



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. Recognition of Officer Brandon Barajas and K9 Rex
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. Deicing Salt Purchase
 - B. Asphalt Materials Purchase
 - C. 2006 Construction Crew Utility Material
 - D. 2006 Water Meter Replacement Program Contract
 - E. Radio System Upgrade Contract
 - F. Furniture Costs and Construction Expenses for Public Safety Center Space Needs
 - G. Standley Lake Regional Park Garage Facility Contract Award
 - H. City of Westminster IGA with City and County of Denver Urban Area Security Initiative
 - I. Waiver of Holy Trinity Catholic Church Utility Undergrounding
 - J. Second Reading Councillor's Bill No. 47 re Wadsworth Blvd ROW Vacation re Mandalay Gardens Subdivision
 - K. Second Reading Councillor's Bill No. 48 re 100th Ave/Wayne Carle Middle School Sidewalk Project
 - L. Second Reading Councillor's Bill No. 49 re Water and Sewer Code Revisions
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re the 2007 and 2008 City Budget
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
 - B. Executive Session – Discuss strategy and progress on potential sale, acquisition, trade or exchange of certain real property for historic preservation pursuant to WMC 1-11-3(C)(2), WMC 2-1-6, WMC 2-11-2 and CRS 24-6-402(4)(a)and(e).

13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

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, SEPTEMBER 18, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

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 Price, to approve the minutes of the regular meeting of August 28, 2006, as amended to include, "Councillor Price seconded the motion" as the final sentence in the first paragraph of text concerning the adoption of Resolution No. 49 on page 5. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that Employee Appreciation Week events and activities had been well attended and enjoyed by a large number of City employees. Many employees had expressed their gratitude to City Council and valued being recognized for their contributions to the City's successes.

Mr. McFall reported that the Management Team would perform its annual community service project on September 27. This year's activity involved removing Russian olive trees from segments of the Big Dry Creek open space and trail.

Mr. McFall announced the item to be discussed in Council's post meeting, noting that Council would convene in Executive Session to discuss land negotiations after the post meeting.

CITY COUNCIL COMMENTS

Councillor Major reported on the Colorado Fallen Firefighters Ride to Remember, in which he, Councillors Lindsey and Price, and Mayor McNally had participated on September 16. The Council members had ridden on a City ladder truck from Lakewood where metro area fire trucks and other equipment had assembled to caravan to Colorado Springs. Meeting other fire departments from the south, east, and west in Colorado Springs, they had all joined forces to parade downtown and concluded their journey at the International Fallen Firefighters' Memorial where the members of surviving families had been honored.

Mayor McNally reported having joined Councillors Price and Lindsey to participate in the Walk for Life, the kickoff event for Yellow Ribbon Suicide Awareness and Prevention Week. Additionally, she and other Councillors had attended the annual 911 banquet at the Westminster Westin to honor the community's Public Safety heroes. Further, she had welcomed delegates of the Rocky Mountain Purchasing Conference to the City and had attended the dedication of the Wayne Carle Middle School. The Mayor noted that Council would conduct a budget retreat on September 23 at the Wadsworth and 108th Avenue water facility, and the public was invited to attend. Finally, before this meeting Council had interviewed students interested in serving on the Youth Advisory Panel.

PRESENTATIONS

Mayor McNally recognized Senior Police Officer Brandon Barajas and Rex, his K9 partner, for their accomplishments in the 2006 Colorado Police Canine Association competitive trials. Officer Barajas and K9 Rex had been awarded a 1st place, two 2nd places, and a 3rd place in four separate competitions. Both Officer Barajas and K9 Rex were present to receive accolades and dog treats from the Mayor and Council.

CITIZEN COMMUNICATION

Vance Pollock, 9680 Brentwood Way, was concerned about recurring speeding on Independence between 88th and Wadsworth. Enforcement was not reducing the problem, and he requested that engineered methods be used. Mr. McFall was to follow up.

