13: SEWER TAP FEE CREDITS:**

(A) Upon issuance of a tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current sewer tap fee of the original tap from the current value of the sewer tap fee of the first new service tap.

(B) The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.

(C) In no instance shall cash refunds be granted.

(D) If any tap is installed and completed without receiving a utility permit and the proper inspection and approval by the city, no tap fee credit shall be given.

(E) If a demolition or vacation of a unit results in an abandonment of an associated sewer tap as defined in 8-8-14, no tap fee credit shall be granted at the time a new tap permit is issued.

(F) Any service commitments associated with sewer taps to serve buildings demolished in established urban renewal areas may be transferred as tap credits to an urban renewal authority or the city for use in approved redevelopment projects within that same urban renewal area. Sewer service commitment credits shall be calculated based on the tap size of the former water tap. When a credit is used for full or partial payment for a new sewer tap, all other applicable charges shall be assessed using the then current fee schedule in effect.

(G) In any case where sewer tap fees are paid by the City to THE Metro DISTRICT for sewer service at a location, the use of SFRE credits may be limited in use and amount by the agency due payment. In no case shall the City issue credits more than the amount issued by THE Metro DISTRICT.

Section 18. Section 8-8-14, W.M.C., is hereby REPEALED and REENACTED as follows:

**8-8-14: MODIFICATION OF SEWER TAPS:** A sewer tap, once installed, is associated with the building and property that it serves and no person shall disconnect, modify or change said tap in any way, except as provided below:

(A) **RELOCATING TAPS:** The disconnection or relocation of a sewer tap is subject to the following requirements:

1. Any person disconnecting or relocating a sewer tap must obtain written permission of the director of public works prior to commencing said disconnection or relocation; and
2. Disconnection of an existing sewer tap and/or installation of a relocated tap shall meet all requirements of section 8-8-3 and section 8-8-5 and shall be completed by the owner at the owner's expense; and
3. Existing sewer taps may be disconnected and relocated to serve a use or building elsewhere on the same property or moved to serve a use or building on a different property only if both the property served by the existing tap and the property to which the tap is being moved are under the same ownership; and
4. When a sewer tap is relocated and applied to the same use with the same pattern, amount of water use, and water tap size, a utility permit shall be required for the connection.

(B) **CHANGE IN USE CONSTITUTING EXPANSION:** A change in use is subject to the following requirements:

1. A change in use must be reviewed by the city's building division using the applicable plumbing code. Such review will include a fixture count evaluation, a water velocity evaluation, and an AWWA guidelines review. A change in use is presumed to occur when:
  - (a) The use of the served property is changed to a different use category for zoning or land use purposes, or
  - (b) Any modifications to landscape are made that require an ODP, ODP amendment, or ODP waiver, or
  - (c) Any building or plumbing modifications that require a permit are made to the served property, or
  - (d) A new or additional water use is introduced on the served property, or

- (e) A water tap is relocated and applied to a different use or building on the served property, or
  - (f) A water tap is relocated to a different property
2. If the review of the change in use determines the need for a larger water tap and/or meter than previously purchased for the property, the use will be considered an “expansion of use” and the provisions stated in paragraph 3) below apply.
  3. When an expansion of use occurs, a sewer tap fee in an amount equal to the difference between the current sewer tap fee for the existing tap and the current sewer tap fee for the new tap serving the new location and/or use shall be paid.

(C) **BUILDING DEMOLITION:**

1. when any building currently having a sewer tap is demolished, and a building permit for a new building on the same parcel is issued within three (3) years of the last registered water consumption and the new building maintains the same use with the same pattern and amount of water use as the pre-existing building, no new sewer tap fee shall be required and the new building shall be regarded as being served by the tap in service prior to demolition of the pre-existing building.
2. When any building currently having a sewer tap is demolished and no new building permit on the same parcel is issued within three (3) years of the last registered water consumption, abandonment will be presumed pursuant to subsection (D) below.

