

**City of Westminster City Council Study Session  
July 16, 2007**

Mayor Nancy McNally called the Study Session to order at 6:36 PM. All Council was in attendance.

City Staff in attendance included: City Manager Brent McFall, Assistant City Manager Steve Smithers; Deputy City Manager Matt Lutkus; City Attorney Marty McCoullough, Community Development Program Coordinator Vicky Bunsen; Community Development Director John Carpenter; Finance Director Tammy Hitchens; Sales Tax Manager Barb Dolan; Sales Tax Audit Supervisor Josh Pens; Sales Tax Auditor James MacDonald; IT Director David Puntenney; Information Systems Manager Scott Rope; Public Information Specialist Carol Jones; and Management Intern Phil Jones.

The guest in attendance was Rachel Ceccarelli with the Westminster Window.

**Historic Resources Intensive Survey Results**

In 2005, the City completed the Historic Resources Survey Plan, available online at the City's website: [http://www.ci.westminster.co.us/city/hp/default\\_surveypage.htm](http://www.ci.westminster.co.us/city/hp/default_surveypage.htm), which was also funded by a CLG grant from the Colorado Historical Society. The survey found more than 1700 buildings that were more than 50 years of age in Westminster, most of them outside of the historic Westminster roots in the Harris Park neighborhood (the area bounded by Lowell and Bradburn Boulevards, and 72<sup>nd</sup> to 80<sup>th</sup> Avenue). The City applied for another CLG grant and received \$38,750 in 2006 to proceed with survey of at least 100 properties in Harris Park, 25 in the Pillar of Fire neighborhood, and ten transportation resources.

An important theme in presenting the results of this survey is that the survey itself has no impact on the status of any of the surveyed buildings. At least one surveyed house was demolished by the Pillar of Fire Church during the survey period and more of the surveyed structures will probably be demolished in the future. The goal of the survey is to gather and present information so that the community can better understand its historic resources and make decisions on their future status.

It is not necessary for the City Council to take any particular action on the plan, such as approval or adoption. Some communities "take it under advisement," and use a survey as one point of information in reviewing landmark nominations and developing policies for historic resources.

Council commended the staff's thorough report and was supportive of the effort.

**Modifications to Westminster Municipal Code Title XVI to Include Competitive Cable TV Franchise Application Process**

In December, 2006 the Federal Communications Commission ("FCC") adopted a rule establishing new requirements for local franchise authorities (LFAs) in considering applications for competitive cable television franchise agreements. Included in these rules are timeframes under which LFAs must grant or deny a competitive franchise application. These new rules were adopted as a result of findings by the FCC that LFAs were creating unreasonable barriers and preventing competition in the cable TV market. The City of Westminster needs to adopt an ordinance defining the competitive cable TV application process and requirements. Staff is recommending an ordinance to amend title XVI of the

Westminster City Code to include a section for the competitive cable franchise process. Staff will base the ordinance on the model competitive franchise application ordinance developed by the Greater Metropolitan Telecommunications Consortium (GMTC).

City Council may have seen recent articles expressing concern on the part of one potential franchise applicant in providing information that they consider to be “sensitive competitive information.” Staff has investigated and determined that information such as build out plans and timetables are not subject to the open records act and therefore can be submitted as confidential information. Staff recommends inclusion of build out plans and timetables as defined in the GMTC model application ordinance in the Westminster ordinance.

Council discussed the proposed ordinance and directed staff to present it as an agenda item for the next council meeting.

### **Proposed Amendments to Titles III, IV, and V of the Westminster Municipal Code Concerning Tax Administration**

In response to the business community’s concern regarding the difficulties of sourcing sales, Staff recommends adopting the Electronic Address Locator provision and other administrative amendments to the tax code. The recommended changes would:

- Provide retailers with a reasonable and limited liability process for the collection of the City’s sales tax through the use of a comprehensive, state-certified address locator database;
- Implement the most recent voter-approved sales and use tax extension for open space;
- Establish a more legally consistent and defensible ordinance, and;
- Directly support two components of the City of Westminster Strategic Plan: Financially Sustainable Government and Balanced, Sustainable Local Economy.

Adopting a hold harmless provision related to the Electronic Address Locator will protect retailers from the assessment of tax, penalty, and interest that would otherwise be due based solely on an error in State-certified electronic databases. In addition, staff believes this protection will encourage non-nexus retailers to voluntarily collect City sales tax. The City is one of many jurisdictions that have adopted or intend to adopt similar hold harmless language into their tax codes.

In addition to the Electronic Address Locator, Staff has identified other changes to Titles III, IV and V, which will allow for the more effective administration of the City’s tax program. Changes in technology, business climate, state and federal regulations, bankruptcy law, and related case law require the proposed amendments in an effort to properly facilitate and clarify the legislative intent of the Code. Included in these updates is the implementation of Ballot Issue 2A that extends collection of the open-space, parks, recreation, and trails sales and use tax through 2032.

Council was appreciative of staff’s efforts and directed staff to proceed with bringing this item to council for action.

Mayor McNally adjourned the Study Session at 7:57 PM.