



# WESTMINSTER

## Staff Report

TO: The Mayor and Members of the City Council

DATE: March 16, 2005

SUBJECT: Study Session Agenda for March 21, 2005

PREPARED BY: Brent McFall, City Manager

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

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

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

### CONSENT AGENDA

None at this time.

### CITY COUNCIL REPORTS

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

### PRESENTATIONS

1. City Council Allowance Follow-Up
2. Community Senior Transit Program Presentation
3. Academy of Charter Schools Building Use Tax

6:30 P.M.

### EXECUTIVE SESSION

1. Business Assistance Package
2. Business Assistance Package

### INFORMATION ONLY

1. Monthly Residential Report – Attachment
2. Wildlife Petition to Save Wildlife in Westminster
3. Project Name for South Westminster Transit Oriented Redevelopment Project
4. Follow-Up Smoking Ordinance Information – Attach A – Attach B – Attach C

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

Respectfully submitted,

J. Brent McFall  
City Manager



WESTMINSTER

## Staff Report

City Council Study Session Meeting  
March 21, 2005



SUBJECT: Proposed City Council Allowance Follow Up

PREPARED BY: Barbara Opie, Assistant to the City Manager

### Recommended City Council Action

Direct Staff to bring back for action the attached Councillor's Bill establishing a monthly allowance at the rate of \$200/month to cover City Council's cell phone, internet service, fax line and car expenses (i.e., local commuting costs), effective November 14, 2005. Direct Staff to include as part of the ordinance establishing the monthly allowance an automatic adjustment every two years in concert with the adoption of the two-year budget and tied to the Denver-Boulder Consumer Price Index.

### Summary Statement

In following up from the December 6, 2004, Study Session discussion concerning broadband internet service for City Council, Staff did a comprehensive review of City Council's allowances and reimbursements. Staff is recommending that City Council take a comprehensive approach and implement a full monthly allowance system that addresses the cell phone and internet service as well as incorporates fax line and car usage.

**Expenditure Required:** \$2,194 for 2005

**Source of Funds:** General Fund, City Council Budget and 2004 Carryover Funds for 2005

## **Policy Issue**

Does City Council wish to implement a full allowance (cell phone, internet service, fax line and car use) for Councillors?

## **Alternatives**

- Direct Staff to identify an alternative amount for the full allowance for cell phone, internet service, fax line and car use.
- Direct Staff to proceed with an allowance amount for cell phone and internet service only.
- Maintain the status quo and do not implement an allowance. Staff does not recommend this approach due to the cumbersome and time consuming paperwork required to submit allowance payments for cell phone and internet service for both City Council and Staff alike (both in the City Manager's Office and Finance). In addition, by utilizing an allowance system, it addresses City Council's annual tax withholdings per Internal Revenue Service (IRS) regulations. City Council's cell phone and internet service payments are considered a taxable allowance since there are personal benefits associated with these items (e.g., City Council cannot itemize how much of their time on the internet is for official City business versus personal use, therefore making it a taxable benefit to City Council members per the IRS). Currently, Finance reviews all petty cash payments to Councillors for cell phones and internet service paid during the year and then makes an adjustment to Councillors' pay to comply with IRS withholding requirements. This results in City Council incurring a reduction in their bi-weekly pay once per year. In addition, to better meet the IRS regulations for withholding taxes, it is recommended that the City make the move to have City Council's cell phone and internet service allowances be established at a set rate and incorporated into their bi-weekly paychecks.

## **Background Information**

At the December 6, 2004 Study Session, City Council reviewed options for internet service providers. City Council members are currently provided an allowance to cover the expense of their basic internet service, which averages \$25/month. The Information Technology Department conducted research on higher speed internet options for City Council, including DSL and broadband services. At this meeting, Council provided direction for Staff to pursue broadband service for Council members and identify other funding options for the initial capital outlay and ongoing expenses associated with this option.

At the January 24, 2005 Post City Council meeting, Staff presented to City Council the proposal to move to a comprehensive monthly allowance to cover the expenses incurred by Councillors for cell phone, internet access, fax line and car use (i.e., local commuting costs), and eliminate the paperwork required by City Council and Staff. The original proposal totaled \$164/month per Councillor, which included \$35 for cell phone, \$43 for internet service, \$33 for fax line and \$53 for car use. This amount was proposed based on funding available within Council's adopted budget. The actual dollar amount budgeted for these expenses within Council's budget totals \$10,200, which would equal \$121/month per Councillor if simply divided between them (i.e.,  $\$10,200 \div 12 \text{ months} = \$850 \div 7 \text{ Councillors} = \$121/\text{month/Councillor}$ ). However, the \$121 does not reflect actual usage that Council has incurred over the last 6-12 months.

Based on the fact that the original \$164/month did not reflect City Council's actual usage as closely, City Council directed Staff to revisit the proposed allowance rate, taking into consideration higher car usage and high-speed internet service costs. Based on this direction and further review of Council expenses, Staff proposes a monthly allowance of \$200/month, which includes \$53/month for internet

service \$79/month for vehicle usage, \$33 for fax line and \$35 for cell phone use. Staff believes that this dollar amount is more in line with actual Council expenses incurred for these items.

If City Council concurs with this approach, Staff will bring the attached proposed ordinance creating this monthly allowance to a City Council meeting for official action. The proposed ordinance would make the allowance effective November 14, 2005, after the City Council election. By having the effective date be after the November elections, this new allowance for costs incurred as a Council member will be handled as an adjustment to City Council's compensation and done according to City Charter Section 4.3, which states that Council may not increase nor decrease their compensation during the current term of office, except members whose terms do not expire at the next regular City election.

Since this allowance is intended to cover costs associated with being a Council member and these costs do fluctuate, Staff is proposing that the allowance be automatically adjusted in the years associated with the development of the two-year budget (i.e., the allowance would be adjusted with the adoption of the 2007/2008 Budget). Staff is recommending that the allowance be tied to the Denver-Boulder Consumer Price Index (CPI) and be automatically adjusted according to the current CPI when the budget is developed. For example, when Staff begins developing the 2007/2008 Budget, the current CPI for 2006 will be applied to City Council's \$200/month allowance and that allowance would be adjusted accordingly. So if the CPI is 2.5% in 2006, then City Council's allowance would increase by \$5.00/month for both the 2007 and 2008 budget years. The allowance would then be adjusted again as part of the development process for future budgets. Staff is recommending that this language be incorporated into the ordinance, eliminating the need to revisit the monthly allowance each budget cycle. Staff also recommends with each adjustment to the monthly allowance by the CPI, the dollar amount always be rounded to the nearest whole dollar for simplicity purposes in paying out the monthly allowance. The allowance would be paid in Council's bi-weekly paychecks (so \$100 per pay period, assuming two pay periods per month; in those rare cases that a month has three pay periods, the allowance would be included in the first two pay periods of the month and not split out over three pay periods). The car allowance is intended to cover commuting expenses (bus, personal vehicle use, light rail, etc.) within the Denver metropolitan area as defined by those counties included within the Denver Regional Council of Governments (DRCOG) (i.e., Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties). Use of personal vehicle for travel outside of the DRCOG counties will be considered a reimbursable expense at the rate equal to that allowed by the Internal Revenue Service. For example, if a Councillor attends the Colorado Municipal League's Annual Conference in Vail and uses his/her personal vehicle to travel to the conference, then the mileage for that trip is reimbursable and not counted against the monthly allowance.