John Anthony, 4645 West 99th Place, addressed Council on behalf of the Hyland Greens Homeowners' Association, asking that the City replace deteriorated fence posts separating Hyland Greens properties from Sheridan Boulevard. The fence had been originally constructed by the City during expansion of Sheridan Boulevard. Estimated cost of repair was \$8,000 to \$10,000.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authority to purchase 2,226 tons of rock salt from Independent Salt Company at a cost not to exceed \$120,000; approval of the \$100,000 purchase of additional asphalt materials on an as-needed basis from Brannan Sand and Gravel Company at the unit prices stipulated when the original bid was awarded on February 13, 2006; authority for the City Manager to execute \$184,337 in purchase orders through the Utilities Operations Division with various vendors for the purchase of materials for use of operations construction crews and field crews from National Waterworks, Dana Kepner, and Mountain States; authority for the City Manager, based upon his recommendation and Council's finding that the public interest would best be served by a negotiated purchase from National Meter & Automation, Inc., to enter into a \$606,880 contract, plus a \$60,688 contingency amount, with said company to furnish and install 3,500 5/8 x 3/4 residential meters and transponders and 100 1-inch commercial meters; award a \$371,187 contract to M/A COM as the sole source of the work for the 800 MHz radio system upgrade, based on recommendation of the City Manager and City Council's finding that the public interest would be best served through such action; authority for the City Manager to execute a \$42,681 contract with Sand Construction and, based on recommendation of the City Manager and City Council's finding that the public interest would be best served by a negotiated purchase in the amount of \$34,275, a contract with Pear Commercial Interiors for furniture and installation to allocate space in the Public Safety Center; authority for the City Manager to execute an \$85,000 contract with the low bidder, Morton Buildings, Inc., for construction of a two-bay boat storage garage facility at Standley Lake Regional Park; authority for the City Manager to execute a two-year Intergovernmental Agreement between the City and the City and County of Denver for participation in the Urban Area Security Initiative; waiver of the City Code requirement to underground the existing overhead electric and communication lines along 76th Avenue abutting the entire Holy Trinity Church property; final passage of Councillor's Bill No. 47 to vacate a portion of Wadsworth Boulevard public right-of-way within the Mandalay Gardens Subdivision and correct the Walker Final Plat; final passage of Councillor's Bill No. 48 to provide supplementary appropriations to the 2006 General Capital Improvements fund; and final passage of Councillor's Bill No. 49 to modify sections of the water and sewer Codes.

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 Dittman and seconded by Councillor Major to approve the consent agenda, as presented. The motion passed unanimously.

PUBLIC HEARING ON 2007 AND 2008 CITY BUDGET

At 7:18 p.m., Mayor McNally opened a public hearing to consider the 2007 and 2008 City Budget and to receive citizen comment. Mr. McFall gave a PowerPoint presentation to describe the projected revenues and expenditures in 2007 and 2008 within the General Fund, the Utility Fund Operating and Capital Improvement, and the Capital Improvement Fund. Herb Atchison, 10205 Yates Drive, represented the Legacy Ridge Homeowners Association and requested access to the City's reclaimed water system for irrigation of landscaping within the subdivision. Jeremy Pakiser of Access Housing, 6978 Colorado Boulevard, requested continued funding from the City in the amount of \$10,000 to assist in the care and shelter of homeless families within the community. Pat Archer, Exempla Lutheran Hospice, requested \$4,000 in funding assistance to help support inpatient care and home care provided to Westminster residents. Marcella Sidars, 13494 Pecos Street, asked Council to allocate funding to create a Fine Forgiveness Program at the public libraries to improve educational opportunities for youth.

No others wished to speak. The Mayor closed the hearing at 8:08 p.m.

ADJOURNMENT:

There was no further business to come before the City Council. It was moved by Councillor Lindsey, seconded by Councillor Major, to adjourn. The motion passed unanimously, and the Mayor adjourned the meeting at 8:09 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Recognition of Officer Brandon Barajas and K9 Rex

Prepared By: Kim Barron, Police Commander

Recommended City Council Action

Recognize Senior Police Officer Brandon Barajas and his K9 partner Rex for their accomplishments in the 2006 Colorado Police Canine Association trials.

Summary Statement

- Officer Barajas and K9 Rex were awarded 1st place in the Building Search competition.
- Officer Barajas and K9 Rex were awarded 2nd place in Obedience and Agility.
- Officer Barajas and K9 Rex were awarded 3rd place in the Area Search competition.
- Officer Barajas and K9 Rex were named the 2nd place Best Handler/Dog Team overall.
- As a result of their outstanding performance, K9 Rex will receive a custom-made ballistic vest.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

No policy issue identified.

Alternative

No alternative identified.

Background Information

On August 25-27, 2006, the Colorado Police Canine Association conducted canine trials specifically for police working dogs. The competition took place at the Pepsi Center and involved over 40 highly skilled and trained police K9 teams throughout the area. The skills of each Handler/K9 team were tested in the areas of Obedience and Agility, Building Searches, Areas Searches, Apprehension and Narcotics Detection. The trials involved demonstrating skills through a series of tests designed to mimic patrol duties. As a result of their performance, Officer Barajas and K9 partner Rex received four trophies for their excellent performance: second place overall, first place in building searches, second place in obedience and agility work, and third place in area searches.