(D) **ABANDONMENT:**

1. Sewer service commitments or SFRE’s are associated with a tap. Abandonment of any tap will result in the forfeiture of the associated service commitments.
2. Any building having a water meter not registering usage for more than thirty-six (36) consecutive months, and for which payment of the monthly water meter charge has not been made continuously, shall constitute an abandonment of the associated sewer tap service commitment and SFRE’s. Notification of the effective date of the abandonment of the sewer tap shall be mailed to the last known address of the property owner or manager. Any subsequent sewer usage by that building shall require receiving a new service commitment and the purchase of a new sewer tap.
3. Upon abandonment of a tap, the consumer or the property owner shall be responsible for properly abandoning the sewer tap and service sewer. Such service sewer shall be sealed with a stopper and filler material at the tap specified by the city. No persons shall abandon any service sewer without first obtaining a permit under the building regulations of this code. An appropriate street cut permit shall be required to assure proper inspection and reconstruction of the street. In the event the sewer tap and service sewer is not appropriately abandoned, the city may appropriately abandon the sewer tap and service sewer and charge the cost thereof to the real property former served and may collect said charges in the same manner provided for in §8-7-9, delinquent payments and additional charges, W.M.C.

Section 19. Section 8-8-15, W.M.C., is hereby AMENDED to read as follows:

**8-8-15: CHARGE FOR CHANGE IN WATERSEWER USE (2955)** Any change in customer ~~water~~SEWER use, ~~meter or tap size,~~ that results in an additional assessment ~~to the city of~~ BY THE metro wastewater district ~~charges~~ shall result in those ASSESSMENTS ~~charges~~ being assessed CHARGED to the customer by the City.

Section 20. 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 28 day of August, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 18th day of September, 2006.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 28, 2006



**SUBJECT:** Second Reading of Councillor’s Bill No. 46 re Charter Amendment for Initiative, Referendum and Recall Provisions

**Prepared By:** Jane W. Greenfield, Assistant City Attorney  
Linda Yeager, City Clerk

**Recommended City Council Action**

Pass Councillor’s Bill No. 46 on second reading placing a question on the November 2006 election ballot to amend the Initiative, Referendum and Recall provisions of the City Charter.

**Summary Statement**

- At its August 7th Study Session, City Council discussed the appropriate language to be included in the submission to the Westminster voters of a Charter amendment to §3.18 *Recall* and §§8.10-8.13 *Initiative and Referendum*.
- Many changes to state election law have occurred over the last twenty to fifty years since these Charter provisions were adopted or amended, causing the Charter to become outdated or inconsistent, particularly with regard to the coordinated election process the City currently utilizes.
- Staff is recommending the adoption of an ordinance submitting a Charter amendment to a vote of the people. The amendment would remove conflicting and/or unclear provisions, especially those related to time limits. Additionally, in order to avoid the need for future Charter amendment elections, it is being recommended that the more detailed procedural requirements for initiative, referendum and recall be addressed in the City Code, rather than the Charter, so that they may be updated as changes in technology occur and state and county election requirements change.
- This Councillor’s Bill was passed on first reading on August 14, 2006.

**Expenditure Required:** The current estimate is \$55,000 (total for both this measure and the Open Space tax extension issue)

**Source of Funds:** General Fund – City Clerk Operating Budget \$20,000  
General Fund – Contingency \$35,000

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3303**

COUNCILLOR'S BILL NO. **46**

SERIES OF 2006

INTRODUCED BY COUNCILLORS  
**Dittman - Major**

**A BILL**

**FOR AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF WESTMINSTER AT THE COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, A MEASURE AMENDING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF WESTMINSTER REGARDING INITIATIVE, REFERENDUM, AND RECALL, AND PROVIDING DETAILS IN RELATION THERETO**

WHEREAS, it is necessary and appropriate that the City Council review the City's Charter from time to time to assure that its provisions are consistent with the contemporary needs of the City and the current legal requirements of Colorado law; and

WHEREAS, it has come to the attention of City Council that the Colorado legislature has adopted changes in various election statutes regarding timelines and filing deadlines for coordinated elections, which deadlines create a conflict with the timelines expressed in certain Charter sections related to the initiative, referendum, and recall processes; and