If Council concurs with the full allowance (cell phone, internet service, fax line and car use) at the proposed rate of \$200/month, the total annual cost will be \$16,800. In addition, as noted in previous Staff Reports, the one time hardware for broadband installation costs is \$1,225 for 7 Council members. With an implementation date of November 14, the allowance would cost a total of \$2,194 for the remainder of 2005.

Staff Report – Proposed City Council Allowance Follow Up

March 21, 2005

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The total impact to the 2005 budget for these adjustments totals \$4,825 as calculated below:

New broadband installation costs (one-time hardware purchases)	\$1,225
New broadband internet service costs (\$53/month * 11 months * 7 Councillors)	\$4,081
Existing cell phone allowance (\$35/month per Councillor)	\$2,940
Projected fax line costs (averaging \$33/month in 2004 per Councillor)	\$2,772
Projected mileage costs (\$1,800 budgeted for 7 Councillors based on expenditure history)	\$1,800
PROPOSED new monthly allowance (\$200/mo) (approximately 1.5 months in 2005)	\$3,419
<b>TOTAL REVISED COSTS</b>	<b>\$16,237</b>
<hr/>	
Internet service budget (\$25/month included in City Council's 2005 Budget)	\$2,100
Cell phone allowance budget (\$35/month per Councillor)	\$2,940
Fax line budget (\$40/month per Councillor)	\$3,360
Mileage budget (included in City Council's 2005 Budget)	\$1,800
<b>TOTAL BUDGETED COSTS</b>	<b>\$10,200</b>
<hr/>	
Total Budgeted Costs	+ \$10,200
Total Revised Costs	- \$16,237
<b>DIFFERENCE</b>	<b>- \$6,037</b>

City Council's 2006 Adopted Budget includes \$2,000 for mileage, \$2,940 for cell phone, \$3,360 for fax lines and \$2,100 for internet service for a total of \$10,400 budgeted for these expenses. As previously noted, the annual cost associated with the proposed new allowance totals \$16,800 at the rate of \$200/month per Councillor. Therefore, City Council's Adopted 2006 Budget is currently \$6,400 short.

For 2005, Staff is recommending that the anticipated shortfall of \$6,037 between Council's budget and the anticipated expenses be covered with carryover funds from 2004 when these are appropriated later this year. The 2006 cost will be addressed as part of the 2006 Budget amendment process this fall.

Staff is requesting that City Council provide direction on the allowance proposal set forth in this Staff Report. Staff will be in attendance at Monday's Study Session to answer questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING SALARIES FOR ELECTIVE OFFICERS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title I, Chapter 7, W.M.C., is hereby AMENDED to read as follows:

**1-7-1: ELECTIVE OFFICERS:** The salaries of the City's elective officers shall be as follows:

Mayor	\$1,000 per month
Mayor Pro Tem, elected by Council	\$ 900 per month
Councillors, other than Mayor or Mayor Pro Tem	\$ 800 per month

THE MAYOR AND EACH COUNCILLOR SHALL RECEIVE AN ADDITIONAL MONTHLY ALLOWANCE OF \$200 FOR EXPENSES RELATED TO THE PERFORMANCE OF THEIR RESPECTIVE DUTIES. COMMENCING JANUARY 1, 2007, THE ALLOWANCE SHALL BE ADJUSTED, AND BIENNIALLY THEREAFTER EACH JANUARY 1, BY THE THEN CURRENT DENVER/BOULDER CONSUMER PRICE INDEX, ROUNDED TO THE NEAREST WHOLE DOLLAR. THIS ALLOWANCE SHALL BE IN LIEU OF ANY REIMBURSEMENT TO WHICH THE MAYOR OR COUNCILLOR MAY OTHERWISE BE ENTITLED TO FOR INTERNET SERVICE, FAX COMMUNICATIONS, CELL PHONE USAGE, AND LOCAL COMMUTING COSTS, INCLUDING MILEAGE FOR ATTENDANCE AT MEETINGS AND CONFERENCES LOCATED WITHIN THE DENVER METROPOLITAN AREA AS DEFINED BY THE COUNTIES INCLUDED WITHIN THE DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG).

In addition, the City shall contribute to the City deferred compensation accounts of each such officer an amount equal to the officer's City deferred compensation contributions. The combined contributions from the City and the elective officer shall be subject to all applicable I.R.S. regulations, but in no event shall such combined contributions from the City and the elective officer exceed 25% of the officer's total City salary.

Section 2. This ordinance shall take effect on November 14, 2005.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this  
\_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

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



WESTMINSTER

## Staff Report

City Council Study Session Meeting  
March 21, 2005



**SUBJECT:** Presentation on Community Transit Program

**PREPARED BY:** Matt Lutkus, Deputy City Manager for Administration

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

View the PowerPoint presentation on the Adams County Community Transit Program.

### **Summary Statement**

- Time has been set aside on Monday evening's study session agenda for Council to view a PowerPoint presentation on the Adams County Community Transit Program and the A-Lift transportation service. The presentation will be made by Deputy City Manager for Administration Matt Lutkus who chairs the Community Transit Policy Council and Palmer Pekarek, Marketing and Public Relations Director and Jane Yeager, the Transportation Manager for the Seniors' Resource Center. Members of Community Transit Policy Council have also been invited to attend since they will be making similar presentations to their councils in the coming months.
- The Community Transit Council was created through a series of Intergovernmental Agreements between Adams County and the Cities of Westminster, Arvada, Commerce City, Federal Heights, Northglenn and Thornton.
- The Council contracts with the Seniors' Resources Center to provide senior and disabled persons with transportation related to their medical and nutrition needs.
- Funding for the program comes from Federal and State grants, contributions from the County and member cities and, to a lesser degree, rider donations and private contributions.

**Expenditure Required:** \$26,420 (previously approved in the 2005 Budget)

**Source of Funds:** 2005 General Fund Central Charges Budget



**Policy Issue(s)**

None at this time.

**Alternative(s)**

None at this time.

**Background Information**

The City was involved in the development of a special transit program for seniors and disabled persons for several years and has been very active in the Community Transit Program since its inception in January 2000. For the past five years, transportation brokerage services for this program have been provided by the Seniors' Resource Center (SRC) in Wheat Ridge. The Community Transit Policy Council recently approved a contract to continue SRC's services through 2005.

Since the start of the program in 2000, more than 74,000 rides have been provided to Adams County residents. On average, the A-Lift provides approximately 340 rides to Westminster/Adams County residents each month. This number does not include the persons who are served in the Jefferson County portion of the City under a separate agreement with the Seniors' Resource Center.

The number of rides provided during 2004 jumped to 21,000 from the 16,000 provided in the previous year. Reasons for the increase included changes in the eligibility for Medicaid-provided transportation services and the growing awareness of the program in the community. At the same time that demand is increasing, the future of Federal funding is becoming more uncertain. The Transit Council has therefore been placing a much stronger emphasis on seeking out private sector and foundation funding to maintain the program. A significant accomplishment in this area during 2004 was the County Commissioners' approval of a foundation that will ultimately enable the A-Lift donors to take advantage of the 501(c)3 tax-exempt status.