Officer Barajas and K9 Rex were made a K9 team in February 2005. They attended a 10 week K9 academy before they were placed into service for the City of Westminster. Officer Barajas and K9 Rex have over 996 hours of training time logged and have been deployed over 235 times. This is the second time that Officer Barajas and K9 Rex have competed in the Colorado Police Canine Association trials. As a result of the excellent performance displayed, K9 Rex will be receiving a custom-made ballistic vest.

Rex is one of four Malinois dogs that make up the Westminster Police K-9 Unit, and the “team” will be present along with Officer Barajas at the September 18, 2006 City Council meeting to be recognized for their superlative performance.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Deicing Salt Purchase

Prepared By: Ray Porter, Street Operations Manager

Recommended City Council Action

Authorize the purchase of 2,226 tons of rock salt from Independent Salt Company, for a cost not to exceed \$120,000 in 2006.

Summary Statement

- Rock salt is purchased as a deicing product to ensure safer travel for the motoring public.
- Bids for rock salt were solicited through the Multiple Assembly of Procurement Officials (MAPO) organization and are as follows for the City of Westminster:

| | |
|-----------------------|-------------|
| Independent Salt | \$53.92/ton |
| Morton Salt | No Bid |
| Nebraska Salt & Grain | No Bid |

Expenditure Required: Not to exceed \$120,000

Source of Funds: General Fund - Public Works and Utilities 2006 Street Operations Budget

Policy Issue

Should City Council authorize the purchase of 2,226 tons of salt from the low quote, Independent Salt Company in an amount not to exceed \$120,000 in 2006?

Alternatives

One alternative is to not purchase deicing materials, which is not recommended as keeping the streets safe for the motoring public during the winter months is of the highest priority.

A second alternative is to re-bid the salt purchase. However, this alternative is not recommended since Staff does not believe the unit cost of salt will decrease.

Background Information

The City has successfully purchased salt through the MAPO bid in past years with no problems obtaining salt on an as needed basis.

These expenditures are within the approved 2006 Public Works and Utilities Street Operations Division budgeted amount for these items. It will be necessary to obtain an extension of this item for rock salt in 2007 from Independent Salt Company, after the City Council has adopted the 2007 Budget.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Asphalt Materials Purchase

Prepared By: Ray Porter, Street Operations Manager

Recommended City Council Action

Approve the \$100,000 purchase of additional asphalt materials on an as needed basis from Brannan Sand and Gravel Company at the unit prices stipulated when the original bid was awarded at the February 13 City Council meeting.

Summary Statement

- City Council approved funds in the 2006 Street Operations budget to purchase hot mix asphalt material.
- City Council awarded a contract to Brannan Sand and Gravel Company, the low bidder, on February 13, 2006 for a maximum expenditure amount of \$250,312.
- Staff estimated 8,820 tons of various grades of asphalt material would be purchased on an as needed basis throughout 2006. To date, 8,450 tons have been purchased.
- City crews and Adams County crews combined efforts to patch, profile and resurface Lowell Boulevard, 92nd Avenue to 88th Avenue and West 92nd Avenue, Federal Boulevard to Lowell Boulevard which required 3,143 tons of asphalt at a cost of \$90,356 paid by Westminster.
- The 92nd Avenue and Lowell Boulevard paving was originally included in the 2006 Chipseal contract. These funds were not expended and will be used to offset the additional asphalt materials purchased for Adams County crews to do the bulk of the work.
- Staff estimates an additional 3,520 tons of asphalt will be required to complete planned 2006 street maintenance activities and funds are available in the 2006 Street Operations Budget.
- Funds are available in the 2006 Street Division Operating Budget.

Expenditure Required: \$100,000

Source of Funds: General Fund - 2006 Street Operations Division Operating Account

Policy Issue

Should the City approve additional asphalt materials purchased from Brannan Sand and Gravel Company, the 2006 low bidder?

Alternative

City crews could halt further 2006 Street Maintenance plans and only allow emergency patching on an as needed basis. This alternative is not recommended because the additional work is key to the City's pavement preservation program.

Background Information

Brannan Sand and Gravel was awarded the 2006 contract for purchasing hot mix asphalt materials at the February 13, 2006 City Council meeting. City Staff anticipated needing 8,820 tons of asphalt material for routine street maintenance activities throughout 2006 at an estimated cost of \$250,312.

After the February bid award, City Staff was approached by Adams County representatives requesting that Adams County crews be allowed to perform the planned resurfacing of Lowell Boulevard, 92nd Avenue to 88th Avenue and 92nd Avenue, Federal Boulevard to Lowell Boulevard and Westminster would pay for the asphalt materials. City Staff agreed to cooperate with Adams County because the net result was a \$32,000 savings to Westminster. Adams County paving resulted in 3,243 tons of asphalt material purchased from Brannan Sand and Gravel Company at a cost of \$90,356. Payment of this amount has depleted the original contract purchase with Brannan Sand and Gravel Company.