WHEREAS, pursuant to the terms of the Colorado Constitution, Article XX, §9, the Charter of the City of Westminster, §17.11 and §31-2-210, C.R.S., the City Council has identified and determined that the proposed amendments to the City's Charter as set forth herein below shall be submitted to a vote of the City's registered electors at the special City election conducted as a coordinated election with Adams and Jefferson Counties as part of the State general election to be held on November 7, 2006.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. At the election to be held on November 7, 2006, there shall be submitted to the registered electors of the City the following question:

QUESTION #1:

Shall the Westminster City Charter, Section 3.18 entitled **Recall**, Section 8.10 entitled **Initiatory and Referendary Petition**, Section 8.12 entitled **Submission of Initiatory and Referendary Ordinances to Electors** and Section 8.13 entitled **Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Petitions**, be amended to clarify certain time limits, to conform inconsistent provisions with requirements of state election law, to recognize procedural requirements adopted as part of the City Code, and to provide for similar procedures for initiative, referendum and recall petitions?

\_\_\_\_\_ FOR \_\_\_\_\_ AGAINST

ACTUAL WORDING OF THE PROPOSED AMENDMENT:

**Section 3.18. Recall.**

Any incumbent of an elective office may be removed from office by the qualified electors of the city after he has held office for six (6) months.



A petition demanding the recall of the officer sought to be removed and signed by registered electors equal in number to twenty-five (25) percent of all ~~ballots~~-VOTES cast for all the candidates for that particular office at the last preceding regular election, to conform with Article XXI of the Constitution, shall be addressed to the Council and delivered to the City Clerk not ~~less than five (5) nor more than thirty SIXTY (30)~~ (60) days after the affidavit making charges against said officer has been filed. SUCH PETITION SHALL MEET THE REQUIREMENTS OF THIS CHARTER AND THE DULY ADOPTED CODE OF THE CITY. Each registered elector signing the petition shall ~~write~~ PRINT HIS NAME, THE DATE, his home address AND COUNTY DESIGNATION after his ~~name~~ SIGNATURE. Said petition may be in sections of one (1) or more sheets fastened securely at the top, and upon each section of the petition shall be written or printed a copy of the charges previously filed with the City Clerk. ~~One (1) of the registered electors signing each section shall append thereto his affidavit that each signature written thereon is the genuine signature of the person whose name it purports to be and that the affiant has not and will not receive any compensation for obtaining the signatures.~~ TO EACH PETITION SECTION THERE SHALL BE ATTACHED A SWORN AFFIDAVIT BY THE CIRCULATOR THEREOF, STATING THE NUMBER OF SIGNERS THEREOF AND THAT EACH SIGNATURE THEREON IS THE GENUINE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE, AND THAT EACH SIGNATURE WAS MADE IN THE PRESENCE OF THE AFFIANT.

All sections of the petition shall be filed as one (1) instrument, with the endorsement of the names of three (3) persons designated as filing the same. Provided, however, that prior to the filing of any recall petition one (1) or more registered electors shall file with the City Clerk an affidavit of not more than ~~three~~ TWO hundred (~~300~~) (200) words stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within forty-eight (48) hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement OF NOT MORE THAN THREE (300) HUNDRED WORDS in defense of charges made against him.

Within ~~ten~~ FIFTEEN (~~40~~) (15) days of the filing of said petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and shall attach thereto his certificate showing the result of such examination. If the petition is insufficient he shall forthwith, in writing, notify one (1) or more of the persons designated on the petition as filing the same. The petition may be withdrawn and amended within ~~twenty~~ FIFTEEN (~~20~~) (15) days from the filing of the certificate. The City Clerk, within five (5) days after such amendment, shall make like examination of the amended petition and attach thereto his certificate of the result. If the petition is still insufficient, he shall return it to one (1) of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same person.