The PowerPoint presentation by City and Seniors' Resource Center staff will take about 20 minutes. Attached to this update are copies of the Program Mission and 2005 Goals and the current A-Lift brochure.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

Adams County Community Transit Program  
Our Mission

To promote mobility and independence for older adults and disabled persons through a community partnership committed to accessible and affordable transportation in Adams County

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2005 Community Transit Program Goals

- With non-profit status, expand revenue base by \$50,000 in private grant funding and fundraising not including rider donations.
- Collect a minimum of \$14,000 in rider donations.
- Pursue supplemental funding sources to provide adult day care transportation.
- Maintain level of ridership of the minority population at no less than 15%.
- Increase number of unduplicated rides to 600.
- Pursue cooperative ventures with other organizations to increase the transit opportunities available to our target populations.
- Continue to foster cooperation with volunteer organizations to further reduce the need for additional revenues.
- Provide a minimum of 21,000 rides contingent upon availability of funds.
- Conduct annual rider satisfaction survey and report.
- Explore and, if feasible, pursue cooperative venture with 9 Health Fairs.



WESTMINSTER

## Staff Report

City Council Study Session Meeting  
March 21, 2005



SUBJECT: Academy of Charter Schools Building Use Tax

PREPARED BY: Barb Dolan, Sales Tax Manager

### Recommended City Council Action:

Direct Staff to follow provisions of the Westminster Municipal Code and proceed with collection of use tax from Haselden Construction Inc. on materials used in the construction of the new charter school located at 118<sup>th</sup> & Lowell Boulevard in Westminster.

### Summary Statement

In March of 2004, City Council authorized an agreement for the sale of land by the City to the Academy of Charter Schools for a charter school. The City agreed to waive the standard building permit fees on the project.

Adams County School District No. 12, which will oversee the charter school, is now requesting that the contractor be exempted from paying approximately \$175,000 of building use tax that would normally be imposed on the project. Under Westminster Municipal Code Section 4-2-6(A)(7), only "Construction materials used in construction projects undertaken and managed directly by the City" are exempt from the tax. Contractors are required to remit use tax on materials that they purchase to use in all other projects, including those which under contract to tax exempt organizations. Therefore, waiving the use tax on this project from use tax would require City Council authorization.

Staff is recommending that the contractor be required to pay normal use taxes on the school construction. In the past, contractors undertaking construction projects for churches, non-profits, schools, and other governmental entities have all been required to remit the use tax on building materials. Exempting this project from use tax would not be consistent with past practice with respect to other similar construction projects. The City has already waived the standard building permit fee normally charged, and Academy agreed to comply with all other City rules, regulations and guidelines regarding the project.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

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

Does City Council wish to make an exception for the contractor for Adams County School District 12 by waiving approximately \$175,000 of City use tax on construction of their new charter school?

### **Alternative(s)**

Waive all or part of the approximately \$175,000 of City use tax normally paid by the contractor on construction of the new charter school. This is not recommended because it would not be consistent with past practice with respect to other construction projects.

### **Background Information**

In March of 2004, City Council approved the sale of approximately 22 acres of City property located at 118<sup>th</sup> and Lowell Boulevard to the Academy of Charter Schools, to be used for a new charter school in the Adams 12 Five Star School District. As part of the Purchase and Sale Agreement, the Academy agreed to obtain a Westminster Building Permit for the project (not normally required for public schools) and to comply with all other City rules, regulations and guidelines regarding the construction of the school. The City agreed to waive the standard building permit fees, which totaled \$52,371. The Academy agreed to pay \$16,505 for the cost of the City's outside consultant for plan review. Waiver of use tax on construction materials was not addressed in the Agreement.

The Westminster Municipal Code specifies that “...every person, including any charitable organization or governmental entity, who is required to obtain a City building permit shall remit use tax on construction materials used on that project.” Estimated use tax is prepaid at the time the building permit is issued. If a construction project does not require a building permit, use tax is still required to be paid by contractors working on behalf of exempt organizations. In these situations, the payment method differs in that the contractor pays sales tax on the materials as they are purchased or, alternatively, licenses with the City and pays use tax on a monthly return.

Based upon these provisions, Haselden Construction, Inc., the general contractor for the Academy, was informed that City use tax was due on construction materials used in the school construction project. They were given the option to pay an estimated amount of use tax up front (\$174,782), or to license and pay the actual use tax due as materials were purchased. Recently, Adams 12 Five Star School District has requested that the full amount of use tax be waived by the City.

Staff recommends that use tax not be waived on this project, and that the contractor be required to pay the tax through the normal process, for the following reasons:

- The Code is clear that use tax on building materials must be paid by contractors, even if they are working on behalf of tax exempt organizations. The basis for this is that the tax is being imposed upon the contractor (the “user” of the tangible, personal property), and not directly on the exempt organization. This concept has been reviewed and upheld by the Colorado Supreme court. A number of cities throughout the metro area, including but not limited to Thornton, Denver, and Aurora, have similar tax treatment with respect to building use tax.
- The Academy has indicated that they feel the use tax would not have been imposed if they had not agreed to obtain a City building permit. In reality, the tax would have been imposed in either case. As stated previously, only the method of payment would have differed.

- The City use tax has consistently been imposed on contractors working on behalf of other tax exempt entities. These projects include churches, office buildings, libraries, and other government public improvements. Most recently, contractors inquiring about the taxability of the new high school and middle school in the City were informed that the construction materials used on these projects are not tax exempt. Waiving the use tax would offer the Academy a financial incentive that these other organizations did not receive.
- The City has already waived \$52,371 in normal building fees on the project as a financial incentive.
- The City's revenue position is still somewhat fragile, and sales and use tax revenues must be maximized to insure that budget projections are achieved. Waiving use tax on this project could encourage other exempt organizations to request similar considerations and erode future tax revenues.

Staff will be present at Monday night's Study Session to answer City Council's questions.

Respectfully submitted,

J. Brent McFall  
City Manager



WESTMINSTER

Staff Report

Information Only Staff Report
March 21, 2005



SUBJECT: Monthly Residential Development Report

PREPARED BY: Shannon Sweeney, Planning Coordinator

Summary Statement:

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

- The following report updates 2005 residential development activity per subdivision (please see attachment) and compares 2005 year-to-date unit totals with 2004 year-to-date figures through the month of February.
The table below shows an overall decrease (-48.9%) in new residential construction for 2005 year-to-date compared to 2004 year-to-date totals.
Residential development activity so far in 2005 reflects decreases in single-family detached (-47.2%) and single-family attached (-51.4%) and no change in multi-family or senior housing development when compared to last year at this time.

NEW RESIDENTIAL UNITS (2004 AND 2005)

Table with 7 columns: UNIT TYPE, FEBRUARY (2004, 2005), % CHG., YEAR-TO-DATE (2004, 2005), % CHG. Rows include Single-Family Detached, Single-Family Attached, Multiple-Family, Senior Housing, and TOTAL.

**Background Information**

In February 2005, service commitments were issued for 18 new housing units within the subdivisions listed on the attached table. There were a total of 18 single-family detached and no single-family attached, multi-family, or senior housing building permits issued in February.