Brannan Sand and Gravel Company has agreed to hold their unit prices through December 2006 and City Staff anticipates spending an additional \$100,000 for completing planned 2006 routine pavement maintenance. These funds will come from unspent chipseal contract funds (not required because Adams County paved Lowell Boulevard and 92nd Avenue).

Respectfully submitted,

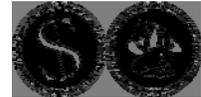
Stephen P. Smithers
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: 2006 Construction Crew Utility Material

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute purchase orders through the Utilities Operations Division, with various vendors for the purchase of materials for use by the Utilities Operations Construction Crews and Field Crews from National Waterworks, Dana Kepner, and Mountain States for a total cost of \$184,337.

Summary Statement

- This request consists of the purchase of nine individual lots of related waterworks materials.
- Formal bids for this project were issued August 16, 2006, and a bid opening took place on August 31, 2006. A total of three vendors provided bids on this purchase.
- Dana Kepner was the lowest bidder on three lots totaling \$82,649; Mountain States was low bid on three lots totaling \$72,903 and National Waterworks was the lowest bidder on three lots totaling \$28,785.

Expenditure Required: \$184,337

Source of Funds: Utility Fund - Utilities Operations Division Operating Budget

Policy Issue

Should the City spend Utility Fund monies to purchase materials for water main replacements as specified in the contract/project documents?

Alternative

Purchase materials only on an as-needed basis and negotiate prices for every purchase individually. This would take a large amount of staff time and likely increase the prices for each piece of material purchased. This option is not recommended since the City took final bids for these materials and would most likely get higher unit costs if purchased on an as-needed basis.

Background Information

The Construction Crew Utility Material Purchase is an annual purchase of commonly used waterworks materials for use by the Utilities Operations Division’s construction crew for the installation of the four miles of replacement water mains they install annually.

The Construction Crew Utility Material Purchase was advertised on the internet site “Demand Star” with bids being submitted by August 16, 2006. As written, each lot was a separate purchase and a bidder could submit pricing for any or all lots of material. Delivery is to be immediate and in one shipment.

The results of the submitted bids are as follows (**bold numbers indicate low bid**):

| Lot Description | Dana Kepner | National Waterworks | Mountain States |
|-----------------------------|------------------------|----------------------------|------------------------|
| Mechanical Joint Fittings | \$7,273 | \$6,924 | \$7,667 |
| Mechanical Joint Restraints | \$7,240 | \$6,764 | \$7,850 |
| Fire Hydrants | \$71,783 | \$76,176 | <i>No Bid</i> |
| Valves | \$45,998 | \$48,051 | \$45,494 |
| Brass/Copper | \$18,981 | \$21,644 | \$18,091 |
| Miscellaneous | <i>Withdrawn bid *</i> | \$15,097 | \$23,618 |
| Water Main Repair Clamps | \$10,546 | \$11,192 | \$9,318 |
| Sampling Stations | \$2,406 | \$2,625 | \$2,715 |
| Fire Hydrant Parts | \$8,460 | \$9,116 | <i>No Bid</i> |

**Note that Lot “Miscellaneous” indicates a bid withdrawn by Dana Kepner. A company representative called after the bid opening and indicated an error on their price per foot for tracer wire. Since the bid opening had already taken place, staff agreed to withdraw this lot bid from Dana Kepner and award the lot #6 bid to National Waterworks, which was the lowest remaining bid for these items.*

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: 2006 Water Meter Replacement Program Contract

Prepared By: Richard A. Clark, Utilities Operations Manager

Recommended City Council Action

Upon recommendation of the City Manager, City Council finds that the public interest will best be served by a negotiated purchase from National Meter & Automation, Inc. City Council action is requested to authorize the City Manager to enter into a contract with National Meter & Automation, Inc. (NMAI) to furnish and install 3,500 5/8 x 3/4 residential meters and transponders and 100 1-inch commercial meters for 2006 in an amount not to exceed \$606,880 plus a contingency amount of \$60,688.

Summary Statement

- The recommendation for a negotiated purchase from National Meter & Automation, Inc. is due to the Badger Orion meter system being a proprietary item and only available from Badger Meter Company through their authorized local distributor, National Meter & Automation, Inc. (NMAI).
- The Utilities Division anticipates replacement of meters and transponders in 12 meter routes totaling 3,600 meters. The agreement with NMAI requires them to return all replaced meter bodies and selected newer TRACE transponder units to the City for possible salvage and reuse within the remainder of the system. Equipment with sufficient remaining useful life will be reused elsewhere in the system to support the TRACE system until it is phased out in 2007.
- The authorized budget for the meter replacement is \$680,600.