~~Any qualified elector desiring to become a candidate at the recall election shall do so by petition as required by the article on the elections hereof, which petition if presented to the City Clerk at least twenty (20) days before said election shall entitle him to have his name placed on the ballot. Notice of election shall be given as provided in the article of this Charter relating to elections (see Section 3.6).~~

If the petition or amended petition is found sufficient, the City Clerk shall submit the same with his certificate to the Council without delay and the Council, if the officer sought to be removed does not resign within (5) days thereafter, shall order an election. SUCH ELECTION SHALL BE HELD ON A TUESDAY FIXED BY THE COUNCIL NOT LESS THAN FORTY-FIVE (45) NOR MORE THAN SIXTY (60) DAYS FROM THE DATE THAT THE CITY CLERK'S SAID CERTIFICATE WAS FILED; PROVIDED, THAT IF ANY OTHER CITY ELECTION IS TO OCCUR WITHIN NINETY (90) DAYS FROM THE DATE OF THE CITY CLERK'S CERTIFICATE, THE COUNCIL SHALL POSTPONE AND CONSOLIDATE THE RECALL ELECTION WITH SUCH OTHER CITY ELECTIONS.

There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (.....)?" Following such question shall be the words "Yes" and "No" ~~on separate lines, with a blank space at the right of each, in which the voter shall indicate, by marking a cross (X), his vote for or against such recall.~~

On such ballots, under the question, there shall be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled; ~~but no vote cast shall be counted for any candidate for such office, unless the voter also voted for or against the recall of such person sought to be recalled from said office. The foregoing sentence or instructions shall be printed on the ballot.~~ ANY QUALIFIED ELECTOR DESIRING TO BECOME A CANDIDATE AT THE RECALL ELECTION SHALL DO SO BY PETITION AS REQUIRED BY ~~THE ARTICLE ON THE ELECTIONS~~ SECTIONS 3.1 AND 5.1 HEREOF, WHICH PETITION IF PRESENTED TO THE CITY CLERK ~~AT LEAST TWENTY (20) DAYS BEFORE SAID ELECTION~~ SHALL ENTITLE HIM TO HAVE HIS NAME PLACED ON THE BALLOT. ~~NOTICE OF ELECTION SHALL BE GIVEN AS PROVIDED IN THE ARTICLE OF THIS CHARTER RELATING TO ELECTIONS (SEE SECTION 3.6).~~ The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

If the majority of those voting on said question of the recall of any incumbent from office shall vote NO", said incumbent shall continue in said office; if a majority shall vote "YES", such incumbent shall thereupon be deemed removed from such office upon the qualification of his successor. ~~Such election shall be held on a Tuesday fixed by the Council not less than forty five (45) nor more than sixty (60) days from the date that the City Clerk's said certificate was filed; provided that if any other city election is to occur within ninety (90) days from the date of the City Clerk's certificate, the Council shall postpone and consolidate the recall election with such other City elections.~~

If a vacancy occurs in said office after a recall election has been ordered, the election to fill the vacancy shall nevertheless proceed as in this article provided.

No person who has been recalled or has resigned while recall proceedings were pending against him shall serve the City in any capacity within two (2) years after such removal or resignation.

~~No person shall receive any compensation whatsoever for canvassing for signatures to a petition for recall of any official.~~

### **Section 8.10. Initiatory and Referendary Petition.**

An initiatory or referendary petition on a legislative ordinance may be filed and shall be signed by not less than ten (10) percent of the number of persons who were registered electors of the City, as of the date of the last regular City election. Not more than five (5) percent of the registered electors shall be required to order a referendum on a public utility franchise. SUCH PETITIONS SHALL MEET THE REQUIREMENTS OF THIS CHARTER AND THE DULY ADOPTED CODE OF THE CITY.

A referendary petition shall be filed with the City Clerk not more than thirty (30) days after the effective date of said legislative ordinance or franchise ordinance. All signatures on said petition shall be obtained ~~within twenty one (21) days~~ AFTER THE EFFECTIVE DATE OF SAID ORDINANCE AND before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition ~~papers~~ SECTIONS identical as to content and simultaneously filed ~~by one (1) person.~~ SUCH PETITION SHALL CONTAIN THE ENDORSEMENT OF THE NAMES OF THREE (3) PERSONS DESIGNATED AS FILING THE SAME. An initiatory petition shall set forth in summary and in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance. A referendary petition shall identify, meaningfully summarize, and set forth the ordinance or part thereof, or Code section it proposes to have repealed.