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

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**ACTIVE RESIDENTIAL DEVELOPMENT**

**Single-Family Detached Projects:**

	<b>Jan-05</b>	<b>Feb-05</b>	<b>2004 YTD</b>	<b>2005 YTD</b>	<b># Rem.*</b>	<b>2004 Total</b>
Asbury Park III (94th & Teller)	0	0	0	0	0	1
Asbury Acres (94th & Wadsworth Bl.)	1	0	0	1	3	2
Bradburn (120th & Tennyson)	1	1	5	2	141	51
CedarBridge (111th & Bryant)	0	0	0	0	6	4
Covenant (115th & Sheridan)	0	0	6	0	0	6
Hazelwood Annexation (147th & Huron)	0	0	0	0	0	1
Huntington Trails (144th & Huron)	0	0	0	0	210	0
Legacy Ridge (108th & Leg. Ridge Pky.)	0	0	0	0	2	0
Legacy Ridge West (104th & Leg. Ridge Pky.)	0	14	28	14	40	152
Lexington (140th & Huron)	0	0	0	0	5	0
Maple Place (75th & Stuart)	0	0	0	0	0	4
Meadow View (107th & Simms)	0	2	0	2	12	6
Quail Crossing (136th & Kalamath)	0	0	4	0	0	9
Ranch Reserve (114th & Federal)	0	0	0	0	3	3
Ranch Reserve II (114th & Federal)	0	0	1	0	9	15
Ranch Reserve III (112th & Federal)	0	0	1	0	1	10
Savory Farm (112th & Federal)	0	0	2	0	0	4
Various Infill	0	0	0	0	11	3
Village at Harmony Park (128th & Zuni)	8	1	1	9	114	79
Wadsworth Estates (94th & Wads. Blvd.)	0	0	5	0	1	5
Winters Property (111th & Wads. Blvd.)	0	0	0	0	8	0
Winters Property South (110th & Wads. Blvd.)	0	0	0	0	10	0

***SUBTOTAL***

<b>10</b>	<b>18</b>	<b>53</b>	<b>28</b>	<b>576</b>	<b>355</b>
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**Single-Family Attached Projects:**

Alpine Vista (88th & Lowell)	0	0	0	0	84	0
Bradburn (120th & Tennyson)	18	0	17	18	55	92
CedarBridge (111th & Bryant)	0	0	0	0	2	0
Cottonwood Village (88th & Federal)	0	0	10	0	72	10
Highlands at Westbury (112th & Pecos)	0	0	0	0	96	75
Hollypark (96th & Federal)	0	0	0	0	20	0
Legacy Ridge West (112th & Leg. Ridge Pky.)	0	0	0	0	0	0
Ranch Creek Villas (120th & Federal)	0	0	0	0	0	32
Summit Pointe (W. of Zuni at 82nd Pl.)	0	0	0	0	58	4
Sunstream (93rd & Lark Bunting)	0	0	0	0	24	4
Walnut Grove (108th & Wadsworth)	0	0	10	0	0	30

***SUBTOTAL***

<b>18</b>	<b>0</b>	<b>37</b>	<b>18</b>	<b>411</b>	<b>247</b>
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**Multiple-Family Projects:**

Bradburn (120th & Tennyson)	0	0	0	0	54	0
Prospector's Point (87th & Decatur)	0	0	0	0	29	17
South Westminster (East Bay)	0	0	0	0	64	0
South Westminster (Harris Park Sites I-IV)	0	0	0	0	12	27

***SUBTOTAL***

<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>159</b>	<b>44</b>
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**Senior Housing Projects:**

Covenant Retirement Village	0	0	0	0	32	0
Crystal Lakes (San Marino)	0	0	0	0	7	0

***SUBTOTAL***

<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>39</b>	<b>0</b>
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**TOTAL (all housing types)**

<b>28</b>	<b>18</b>	<b>90</b>	<b>46</b>	<b>1185</b>	<b>646</b>
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\* This column refers to the number of approved units remaining to be built in each subdivision.





# WESTMINSTER

## Staff Report

Information Only Staff Report  
March 21, 2005



SUBJECT: Wildlife Petition to Save Wildlife in Westminster

PREPARED BY: Richard Dahl, Park Services Manger

### Summary Statement:

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

City Staff has been informed of a website on the internet that has the heading "Taking Action For Westminster Wildlife!" The address for this website is:

<http://www.thepetitionsite.com/takeaction/397862963?tl=1110996298>

This website is hosted by Rocky Mountain Animal Defense, submitted by Christopher Jones (no address) and contains the following statement:

"During the last couple of years, losses on private and most disturbingly on City owned properties (Academy School, Jeffco Standley Lake School, Windsor Park, Cobblestone Park, Park site at 115<sup>th</sup> behind Life Fellowship Church, 120<sup>th</sup> between Federal and Zuni, on the NW corner of 100<sup>th</sup> and Wadsworth – all areas that support local eagle habitat) have greatly increased. These losses of our local wildlife and wildlife habitat are NOT acceptable.

We believe Open Space should be a safe place for ALL of our native wildlife and have been greatly disturbed at our City's seeming lack of interest in maintaining or providing protection for these wild residents without a voice. We believe our City has lost touch with the values we want to see represented by our local government.

All of these animals, from the majestic bald eagle to the humble prairie dog (a keystone prairie species) are more than a little deserving of our protection. We have placed our trust in our City representative and feel our interest have not been protected or adequately represented.

We ask for greater protection for our native neighbors, great and small!"

### **Background Information**

For the past two years, the City has been forced to deal with an ever increasing prairie dog management problem on both developed and undeveloped park sites and on some Open Space properties. This has been complicated by the unavailability of prairie dog relocation sites in Adams County and a State Regulation that does not allow cross-county relocation (Jefferson County) without permission of the affected County Commissioners. Staff has been forced to reduce the greatly expanding number of prairie dogs at Windsor Park, Cobblestone Park and is currently removing prairie dogs from Westfield Village Park (Life Fellowship) prior to the development of the park site. This has been done only after all viable options for relocation have been explored.

Parks, Recreation and Library Staff has followed Resolution No. 8 Series 2002, as adopted by Council on February 11, 2002, (attached) and has also hired a consulting firm, Roe Ecological Services, LLC to provide scientific wildlife management recommendations for each of the above listed sites.

Although the petition website purports to be for all wildlife, its real focus is to save all prairie dogs (and colonies) within the City of Westminster regardless of the cost or environmental and potential health impacts on public and private lands. As of March 16, 2005, there were 282 signatures on the website petition with a small percentage of them living in Westminster. Staff will continue to monitor the petition signing and will provide further updates if needed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



# WESTMINSTER

## Staff Report

Information Only Staff Report  
March 21, 2005



SUBJECT: Project Name for South Westminster Transit Oriented Redevelopment Project

PREPARED BY: Tony Chacon, Senior Projects Coordinator

### Summary Statement:

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

- Staff has selected a marketing and public relations consultant to assist the City in developing a name and “branding” identity for the south Westminster transit oriented development project area.
- Staff is proposing that the consultant contact each of the Council members by phone to discuss their thoughts on the naming and “branding.”
- The proposed process also includes the creation of a community advisory to work with the consultant in developing recommend names. City Council may choose to assign one or two members of Council to participate in the team meetings.
- A recommended list of names and respective “brand” logos will be presented to City Council upon achieving consensus by the advisory team.

### Background Information:

The Denver Regional Transportation District (RTD) as part of its recently voter-approved FasTracks transit project is proposing to construct a commuter rail station in south Westminster in the general vicinity of 70th Avenue and Irving Street. Over the preceding months leading up to the vote in November 2004, City and RTD staff worked collectively to determine design aspects to the rail infrastructure itself, such as rail alignment, street crossings, and the “boarding” platform for the train, and to identify the potential economic, social, and environmental impacts of establishing a train station at the proposed location. In conjunction with this effort, City staff formulated a “vision” for revitalization and redevelopment of the area generally within a one-quarter mile distance from the proposed station location, which translates to an area generally bounded by 72<sup>nd</sup> Avenue, 68<sup>th</sup> Avenue, Federal Boulevard, and Lowell Boulevard. On September 27, 2004, a final draft of the “vision” plan was presented to City Council to solicit additional input prior to proceeding with a public outreach effort. As part of the presentation, Staff proposed establishing a name for the project area (Westy Park) that would be used in conjunction with promotional and marketing efforts. City Council authorized Staff to proceed with the community outreach effort, but indicated that more time and thought was needed relative to naming and “branding” the project.