Expenditure Required: \$667,568

Source of Funds: Utility Fund - 2006 Capital Improvement Meter Replacement Account

Policy Issue

Should the Utilities Division utilize budgeted 2006 CIP Account funds, to enter into a negotiated contract with National Meter & Automation, Inc. (NMAI) to furnish and install residential and commercial meters and transponders?

Alternatives

One option is to only purchase the meters and transponders for these replacements and perform the installation with in-house staff. This is not recommended as this could lead to delays in the tasks currently being undertaken by the staff. The current level of failures within the system, along with the routine operational tasks takes up staff's available hours. This option is not recommended.

A second option is to acquire a meter system and transponder system compatible with the existing TRACE system that is available from AMCO Meter. However, the equipment does not mechanically interchange with the installed base of Badger meters. Operating a mix of two different manufacturers would require the City to inventory spare parts and material for both systems, which would not be cost effective and is not recommended.

Background Information

In 1994-1996, the City of Westminster undertook a water meter retrofit program for the entire City. All residential water meters were retrofitted with radio frequency transponders, which enabled the meter to be read remotely. Badger Meter's TRACE system was selected for transponders and Badger meters have been established as the City's standard water meter. In 2000-2002, all of the remaining commercial meters were converted to Badger meters and the entire commercial meter inventory fitted with TRACE transponders as well. Many of the residential meters are at least 10 years old or older and are failing. Commercial meters can be cost effectively maintained, with testing and component replacement on a routine basis. The residential meters cannot be serviced cost effectively and will require replacement.

Badger Meter has announced an end of availability of any TRACE transponder equipment, effective June 2007. Currently, any material in inventory will be offered for sale, but Badger is not restocking any of the TRACE equipment. The meters themselves have not changed and remain Badger's current product line. Because of the City's substantial investment in Badger meters and the associated technology, staff recommends continuing with Badger products.

During 2005, staff undertook an evaluation of new technology in transponders and began installing the new Badger Orion transponder. Several hundred Orion transponders are in use in the City, with good results. These transponders are guaranteed for 10 years and use the same reading software as the older TRACE system. Continuing use of the software eliminates any conversion issues with the utility billing software system. The Orion transponders are read with a standard laptop computer with a special data radio that receives the readings. This is a considerably simpler system than the dedicated hardware used with the TRACE meters.

Orion transponders are now being required on all new meters installed in the City. All new subdivisions are being installed as Orion areas. A few subdivisions near completion will be finished as TRACE areas. The TRACE equipment on hand will be kept and used to maintain the remaining TRACE areas.

These initial 3,600 meters are being replaced in the routes that are most severely affected by failures of the TRACE transponders. This program is also being used as a full scale trial of all the processes required to complete a total replacement of the City's residential meter inventory in 2007. The staff will fine tune the business processes of the meter replacement program and adjust areas where difficulties arise. While the contractor will provide the required meter change data in an electronic format, the changes in the billing system still require manual changes. The Utility Billing Staff may not be sufficient to keep pace with the replacement program and supplemental staff could be required, using funds from the CIP project.

The \$4,000,000 Meter Replacement Program request in the 2007 Capital Improvements Budget would be used to complete the citywide meter replacement project, with any necessary changes, on a larger scale, replacing approximately 22,000 residential meters. The funding will also provide staff with materials sufficient to convert all the commercial meters to Orion transponders as the commercial meters receive their routine maintenance and repairs. This investment should insure that the accuracy of the City's metering equipment remains high and accurate, and timely bills can be rendered to our customers.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Contract Approval for Radio System Upgrade

Prepared By: Janice Kraft, Neighborhood Services Administrator

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest will be best served by awarding the contract for the 800 MHz radio system upgrade in the amount of \$371,187 to M/A COM as the sole source of the work.

Summary Statement

- In 1992 the Cities of Arvada and Westminster jointly purchased an 800 MHz two-way radio communications system. The terms for use, maintenance, and costs associated to this radio system were established via an intergovernmental agreement also executed in 1992.
- The system consists of transmitters, receivers, controllers, antennas, microwave hops, dispatch consoles and power systems at three radio sites and over 1,500 pieces of user equipment such as portable and mobile radios.
- This system has not undergone a significant upgrade since its original installation in 1992, the equipment is obsolete and has reached its operative useful life. A significant financial investment was made in the purchase of this system and due to the critical public safety function it serves for both the City of Arvada and Westminster, it is imperative to keep the system up to date to avoid failures.
- The total cost for this upgrade is \$742,374. Arvada and Westminster equally share this cost via terms of the intergovernmental agreement. Westminster's obligation to the total cost is \$371,187. Arvada is taking this contract approval to their City Council this same date. Funds were approved for this expense by City Council in the Capital Improvement Program Budget, the Police Department's 2006 Operational Budget and via a carryover action earlier this year.
- The equipment and required services cannot be obtained from another source as all 800 MHz radio equipment, regardless of the manufacturer, are proprietary systems.