Each signer of a petition shall sign AND PRINT his name, and shall place thereon, after his name, the date and his place of residence by street and number, ~~or by other customary~~ AND COUNTY designation. To each petition ~~paper~~ SECTION there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that ~~is~~ EACH SIGNATURE WAS made in the presence of the affiant.

Such petition shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures thereof. If the petition, on its face, contains a sufficient number of signatures, but does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall notify forthwith by ~~registered~~ FIRST CLASS AND ELECTRONIC mail, IF AVAILABLE, the person filing such petition and fifteen (15) days from such notification shall be allowed for filing supplemental petition papers; provided, however, that if the petition as initially filed shows on its face that it does not contain the required number of signatures, whether of registered electors or not, the Clerk shall not be required to canvass the signatures and the petition shall be null and void and shall not be circulated further. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its NEXT regular meeting.

#### **Section 8.12. Submission of Initiatory and Referendary Ordinances to Electors.**

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election, OCCURRING NOT LESS THAN SIXTY (60) DAYS AFTER SAID DECISION, held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. ~~In the case of an initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election within sixty (60) days from such date of presentation for the submission of the initiative proposal.~~ The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon.

#### **Section 8.13. Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Petitions.**

The presentation to the Council by the Clerk of valid and sufficient referendary petition containing a number of signatures equal to ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular City election, ~~which signatures have been obtained within sixty (60) days before the date of filing the petition with the Clerk,~~ shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

Section 2. The City Clerk is hereby directed to take such action as may be required or permitted by law in connection with the election.

Section 3. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 4. If any section, paragraph, clause or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. All acts, orders, and resolutions, and parts thereof, inconsistent with this ordinance be, and the same are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

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

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 14th day of August, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of August, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

## Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, August 28, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the August 14, 2006 regular meeting were approved.

Council proclaimed September 4 through 8 to be Employee Appreciation Week and September 17 through 24 to be Yellow Ribbon Youth Suicide Awareness and Prevention Week.

Council approved the following: July 2006 financial report; 2<sup>nd</sup> Qtr insurance report; England Pipeline construction contract award; Special Warranty Deed to the Camalicks for Lot 1A of the Walker Subdivision per Corrected Final Plat; final passage of Councillor's Bill No. 45 leasing the former Animal Shelter facility; and final passage of Councillor's Bill No. 46 re Charter Amendments for November 2006 ballot.

Council adopted the following resolutions: Resolution No. 41 re Service Plan for Hyland Village Metropolitan District; Resolution No. 42 re designating the Lower Church Lake Barn and Silo as a local historic landmark; Resolution No. 43 re carry forward balance of 2006 Private Activity Bond Allocation; Resolution No. 44 re compliance hearing for the Kerr Property annexation; Resolution No. 45 re ambulance fee schedule; Resolution No. 46 re November 2006 coordinated election costs; Resolution No. 47 re Adams County open space grant application for the 2006 trail repairs project; Resolution No. 48 re sponsoring Hyland Hills for an Adams County open space grant application; and Resolution No. 49 re ballot issue to extend the Open Space, Parks and Trails Sales Tax and to issue bonds.

Council conducted public hearings re Hyland Village Metropolitan District and re application for local historic landmark designation of Lower Church Lake Barn and Silo.

Council adopted the following Councillor's Bills on first reading:

**A BILL FOR AN ORDINANCE VACATING PUBLIC RIGHTS-OF-WAY WITHIN THE MANDALAY GARDENS SUBDIVISION.** Purpose: To vacate Wadsworth Boulevard right-of-way within Mandalay Gardens Subdivision.

**A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS.** Purpose: To appropriate funds for 100<sup>th</sup> Avenue/Wayne Carle Middle School Sidewalk Project.

**A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE, CHAPTERS 8-7 AND 8-8, CONCERNING WATER REGULATIONS AND SANITARY SEWERAGE REGULATIONS, RESPECTIVELY, AND SETTING OUT DETAILS IN RELATION THERETO.** Purpose: To revise City Code provisions relative to water and sewer.