Staff is preparing for the public outreach process, which is to directly include south Westminster residents, businesses and property owners, but is also intended to reach out to the larger Westminster community and prospective developers. As such Staff believes that the naming and “branding” of the Transit Oriented Development (TOD) area is critical to the success of promoting the revitalization and redevelopment opportunity that ultimately will occur as a result of the forthcoming rail service.

This “branding” is needed to differentiate the south Westminster station from the 66 proposed RTD rail stations that will come on-line in a 2-3 year period. As such, competition is sure to be fierce to attract developers.

As such it is important to have the south Westminster station “stand-out” as an opportunity at the earliest possible time. By giving the south Westminster TOD project area a distinctive and readily identifiable name and creating a crisp brand identity, the City will add excitement and momentum to its “vision.”

Staff is proposing to utilize the services of PEAK Public Relations to assist the City in implementing the following process to establish a name and “brand” identity for the south Westminster TOD area:

- The consultant would work with Staff to identify key stakeholders to be contacted and invited to participate in the process. This group is to include residents, businesses, community leaders, prospective developers, financial institutions, and others.
- City Council members will be contacted individually by the consultant to discuss naming and “branding” ideas.
- Council may assign members to participate in a focus group of stakeholders that would meet a few times to discuss naming and “branding.” Staff recommends that up to two Councillors participate in the stakeholder group as representatives of City Council.
- The consultant will form a community advisory team of interested stakeholders who will contribute their thoughts to the process.
- The consultant will work with the team to solicit potential names and “branding” logos, and work towards a consensus of 2-3 recommendations for City Council consideration.
- It is planned that this process will be completed in approximately eight weeks.
- Upon adoption of a name, Staff will proceed to use it in conjunction with its outreach and marketing efforts.

Respectfully submitted,

J. Brent McFall  
City Manager



W E S T M I N S T E R

## Staff Report

Information Only Staff Report  
March 21, 2005



SUBJECT: Follow-Up Smoking Ordinance Information

PREPARED BY: Christy Owen, Management Intern II

### Summary Statement:

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

At the January 10, 2005 Post Council Meeting, City Council asked for follow-up information following their discussion of metro area smoking ordinances. Specifically, Council desired information from other municipalities regarding enforcement costs and feasibility, feedback from the Business Advisory Group (BAG), comments from Westminster citizens, and a list of smoke-free restaurants presently located in Westminster. This Staff Report provides this follow up information.

## **Background Information**

### Enforcement Issues

Council requested that Staff conduct additional research and identify any associated costs and staff time as a result of ordinance changes. Staff contacted the cities of Boulder, Pueblo, Arvada, Fort Collins, Louisville, and Broomfield. These cities have different ordinances; however, they reported similar implementation results and experiences to Staff. Staff selected these cities to interview because of the varied ordinances, how long the ordinance has been in effect, and because they are front range cities.

All of the cities indicated that a strong public relations and/or a public education campaign contributed to the success of the implementation of the ordinance. The campaigns consisted of preparing detailed descriptions of the ordinance, FAQ's (Frequently Asked Questions), and business guidelines for compliance. Cost estimates for the public relation campaigns range from \$500-\$1,000 depending on the number of fliers and the extent of the campaign. Only one city added staff to implement the new non-smoking ordinance.

*City of Boulder-* The City of Boulder has had their ordinance since 1995 and the representative from Environmental Enforcement believes that the city would have had greater success initially had they engaged in a public relations campaign with businesses. This is the recommendation that Boulder has provided to other cities that have changed their smoking ordinances. Boulder did not add personnel for enforcement of its ordinance when it was adopted in 1995. Since Boulder did not pursue a public education program, the Environmental Enforcement Division spent approximately 90% of its time on enforcing and answering questions about the ordinance for the first six months of 1996. They received over 100 calls to investigate violations during that time, mostly due to the reporting entity not knowing what would constitute a violation. Most of the additional time was administrative time to answer questions on the phone and to prepare and mail copies of the new ordinance to residents and businesses. Since then, the Environmental Enforcement Division has received only a handful of calls. Boulder stresses that the outcome and staff time consumed would have been different had they engaged in a public education campaign prior to implementation. Boulder estimates that it spent \$500 in 1995 between postage and copier charges in order to get the ordinance out to residents.

*City and County of Broomfield-* Staff at the City and County of Broomfield contacted restaurants and bars and made information available to the owners and patrons prior to the ordinance taking effect in 2004. Broomfield also made available the Code Enforcement contact information so noncompliance could be easily reported. A representative from Broomfield's Code Enforcement states that no additional staff was needed and that there have been few, if any, complaint calls received by Code Enforcement. The same staff member did state that some businesses may have lost business to neighboring communities. The Code Enforcement Office noted that Buenos Tiempos Restaurant and Bumpers Grill have claimed that business has been lost as a result of the ordinance. The officer at Broomfield could offer no conclusive evidence to support the restaurants' claims.

*City of Arvada-* Arvada has taken a larger scope with public education and information availability. The City of Arvada provided restaurants, bars, public parks, and golf courses with a two-sided flier detailing the changes in their smoking ordinance and how to be compliant with the ordinance implemented in January of 2005. Arvada also provided restaurants and bars with "4x6" cards with information about the ordinance that employees can give to customers in order to notify them of the changes. Parks and Recreation workers have been given similar cards as smoking is also not allowed in parks, on trails, or on the golf courses. Estimated costs of Arvada's public education efforts are \$1,000. The representatives from Arvada believe the costs would have been more expensive if the job had been handled by an outside contractor and not the City's in-house print shop.

Arvada believes it has been a successful transition as the Police Department reports that they have received a minimum number of calls to enforce the ordinance. Presently, the City of Arvada is still in its educational phase and they have issued warnings but no tickets. The Police Department is in charge of the ordinance enforcement since most calls are anticipated to come in after hours when Code Enforcement is not available. The complaint calls are treated as non-priority calls for the Police Department and when the investigating Officer has arrived on the scene, the problem has been corrected by the business or the individual smoking. According to a Commander in the Arvada Police Department who oversees enforcement issues, one of the major complications has been with juveniles. High school students who smoke previously crossed the street from school to a park to smoke; however, smoking is no longer permitted in parks in Arvada. The students now leave the school campus and go to private residences to smoke and are less likely to return to school. The Police cannot issue tickets for the possession of tobacco products by a juvenile; only purchasing tobacco products is illegal.

Arvada indicates that there has not been a need to hire additional staff even though the ordinance crosses two departments for enforcement. The Police Department and the Finance Department have responsibilities for enforcement of the ordinance. For example, the current ordinance states that taverns must make 70% or more of their revenue from the sales of alcohol in order to allow smoking to be permitted. This was modified in February of 2005 from the original requirement of 51% of revenue having to come from the sale of alcohol. Arvada does not anticipate a need for new personnel to sort sales tax information in order to see if taverns are compliant.

*City of Pueblo-* The City of Pueblo works with the County Department of Health to enforce its ordinance. The Department of Health states that the enforcement is conducted on a complaint basis and that when the law first passed, many complaints were received. However, upon investigation, it turned out that a majority of the complaints were from employees calling in the establishment about an establishment to get managers in trouble. The Department of Health worked with the Police Department to initiate sting operations where several tickets were issued to places not in compliance. The Department of Health estimates that 20 tickets were issued during the stings. They have not performed a sting operation for the past two years. They believe this visible initial enforcement sent a strong message to businesses and the calls are almost non-existent at this point. The City does not have the authority to take away the business license if a business is in violation; rather, the Liquor Authority keeps the information on file and if the business accrues too many fines, the business license may not be renewed.