Expenditure Required: \$371,187

Source of Funds: General Capital Improvement Fund – 800 MHz Radio System Upgrade Project
Police Department Operational Budget

Policy Issue

Should the City approve the costs required for the upgrade of the shared use 800 MHz radio system?

Alternative

Council could choose to not approve the expenditure of funds for the system upgrade at this time. Staff does not recommend this alternative as this is a shared system whose use and maintenance are regulated by an intergovernmental agreement with the City of Arvada. Both Cities have funded their portion of this expense and Arvada's City Council is authorizing execution of this contract with MA/COM.

Background Information

The 800 MHz radio system is the two-way radio communications used by both the City of Arvada and Westminster. The backbone of the radio system consists of a transmitter site on Eldorado Mountain and two satellite receiver sites, one in Arvada and one in Westminster. The main controlling equipment resides in Westminster's dispatch center at the Public Safety Center. Both Arvada and Westminster's 911 dispatch operations for police, fire and EMS use this radio system to dispatch calls for service. Public safety personnel have mobile radios installed in the vehicles they drive and carry portable radios for use when away from those vehicles. Other City operations for both Arvada and Westminster use this system such as Public Works, Parks, Recreation and Libraries, the Building Department, etc.

The system is fourteen years old and experiences very heavy use 365 days a year. It is a critical component in the delivery of emergency and non-emergency services to the public and is an integral part of interoperability communications throughout the Denver metro area.

The system currently operates on old analog technology; the upgrade will move the system to a digital format. The main transmitter site on Eldorado Mountain consists of ten trunked repeaters and each of the satellite sites consist of ten auxiliary receivers. All the sites are tied together via microwave hops. The cost of this upgrade includes replacement of all of these transmitters and receivers, antenna systems, power systems, system engineering, project management and installation.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Furniture Costs and Construction Expenses for Public Safety Center Space Needs

Prepared By: Janice Kraft, Neighborhood Services Administrator

Recommended City Council Action

Authorize the City Manager to execute a contract with Sand Construction in the amount of \$42,681 and based on a report from the City Manager, City Council finds that the public interest will be best served by a negotiated purchase in the amount of \$34,275 with Pear Commercial Interiors to provide furniture and its installation for the purpose of reallocating space in the Public Safety Center, for a total project cost of \$76,956.

Summary Statement

- The Public Safety Center (PSC) building design was completed in 2000, construction completed in 2002 and staff relocated from the old police building to the Public Safety Center in November of that same year.
- During the initial design process, future staffing numbers were projected through the year 2030. This number was used to determine the space needed for the building as well as for individual section and unit spaces. The intent was to design a building that would support police operations and fire administration for 30 years out into the future. Projected staffing through the year 2030 for the Police Department was 263 and 19 for Fire Administration.
- Information not known at the time of design for the Public Safety Center was that a ballot issue (2A) would be passed by Westminster voters three years later in November 2003. The 2A initiative increased Police Department staffing from 222 to 266, surpassing the 30 year projected staffing number used during the building's design. Fire Administration staffing housed in the PSC building also increased significantly.
- Staff has developed a plan to re-allocate existing space within the building that will allow for re-locating sections and units that need expansion room, bring workspaces of employees assigned to specific units together to facilitate better functioning of those units, move the critical functions of the Professional Standards Unit and Public Information Officers adjacent to the offices of the Chief of Police and Deputy Chiefs, and situate offices of employees who regularly deal with the public in the lobby to spaces closer to the lobby.
- This project is part of a long term strategy to maximize space within the Public Safety Center. Staff believes that this re-allocation of space will serve the needs of the Police Department for a number of years to come. Staff has submitted a request for a professional architectural analysis of future space needs that is included in the five year 2007-2011 Capital Improvement Program budget that City Council will review as part of the 2007/2008 budget approval process.

- The furniture in the PSC is manufactured by Haworth that is the standard for furniture in the Public Safety Center and City Hall. The sole source provider for Haworth furniture is Pear Commercial Interiors. Pear was the vendor who was awarded the contract for the original installation. Pear's pricing to the City for this project is \$34,275. A significant amount of existing furniture will be reused in this project. Approximately 25% of the furniture affected will be new, the remaining costs are for dismantling and reinstalling furniture in different locations.