The meeting adjourned at 8:29 p.m.

By Order of the Westminster City Council  
Linda Yeager, City Clerk

Published in the Westminster Window on September 7, 2006

ORDINANCE NO. **3302**  
SERIES OF 2006

COUNCILLOR'S BILL NO. **45**  
INTRODUCED BY COUNCILLORS  
**Major - Lindsey**

**A BILL**

**FOR AN ORDINANCE APPROVING A LEASE WITH THE DOG AND I FOR THE LEASE OF  
THE MAIN LEVEL OF THE FORMER CITY OF WESTMINSTER ANIMAL SHELTER**

WHEREAS, the City of Westminster ("City") is the owner of the property at 8800 Sheridan Boulevard, Unit 100, Westminster, Colorado (the "Property"); and

WHEREAS, the property was formerly used as an animal shelter; and

WHEREAS, the City desires to lease the main level of the Property to The Dog and I, a Colorado for Profit corporation, for use as a dog day care and dog hotel; and

WHEREAS, the final form of the lease has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease between the City and The Dog and I for the lease of the main level of the former animal shelter located at 8800 Sheridan Boulevard, Unit 100, Westminster, Colorado, is approved in substantially the same form as attached as Exhibit "A."

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of August, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of August, 2006.

NOTICE OF ELECTION ON CHARTER AMENDMENT

ORDINANCE NO. 3303  
SERIES OF 2006

COUNCILLOR'S BILL NO. 46  
INTRODUCED BY COUNCILLORS  
Dittman - Major

A BILL

FOR AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF WESTMINSTER AT THE COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, A MEASURE AMENDING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF WESTMINSTER REGARDING INITIATIVE, REFERENDUM, AND RECALL, AND PROVIDING DETAILS IN RELATION THERETO

WHEREAS, it is necessary and appropriate that the City Council review the City's Charter from time to time to assure that its provisions are consistent with the contemporary needs of the City and the current legal requirements of Colorado law; and

WHEREAS, it has come to the attention of City Council that the Colorado legislature has adopted changes in various election statutes regarding timelines and filing deadlines for coordinated elections, which deadlines create a conflict with the timelines expressed in certain Charter sections related to the initiative, referendum, and recall processes; and

WHEREAS, pursuant to the terms of the Colorado Constitution, Article XX, §9, the Charter of the City of Westminster, §17.11 and §31-2-210, C.R.S., the City Council has identified and determined that the proposed amendments to the City's Charter as set forth herein below shall be submitted to a vote of the City's registered electors at the special City election conducted as a coordinated election with Adams and Jefferson Counties as part of the State general election to be held on November 7, 2006.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. At the election to be held on November 7, 2006, there shall be submitted to the registered electors of the City the following question:

QUESTION #1:

Shall the Westminster City Charter, Section 3.18 entitled **Recall**, Section 8.10 entitled **Initiatory and Referendary Petition**, Section 8.12 entitled **Submission of Initiatory and Referendary Ordinances to Electors** and Section 8.13 entitled **Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Petitions**, be amended to clarify certain time limits, to conform inconsistent provisions with requirements of state election law, to recognize procedural requirements adopted as part of the City Code, and to provide for similar procedures for initiative, referendum and recall petitions?

\_\_\_\_\_ FOR \_\_\_\_\_ AGAINST

ACTUAL WORDING OF THE PROPOSED AMENDMENT:

**Section 3.18. Recall.**

Any incumbent of an elective office may be removed from office by the qualified electors of the city after he has held office for six (6) months.