Pueblo states that there was no need for additional staff and they did not increase funding for enforcement. In the beginning, the City sent information packets to businesses that outlined the smoking ordinance and procedures for enforcement. A copy of the information packet is provided as Attachment A. When the City Council in Pueblo was first considering changes to the smoking ordinance, they were contacted by Colorado Restaurant Association officials about the impact on businesses; however, the Restaurant Association did not play an active roll in Council meetings.

*City of Louisville-* The City of Louisville updated their smoking ordinance in 2002 to include restaurants and bars as nonsmoking. The city's Code Enforcement Division is responsible for enforcement issues and enforcement is done on a complaint basis. Louisville did not hire additional code enforcement officers when the ordinance went into effect and the city states that they have not received a complaint to date. Prior to implementation, the city created a Task Force with representatives from businesses and residents to discuss the proposed changes to the smoking ordinances at public meetings. Initially, bar owners complained and more restaurants were willing to make changes. Some restaurants stated that they were considering being smoke-free regardless. Despite the difference in opinion between restaurants and bars, the Task Force recommended that both

restaurants and bars be smoke free. Staff at Louisville believes that involving residents and businesses made implementation of the smoking ordinance successful because the information was readily available to those impacted and questions and concerns were heard by the Task Force. Staff also states that minimal costs were incurred in implementing and enforcing the ordinance.

*City of Fort Collins-* Fort Collins is the only city interviewed that added staff as a result of the new smoking ordinance. The City of Fort Collins added 1.0 FTE to the Police Department Code Enforcement Division; however, the salary for the FTE is paid from the Natural Resources Department. The Natural Resources Department oversees environmental planning, air quality and recycling programs in the City of Fort Collins. While the 1.0 FTE was originally hired as a temporary Code Enforcement Officer, the position has remained filled, paid for out of the National Resources Department budget, but focuses mostly on general Code Enforcement and little smoking ordinance enforcement. Fort Collins also engaged in a public education campaign prior to implementing the ordinance and enforcement efforts have been minimal. The public education campaign started about eight to ten months prior to implementation of the ordinance.

BAG Discussion:

On January 19, 2005, Staff met with the Business Advisory Group (BAG) to receive feedback, concerns, and recommendations from local business representatives about potential changes to Westminster's smoking ordinance. The BAG agreed that this issue is emotional and difficult to address given the interests of the involved parties. There were 12 BAG members present and the issue was discussed for approximately 40 minutes. The BAG did have opinions on some of the issues that it sees as important to businesses in Westminster and to Westminster residents should the City Council move forward with an updated smoking ordinance.

If Council does decide to amend the present ordinance, the BAG would like to see the focus of a new smoke-free policy to be on indoor workplaces as opposed to outdoor public areas as they see the challenges Arvada faces. Another concern is that any changes to the present ordinance would have to be enforceable and effective. One of the main concerns for the BAG is that some of the options could cause businesses to incur significant costs in order to be compliant with an updated smoking ordinance. For example, if Council were to require separate ventilation systems in businesses, the business owner would incur substantial costs in order to be compliant. The BAG stated that the City would need to inform businesses of the real direct cost for upgrades and not downplay the cost burden that would be placed on businesses. In addition to the cost of a new ventilation system, there will be installation costs, time the restaurant is closed to install the system, and increased electricity costs to operate the ventilation system. These are some costs that the City should inform the business community of should a ventilation system be required.

BAG believes that the present ordinance allows for businesses to make the decision whether or not to allow smoking and customers will make the decision of whether or not to go to an establishment where smoking is permitted. If the decision to pursue changes is made, BAG would like to see a focus group or survey conducted of local restaurants and bars to collect their input with respect to the possible loss of revenue and their desire to be smoke free. Information from other municipalities such as Louisville, which have had restrictions in place, would also be helpful in determining if the ordinance updates are enforceable or not (this information was not available at the BAG meeting). BAG members suggested as an option requiring full disclosure at places that allow smoking and at places that prohibit smoking so that customers truly can make an informed decision as to where they dine. The example provided of full disclosure is that a place that allows smoking would be required to post a sign stating that it allows smoking and that second hand smoke is a known carcinogen.



There was no definitive consensus from BAG on a smoking ban other than the desire for more economic background and to see information from other Colorado cities with respect to an enforceable ordinance, cost burden to businesses and overall effectiveness of the ordinance.

Comments received since 1/10/05:

Since the meeting on January 10, Staff has received ten emails and one telephone call from residents stating their opinions about the present smoking ordinance. The emails have been forwarded to City Council. All of the emails received state that Westminster should be smoke-free. Most state the concerns for healthy air to breathe and that they would be more likely to eat out at restaurants that are nonsmoking.

Staff received one telephone call after the Standley Lake COG meeting held on January 27. The resident stated that he does not want to see any changes to the present ordinance. He believes that the current ordinance is sufficient.

Smoke-Free Restaurants in Westminster

According to information obtained from GASP.org (Group to Alleviate Smoking Pollution), over 100 smoke-free restaurants are located in Westminster. This information was updated on December 3, 2004 according to their website. GASP.org also states that in the State of Colorado, 5,600 restaurants are smoke-free, which equates to 60% of all restaurants in Colorado being smoke-free. The list of Westminster restaurants that are smoke free is attached to this Staff Report (Attachment B). New restaurants such as Ted's Montana Grill and Wild Noodles have recently opened smoke free and the Hoffbrau Steakhouse went smoke free in January 2005. These restaurants were added by Staff to the attached GASP list. On the GASP website, individuals can search for smoke free restaurants by type of food, location, and if the restaurant has a bar. Smoke Free Denver also provides a free restaurant guide for diners desiring smoke free options one can be ordered from their website: [www.smokefreenorver.org](http://www.smokefreenorver.org). This may be an indication that the market is responding to concern as many places are either opening as nonsmoking or changing to become a nonsmoking restaurant.

Also attached is the summary list of smoking ordinances in the State of Colorado (Attachment C). This is the same list that was provided to Council in the January 10, 2005 Staff Report.

On Wednesday March 16, legislation is being introduced by Senator Dan Grossman (Democrat – Denver) calling for a statewide ban on smoking in restaurants and bars. The Colorado Restaurant Association and Denver Mayor Hickenlooper have given the proposed bill their support. Staff has not seen the text of the legislation as of yet; Staff will provide Council with more information about the bill after it has been introduced and reviewed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment A: City of Pueblo's public education materials

Attachment B: Westminster Non-Smoking Restaurants as listed by GASP.org

Attachment C: Colorado communities with smoking regulation table

Dear Business Owner:

Beginning May 22, 2003, the City of Pueblo enacted the Pueblo Smoke-free Air Act 2002: Ordinance No. 6921. The ordinance prohibits smoking in all buildings in the City of Pueblo, which are generally open to the public. This includes but is not limited to restaurants, bars, bingo halls, bowling alleys, retail stores, hospitals, churches, and theaters. All enclosed areas that employees normally frequent during the course of employment are included as well. Smoking is also prohibited within a distance of 20 feet of an entrance to an enclosed area.

The ordinance requires each employer to post a no smoking sign such as the enclosed sign. Signs must be at least 20 square inches and say "No Smoking" or have the international "No Smoking" symbol. Signs should be placed at a height of 4 to 6 feet above the ground and be posted at every entrance to your business.