- Construction includes three rooms for the Victim Services unit designed for family and children interviews and two private offices. Competitive bids were received from three construction companies and Sand Construction was the low bid.
 - **Sand Construction** **\$42,681**
 - **Saunders Construction** **\$48,319**
 - **AMA Construction** **\$49,115**

Expenditure Required: \$76,956

Source of Funds: General Capital Improvement Fund – Public Safety Reserve Account
Police Department Operational Budget

Policy Issue

Should the City award a contract to the low bidder, Sand Construction, and authorize the expenditure to Pear Commercial Interiors for furniture and labor costs - both to facilitate space re-allocation within the Public Safety Center?

Alternatives

1. Council could choose to award the construction contract to one of the other bidders or require staff to re-bid the project. Staff does not recommend this alternative as the three construction firms chosen to bid have completed successful projects for the City and are sized, or have divisions within their company, that perform just this type of work.
2. Do not authorize the purchase, installation and labor costs to Pear Commercial Interiors for furniture expenses. Staff does not recommend this alternative as standards have been set to ensure continuity and quality of furniture at City Hall and the Public Safety Center, Haworth furniture is that standard, and Pear Commercial Interiors is the sole source provider of Haworth furniture in the Denver-metro area. City staff and staff from Pear have put significant effort into identifying and reusing overhead storage, tack boards, files, keyboard trays, furniture partitions, and chairs and Staff believes that this effort has allowed for the lowest possible furniture costs. The City is receiving US Communities pricing whereby larger cities work together to get the best pricing available. The National Association of Counties (NACO), the National Institute of Governmental Purchasing (NIGP), the National League of Cities (NLC), and the United States Conference of Mayors (USCM) are among the sponsors of the US Communities Government Purchasing Alliance (also known as US Communities). State sponsoring associations in Colorado include the Colorado Municipal League and Colorado Counties, Inc. Participation in the US Communities is the equivalent of purchasing off of the State bid.

Background Information

Design of the Public Safety Center was completed in 2000 after an extensive 12-month process. One of the major factors in determining the size of the building and workspace for departmental sections and units was projected staffing numbers for five years, twenty years and thirty years out into the future. Staff provided information to the architects such as projected population growth, calls for service data, percentage of increases in budgets from previous years, City management philosophy and historical hiring practices. Staffing for the Police Department in the year 2030 was projected to be 263 employees and for Fire Administration, 19 employees. These staffing numbers were an increase of 20% over 2000 staffing for the Police Department and a 50% increase for Fire Administration.

City Manager Brett McFall convened a task force in 2003 to study the current and future needs of the Police and Fire Departments. This task force evaluated a whole host of issues relating to current workloads, service levels, supervisor's assessment of department shortfalls, response times, ability to participate in pro-active fire and crime prevention, and national and local comparisons. The end result of this process was City Council's direction to Staff to develop a ballot issue that would increase sales and use tax to support identified Public Safety needs. That ballot issue, 2A, was passed by Westminster voters in November 2003.

With the success of the 2A ballot measure, Police Department and Fire Administration staffing levels increased practically overnight to numbers that exceeded the 30 year projected staffing established during the PSC design completed just three years previous. Additionally, the Police Department has undergone reorganization, changing the upper management structure and consolidating from three divisions to two. Several programs have been added that were undefined during the original building design such as the Promenade Community Service Officer program, Senior Liaison Officer, Intelligence Officer, and the Neighborhood Traffic Enforcement program. Other changes have occurred brought about by governmental mandates such as the Sex Offender and Parole Registration programs.

These changes caused Staff to do a review of workspace configuration, adjacencies of related work groups and how they interfaced with the public, and areas within the building that had room for expansion. The result of this review is a project that relocates the officers responsible for Sex Offender and Parole Registrations to a location adjacent to the lobby. The Community Services unit will relocate from the first floor to the second floor adjacent to the Chief's and Deputy Chiefs' offices. The unit currently located in this space, Victim Services, will relocate to the first floor adjacent to the lobby and Neighborhood Services will relocate to the space vacated by the move of Community Services. The Traffic Sergeants will move to an office closer to the Traffic Unit and the Intelligence Officer will relocate to an office centrally located to Patrol, Investigations, and the Special Enforcement Team.