A petition demanding the recall of the officer sought to be removed and signed by registered electors equal in number to twenty-five (25) percent of all ~~ballots~~-VOTES cast for all the candidates for that particular office at the last preceding regular election, to conform with Article XXI of the Constitution, shall be addressed to the Council and delivered to the City Clerk not ~~less than five (5)~~ nor more than ~~thirty~~ SIXTY (30) (60) days after the affidavit making charges against said officer has been filed. SUCH PETITION SHALL MEET THE REQUIREMENTS OF THIS CHARTER AND THE DULY ADOPTED CODE OF THE CITY. Each registered elector signing the petition shall ~~write~~ PRINT HIS NAME, THE DATE, his home address AND COUNTY DESIGNATION after his ~~name~~ SIGNATURE. Said petition may be in sections of one (1) or more sheets fastened securely at the top, and upon each section of the petition shall be written or printed a copy of the charges previously filed with the City Clerk. ~~One (1) of the registered electors signing each section shall append thereto his affidavit that each~~

~~signature written thereon is the genuine signature of the person whose name it purports to be and that the affiant has not and will not receive any compensation for obtaining the signatures.~~ TO EACH PETITION SECTION THERE SHALL BE ATTACHED A SWORN AFFIDAVIT BY THE CIRCULATOR THEREOF, STATING THE NUMBER OF SIGNERS THEREOF AND THAT EACH SIGNATURE THEREON IS THE GENUINE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE, AND THAT EACH SIGNATURE WAS MADE IN THE PRESENCE OF THE AFFIANT.

All sections of the petition shall be filed as one (1) instrument, with the endorsement of the names of three (3) persons designated as filing the same. Provided, however, that prior to the filing of any recall petition one (1) or more registered electors shall file with the City Clerk an affidavit of not more than ~~three~~ TWO hundred ~~(300)~~ (200) words stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within forty-eight (48) hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement OF NOT MORE THAN THREE (300) HUNDRED WORDS in defense of charges made against him.

Within ~~ten~~ FIFTEEN ~~(40)~~ (15) days of the filing of said petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and shall attach thereto his certificate showing the result of such examination. If the petition is insufficient he shall forthwith, in writing, notify one (1) or more of the persons designated on the petition as filing the same. The petition may be withdrawn and amended within ~~twenty~~ FIFTEEN ~~(20)~~ (15) days from the filing of the certificate. The City Clerk, within five (5) days after such amendment, shall make like examination of the amended petition and attach thereto his certificate of the result. If the petition is still insufficient, he shall return it to one (1) of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same person.

~~Any qualified elector desiring to become a candidate at the recall election shall do so by petition as required by the article on the elections hereof, which petition if presented to the City Clerk at least twenty (20) days before said election shall entitle him to have his name placed on the ballot. Notice of election shall be given as provided in the article of this Charter relating to elections (see Section 3.6).~~

If the petition or amended petition is found sufficient, the City Clerk shall submit the same with his certificate to the Council without delay and the Council, if the officer sought to be removed does not resign within (5) days thereafter, shall order an election. SUCH ELECTION SHALL BE HELD ON A TUESDAY FIXED BY THE COUNCIL NOT LESS THAN FORTY-FIVE (45) NOR MORE THAN SIXTY (60) DAYS FROM THE DATE THAT THE CITY CLERK'S SAID CERTIFICATE WAS FILED; PROVIDED, THAT IF ANY OTHER CITY ELECTION IS TO OCCUR WITHIN NINETY (90) DAYS FROM THE DATE OF THE CITY CLERK'S CERTIFICATE, THE COUNCIL SHALL POSTPONE AND CONSOLIDATE THE RECALL ELECTION WITH SUCH OTHER CITY ELECTIONS.

There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (.....)?" Following such question shall be the words "Yes" and "No" ~~on separate lines, with a blank space at the right of each, in which the voter shall indicate, by marking a cross (X), his vote for or against such recall.~~

On such ballots, under the question, there shall be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled; ~~but no vote cast shall be counted for any candidate for such office, unless the voter also voted for or against the recall of such person sought to be recalled from said office. The foregoing sentence or instructions shall be printed on the ballot.~~ ANY QUALIFIED ELECTOR DESIRING TO BECOME A CANDIDATE AT THE RECALL ELECTION SHALL DO SO BY PETITION AS REQUIRED BY ~~THE ARTICLE ON THE ELECTIONS SECTIONS 3.1 AND 5.1~~ HEREOF, WHICH PETITION IF PRESENTED TO THE CITY CLERK AT ~~LEAST TWENTY (20) DAYS BEFORE SAID ELECTION~~ SHALL ENTITLE HIM TO HAVE HIS NAME PLACED ON THE BALLOT. ~~NOTICE OF ELECTION SHALL BE GIVEN AS PROVIDED IN THE ARTICLE OF THIS CHARTER RELATING TO ELECTIONS (SEE SECTION 3.6).~~ The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.