Businesses are also required to remove all ashtrays and other smoking paraphernalia from any area where smoking is prohibited. An owner, manager, operator, or employee of an establishment shall inform customers of the ordinance and request their compliance.

It is the responsibility of the employer to adopt a written policy on smoking and make it known to all current and prospective employees. A sample written policy is provided on the enclosed flyer.

If you have additional questions about how to comply with the ordinance, call the informational hotline at 583-4323.

Your cooperation in implementing this ordinance is greatly appreciated in making Pueblo workplaces smoke free.

Sincerely,

Christine Nevin-Woods, D.O., M.P.H.  
Director

## Westminster Non-Smoking restaurants from GASP.org

Name	Address	Phone Number	Bar	Food Type
<b>Non-smoking Fast Food restaurants in Westminster</b>				
A& W	Westminster Mall	303-429-2488	No	Fast Food
Arby's	7055 N Federal	303-429-6533	No	Fast Food
Arby's	5130 W 92nd Ave	303-650-5892	No	Fast Food
Baja Fresh Mexican Grill	11961 Bradburn Blvd	303-410-6677	No	Fast Food
Boston Market	9269 Sheridan	303-426-9110	No	Fast Food
Burger King	7613 W 88th Ave	303-425-1970	No	Fast Food
Camille's Sidewalk Café	11961 Bradburn Blvd	303-427-9727	No	Fast Food
Dairy Queen	7960 Sheridan	303-427-4270	No	Fast Food
Dairy Queen	9960 Wadsworth Blvd #300	303-421-7533	No	Fast Food
Dairy Queen	9031 Harlan St	303-650-6957	No	Fast Food
Dairy Queen	774 W 120th Ave	303-255-9812	No	Fast Food
Chick-Fil-A	Westminster Mall	303-427-8576	No	Fast Food
Einstein Brothers	9392 Sheridan	303-657-3424	No	Fast Food
Jamba Juice	5160 W 120th Ave #J	303-466-9268	No	Fast Food
Kentucky Fried Chicken	8471 Church Ranch Blvd	303-466-7930	No	Fast Food
McDonald's	9995 Wadsworth Pwy	303-420-8484	No	Fast Food
McDonald's	5750 W 88th Ave	303-428-5330	No	Fast Food
McDonald's	7400 N Federal	303-429-9226	No	Fast Food
McDonald's	5155 W 72nd Ave	303-428-7491	No	Fast Food
McDonald's	9499 N Sheridan	303-650-8888	No	Fast Food
McDonald's	2171 W 128th Ave	303-450-7500	No	Fast Food
Orange Julius	Westminster Mall	303-426-8354	No	Fast Food
Orange Julius/Dairy Queen	Westminster Mall	303-426-8354	No	Fast Food
Orange Julius/Dairy Queen	Westminster Mall	303-429-7262	No	Fast Food
Original Hamburger Stand	3030 W 72nd Ave	303-427-9993	No	Fast Food
Taco Bell	8458 Federal	303-427-3561	No	Fast Food
Popeye's Chicken	12051 Huron	303-450-8268	No	Fast Food
<p><b>Updated by GASP on December 3, 2004.</b>  <b>Hoffbrau and Ted's Montana Grill added by Staff 3/2005.</b></p>				

## Westminster Non-Smoking restaurants from GASP.org

Name	Address	Phone Number	Bar	Food Type
Qdoba	1005 120th Ave	303-450-2786	No	Fast Food
Quizno's Classic Subs	7007 Church Ranch Blvd	303-404-2547	No	Fast Food
Quizno's Classic Subs	12003 Pecos	303-254-4770	No	Fast Food
Quizno's Classic Subs	7243 N Federal Blvd	720-540-7849	No	Fast Food
Subway Sandwiches	10667 Westminster Blvd #700	303-464-1790	No	Fast Food
Subway Sandwiches	9987 Wadsworth Pwy	303-456-1428	No	Fast Food
Subway Sandwiches	5433 W 88th Ave #H	303-966-0056	No	Fast Food
Subway Sandwiches	Westminster Mall	303-996-0056	No	Fast Food
Subway Sandwiches	7312 Federal	303-650-6107	No	Fast Food
Subway Sandwiches	5076 W 92nd Ave #D-3	303-428-6865	No	Fast Food
Tokyo Joe's	1005 W 120th Ave #300	303-255-4828	No	Fast Food
Wendy's	4860 W 120th Ave	303-410-9403	No	Fast Food
Wendy's	7397 Federal	303-428-6881	No	Fast Food
Wendy's	9209 Sheridan	303-429-5374	No	Fast Food
Wendy's	12040 Melody Dr	303-450-2041	No	Fast Food
Whatknots	Westminster Mall	303-650-1299	No	Fast Food
Wild Noodles	11940 Bradburn Blvd	303-426-8811	No	Fast Food
<b>Non-smoking pizza restaurants in Westminster</b>				
Abo's Pizza	10633 Westminster Blvd	720-542-0598	No	Pizza
Big Papa's Pizzeria	5430 W 91st Ave	303-650-9949	No	Pizza
Black Jack Pizza	7530 Sheridan Blvd	303-426-1112	No	Pizza
Cici's Pizza	5740 W 88th Ave	303-996-0853	No	Pizza
Cozzoli's Pizza	Westminster Mall	303-427-0751	No	Pizza
Extreme Pizza of the Rockies	11940 Bradburn Blvd	303-438-1000	No	Pizza
Nick-N-WillyÕs	1005 W 120th Ave #700	303-450-7707	No	Pizza
Papa John's Pizza	5160 W 120th Ave	303-469-6262	No	Pizza (Take Out)
Pizza Hut	12049 N Pecos St	303-452-5252	No	Pizza (Take Out)

## Westminster Non-Smoking restuarants from GASP.org

Name	Address	Phone Number	Bar	Food Type
<b>Non-smoking ice cream restaurants in Westminster</b>				
Baskin-Robbins	8424 Federal	303-426-6191	No	Ice Cream
Coldstone Creamery	11961 Bradburn Blvd	720-274-0995	No	Ice Cream
Dippin Dots	Westminster Mall	303-428-0993	No	Ice Cream
Freeze It	9100 W 100th Ave	303-456-6155	No	Ice Cream
Marble Slab Creamery	10633 Westminster Blvd #300	303-460-0988	No	Ice Cream
TCBY	7355 W 88th Ave #Q	303-423-1331	No	Ice Cream
<b>Non-smoking American restaurants in Westminster</b>				
Black Eyed Pea	7095 W. 88th Ave	303-425-4442	Yes	American
Country Buffet	8685 Sheridan	303-428-6342	No	American
Gary's Gourmet Grill	7639 W 88th Ave	303-422-3831	No	American
Heritage Grill	10555 Westmoor Dr	303-469-2976	No	American
Hoffbrau	7699 W. 88th Ave.	303-422-7755	Yes	American
Le Peep	7355 W 88th Ave	303-425-1634	No	American
Legacy Grill	10801 Legacy Ridge Pkwy	303-438-8524	No	American
Monte Carlo Grill	8773 Yates Dr	303-427-4000	No	American
Souper Salad	7685 W 88 Ave	303-421-0203	No	American
Sweet Tomatoes	8971 Yates	303-427-4004	No	American
Ted's Montana Grill	11950 Bradburn Blvd	303-410-8337	Yes	American
Streetside Eatery	5160 W 120th Ave #K	303-635-1900	No	American
The Delectable Egg	1005 W 120th Ave #60	303-451-7227	No	American
Wishbone Family Restaurant	9701 Federal Blvd	303-465-6204	No	American
Valente's Deli Bakery	7250 Meade St	303-429-0590	No	Deli
<b>Non-smoking Italian restaurants in Westminster</b>				
Brick Oven	5160 W. 120th Ave.	303-438-8787		Italian
Gina's Pizza and Subs	6813 Lowell Blvd	303-426-0903	No	Italian

## Westminster Non-Smoking restuarants from GASP.org

Name	Address	Phone Number	Bar	Food Type
<b>Non-smoking Mexican restaurants in Westminster</b>				
Cafe Mexico	3815 W 72nd Ave	303-429-4227	No	Mexican
Chubbys	7310 Federal	303-427-6180	No	Mexican
La Familia Steakhouse	6871 Lowell Blvd	720-540-3941	No	Mexican
Los Lagos	5072 W 92nd Ave #D	303-429-8888	No	Mexican
Los Panchos	5403 W 88th Ave	303-422-8357	No	Mexican
Playa De Oro	7195 N Federal Blvd	303-657-5544	No	Mexican
Ralibertos	7940 Sheridan Blvd	303-650-2584	No	Mexican
Rosita's	8050 Federal	303-430-9155	No	Mexican
Sophia's	3190 W. 72nd Ave	303-426-6944	No	Mexican
Toluca Mexican Restaurant	9165 Lowell Blvd	720-540-5649	No	Mexican
<b>Non-smoking bakeries in Westminster</b>				
Carol Lee Donut Shop	7200 Meade St	303-428-2090	No	Bakery
Cinnabon	Westminster Mall	303-427-6000	No	Bakery
Great American Cookie Co	Westminster Mall	303-426-1222	No	Bakery
House of Bread	9975 Wadsworth Pkwy #J2	303-423-1987	No	Bakery
LaMar's Donuts	9940 N Wadsworth Pkwy	720-377-3974	No	Bakery
Mrs. Fields Cookies	Westminster Mall	303-650-1963	No	Bakery
Winchell's Donut House	7930 Sheridan	303-428-3277	No	Bakery
<b>Non-smoking coffee houses in Westminster</b>				
Daily Grind Espresso	3705 W 112th Ave	303-972-6886	No	Coffeehouse
Gifts-N-Espresso	12008 Melody Dr	303-254-6778	No	Coffeehouse
Quik Cup Espresso	8795 Sheridan Blvd	720-540-9700	No	Coffeehouse
Starbucks Coffee	5180 W 120th Ave	303-465-9964	No	Coffeehouse
Starbucks Coffee	9372 Sheridan	303-657-3282	No	Coffeehouse
Starbucks Coffee	1171 W 120th Ave #A	720-872-0310	No	Coffeehouse
Tapioca Express	7243 N Federal	303-429-2622	No	Coffeehouse

## Westminster Non-Smoking restaurants from GASP.org

Name	Address	Phone Number	Bar	Food Type
<b>Non-smoking Asian restaurants in Westminster</b>				
Fortune Express	Westminster Mall	303-426-0057	No	Asian
Golden Restaurant	9100 W. 100th	303-423-6688	No	Asian
Hong Kong Express	7318 Federal	303-427-6868	No	Asian
Panda Express	8461 Church Ranch Blvd	720-566-0999	No	Asian
Shanghai Cafe	9027 Harlan St	303-426-0092	No	Asian
Teriyaki Express	Westminster Mall	303-426-5588	No	Asian
Yang's Cafe	5020 W 92nd Ave	303-430-8545	No	Asian
<b>Non-smoking Japanese restaurants in Westminster</b>				
Hibachi Japanese Steakhouse	10633 Westminster Blvd	720-887-3402	No	Japanese
Kyoto Teriyaki	6350 W 92nd Ave #300	303-428-4455	No	Japanese
Shogun	7520 Sheridan	303-429-6646	No	Japanese
<b>Non-smoking Chinese restaurants in Westminster</b>				
Hong's Garden	12033 Pecos	303-252-1780	No	Chinese
Hunan City Chinese Restaurant	7115 Sheridan Blvd	303-429-4825	No	Chinese
King Buffet	7165 W 88th Ave	303-403-9888	No	Chinese
May Wah	4480 W 120th Ave #20	720-566-0888	No	Chinese
Red Garden	11187 Sheridan Blvd #2	303-464-8888	No	Chinese
Sheridan Cafe	5055 W 72nd Ave	303-412-6325	No	Chinese
<b>Non-smoking Indian restaurants in Westminster</b>				
Jewel of India Restaurant	10343 Federal Blvd.	303-469-7779	No	Indian
Royal Nepal	12025 N Pecos	303-450-0211	No	Indian
Yak & Yeti	8665 Sheridan	303-426-1976	No	Indian
<b>Non-smoking Thai restaurants in Westminster</b>				
Thai House	7113 Sheridan Blvd	303-657-9809	No	Thai
Tuk Tuk Thai Bistro	10667 Westminster Blvd #272	303-404-8841	No	Thai

**Colorado Communities with Smoking Regulations**

<b>Front Range</b>	<b>Date ordinance was last updated</b>	<b>Is smoking permitted in restaurants?</b>	<b>Is smoking permitted in bars?</b>	<b>Commission/ Council approval or Voter approved</b>	<b>Special terms</b>
Arvada	2004	Allowable w/ special terms	Allowable w/ special terms	Council	1;2
Aurora	1986	Allowable w/ special terms	Yes	Council	5
Broomfield	2004	Allowable w/ special terms	Allowable w/ special terms	Council	1; 4
Boulder- City	1995	Allowable w/ special terms	Allowable w/ special terms	Voters	3; 1
Unincorporated Boulder County	2004	No	Yes	Commissioners	n/a
Colorado Springs	2004	Allowable w/ special terms	No	Voters	5
Denver	1993	Allowable w/ special terms	Yes	Council	5
Englewood	1986	Allowable w/ special terms	Yes	Council	5
Fort Collins	2003	No	No	Council	n/a
Golden	1985	Allowable w/ special terms	Yes	Council	5
Greeley	2002	No	No	Voters	n/a
Lakewood	1995	Allowable w/ special terms	Yes	Council	5
Littleton	1987	Allowable w/ special terms	Yes	Council	5
Longmont	2004	No	No	Council	n/a
Louisville	2002	No	No	Council	n/a
Loveland	1984	Allowable w/ special terms	Yes	Council	5
Parker	1989	Allowable w/ special terms	Yes	Council	5
Pueblo	2002	No	No	Council	n/a
Superior	2000	No	No	Voters	n/a
Thornton	1986	Allowable w/ special terms	Yes	Council	5
Westminster	1994	Allowable w/ special terms	Yes	Council	5
Wheat Ridge	1986	Allowable w/ special terms	Yes	Council	5
<b>Mountain Communities</b>					
Aspen	1985	Allowable w/ special terms	Yes	Council	1; 2 in bars
Breckenridge	2004	No	No	Council	n/a
Dillon	2004	No	No	Council	n/a
Frisco	2004	No	No	Voters	n/a
Pitkin County	1994	No	Yes	Commissioners	1; 2 in restaurants
Snowmass Village	2001	No	No	Council	n/a
Silverthorne	2004	No	No	Council	n/a
Summit County	2004	No	No	Voters	n/a

- 1: Requires a separate enclosed and ventilated area for smoking
- 2: Requires that 51% of the tavern revenue must be made from alcohol sales in order to permit smoking
- 3: Smoking section is limited to less than half (50%) of the available floor space
- 4: Smoking section is limited to less than 40% of the available floor space
- 5: Smoking is permitted based on occupancy numbers set by the city or county