If the majority of those voting on said question of the recall of any incumbent from office shall vote NO", said incumbent shall continue in said office; if a majority shall vote "YES", such incumbent shall thereupon be deemed removed from such office upon the qualification of his successor. ~~Such election shall be held on a Tuesday fixed by the Council not less than forty five (45) nor more than sixty (60) days from the date that the City Clerk's said certificate was filed; provided that if any other city election is to occur within ninety (90) days from the date of the City Clerk's certificate, the Council shall postpone and consolidate the recall election with such other City elections.~~

If a vacancy occurs in said office after a recall election has been ordered, the election to fill the vacancy shall nevertheless proceed as in this article provided.

No person who has been recalled or has resigned while recall proceedings were pending against him shall serve the City in any capacity within two (2) years after such removal or resignation.

~~No person shall receive any compensation whatsoever for canvassing for signatures to a petition for recall of any official.~~

### **Section 8.10. Initiatory and Referendary Petition.**

An initiatory or referendary petition on a legislative ordinance may be filed and shall be signed by not less than ten (10) percent of the number of persons who were registered electors of the City, as of the date of the last regular City election. Not more than five (5) percent of the registered electors shall be required to order a referendum on a public utility franchise. SUCH PETITIONS SHALL MEET THE REQUIREMENTS OF THIS CHARTER AND THE DULY ADOPTED CODE OF THE CITY.

A referendary petition shall be filed with the City Clerk not more than thirty (30) days after the effective date of said legislative ordinance or franchise ordinance. All signatures on said petition shall be obtained ~~within twenty one (21) days~~ AFTER THE EFFECTIVE DATE OF SAID ORDINANCE AND before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition ~~papers~~ SECTIONS identical as to content and simultaneously filed ~~by one (1) person~~. SUCH PETITION SHALL CONTAIN THE ENDORSEMENT OF THE NAMES OF THREE (3) PERSONS DESIGNATED AS FILING THE SAME. An initiatory petition shall set forth in summary and in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance. A referendary petition shall identify, meaningfully summarize, and set forth the ordinance or part thereof, or Code section it proposes to have repealed.

Each signer of a petition shall sign AND PRINT his name, and shall place thereon, after his name, the date and his place of residence by street and number, ~~or by other customary~~ AND COUNTY designation. To each petition ~~paper~~ SECTION there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that ~~is~~ EACH SIGNATURE WAS made in the presence of the affiant.

Such petition shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures thereof. If the petition, on its face, contains a sufficient number of signatures, but does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall notify forthwith by ~~registered~~ FIRST CLASS AND ELECTRONIC mail, IF AVAILABLE, the person filing such petition and fifteen (15) days from such notification shall be allowed for filing supplemental petition papers; provided, however, that if the petition as initially filed shows on its face that it does not contain the required number of signatures, whether of registered electors or not, the Clerk shall not be required to canvass the signatures and the petition shall be null and void and shall not be circulated further. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its NEXT regular meeting.

### **Section 8.12. Submission of Initiatory and Referendary Ordinances to Electors.**

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election, OCCURRING NOT LESS THAN SIXTY (60) DAYS AFTER SAID DECISION, held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific

purpose. ~~In the case of an initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election within sixty (60) days from such date of presentation for the submission of the initiative proposal.~~ The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon.

**Section 8.13. Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Petitions.**

The presentation to the Council by the Clerk of valid and sufficient referendary petition containing a number of signatures equal to ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular City election, ~~which signatures have been obtained within sixty (60) days before the date of filing the petition with the Clerk,~~ shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

Section 2. The City Clerk is hereby directed to take such action as may be required or permitted by law in connection with the election.

Section 3. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 4. If any section, paragraph, clause or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. All acts, orders, and resolutions, and parts thereof, inconsistent with this ordinance be, and the same are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

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

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 14th day of August, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of August, 2006.