Staff believes that this re-allocation of space provides for functional use of available room and is part of a longer term strategy to ensure that building spaces continue to be used effectively.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER
COLORADO

Agenda Item 8 G

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Standley Lake Regional Park Garage Facility Contract Award

Prepared By: Ken Watson, Regional Parks and Golf Manager
Mark Reddinger, Lake Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, Morton Buildings Inc., in the amount of \$85,000 for construction of a two-bay boat storage garage facility at Standley Lake Regional Park.

Summary Statement

- A storage facility is needed at Standley Lake to house the City's two patrol boats.
- At the present time, both patrol boats are exposed to the weather throughout the year.
- Boat maintenance costs are increasing due to the boats being exposed to the weather.
- The City's boats are currently being stored off site during the non-peak season making emergency response via a patrol boat unavailable during these time periods.
- Funds are available in the General Fund Capital Improvement Program (CIP) Standley Lake account and the Regional Park/Golf account.
- The boat storage facility will be located west of the Visitors' Center, next to an existing smaller maintenance building. This area is shown on the Parks Master Plan as maintenance operations (see attached plan).

Expenditure Required: \$85,000

Source of Funds: General Capital Improvement Fund -
Standley Lake and Regional Park Projects

Policy Issue

Should City Council authorize the construction of a boat storage garage facility at Standley Lake Regional Park?

Alternative

Do not build a two-bay boat storage garage facility at Standley Lake. Staff is not recommending this action based on the City’s need to have an enclosed storage facility to store patrol boats on site for faster emergency response throughout the year, and a reduction in maintenance costs due to the boats being protected from the weather.

Background Information

Standley Lake Regional Park does not currently have an adequate storage facility for its patrol boats. The City’s two patrol boats are currently exposed to the weather throughout the year and stored off site during the winter season. Outdoor storage of the City’s patrol boats exposes them to the weather and results in higher maintenance costs to keep the boats operational. With the patrol boats being stored off site, they are not available to respond to emergency or enforcement incidents that occur during the off season. By providing a garage facility, Staff would be able respond to water emergencies throughout the year and reduce weather-related maintenance repairs.

During the summer of 2006, Staff contacted several companies for proposals on a 36 ft. by 40 ft. garage facility.

The results of the three lowest quotes received by Staff:

| | |
|-----------------------|----------|
| Morton Buildings Inc. | \$85,000 |
| Thorngren Buildings | \$96,747 |
| Tuff Shed | \$97,110 |

Based on the results of the proposals, Staff is recommending the approval of a contract with Morton Buildings Inc. for the construction of a garage facility in the amount of \$85,000. Funds are available in the General Capital Improvement Fund for this project.

Staff submitted the proposed building plan to the Standley Lake Operating Committee (SLOC), which includes representatives for the Cities of Northglenn, Thornton and the Farmers’ Reservoir and Irrigation Company. The proposed building conforms to the allowed park activities and meets the requirements under the existing Intergovernmental Agreement.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment



Location of Proposed
Boat Storage Garage

Existing Garage

Standley Lake
Visitor Center

Standley Lake Boat Storage- Location Map

1"=80'



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: City of Westminster IGA with City and County of Denver
Urban Area Security Initiative (UASI)

Prepared By: Mike Reddy, Emergency Management Coordinator

Recommended City Council Action

Authorize the City Manager to execute a two year Intergovernmental Agreement between the City of Westminster and the City and County of Denver for participation in the Urban Area Security Initiative.

Summary Statement

The Intergovernmental Agreement (IGA) will allow the City of Westminster full participation in the Urban Area Security Initiative (“UASI”) grant program. This agreement establishes the City of Westminster as a full voting participant in the UASI program whose purpose is to provide grants to prepare for and enhance local government capacity to prevent, mitigate, respond and recover from terrorist attacks involving chemical, biological, radiological, nuclear or explosive (“CBRNE”) devices. This agreement is currently in place between Denver and other Denver area jurisdictions, including Littleton, Wheat Ridge, Glendale, Lakewood, Commerce City, Greenwood Village, Thornton, Aurora, Arvada, Englewood and Cherry Hills Village (attached map highlights UASI participation). Due to changes defining eligibility of the UASI program by the Department of Homeland Security, Westminster became eligible to participate in the UASI program this year.

The UASI grants contemplate that Denver and local governments will cooperate in the purchase of emergency response equipment, planning, conducting and evaluating CBRNE exercises, establishing CBRNE-related training, planning associated with the completion of Urban Area Homeland Security Strategy, and the management and administration associated with the implementation of the overall Urban Area Security Initiative for the benefit of the entire Metro Denver area.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City participate in the UASI program and become a voting member of the UASI Working Group?

Alternative

City Council could choose not to execute the Intergovernmental Agreement for participation in UASI. This will limit the City's participation in grants, training, exercise and planning activities presently underway in the Denver Metropolitan Area.

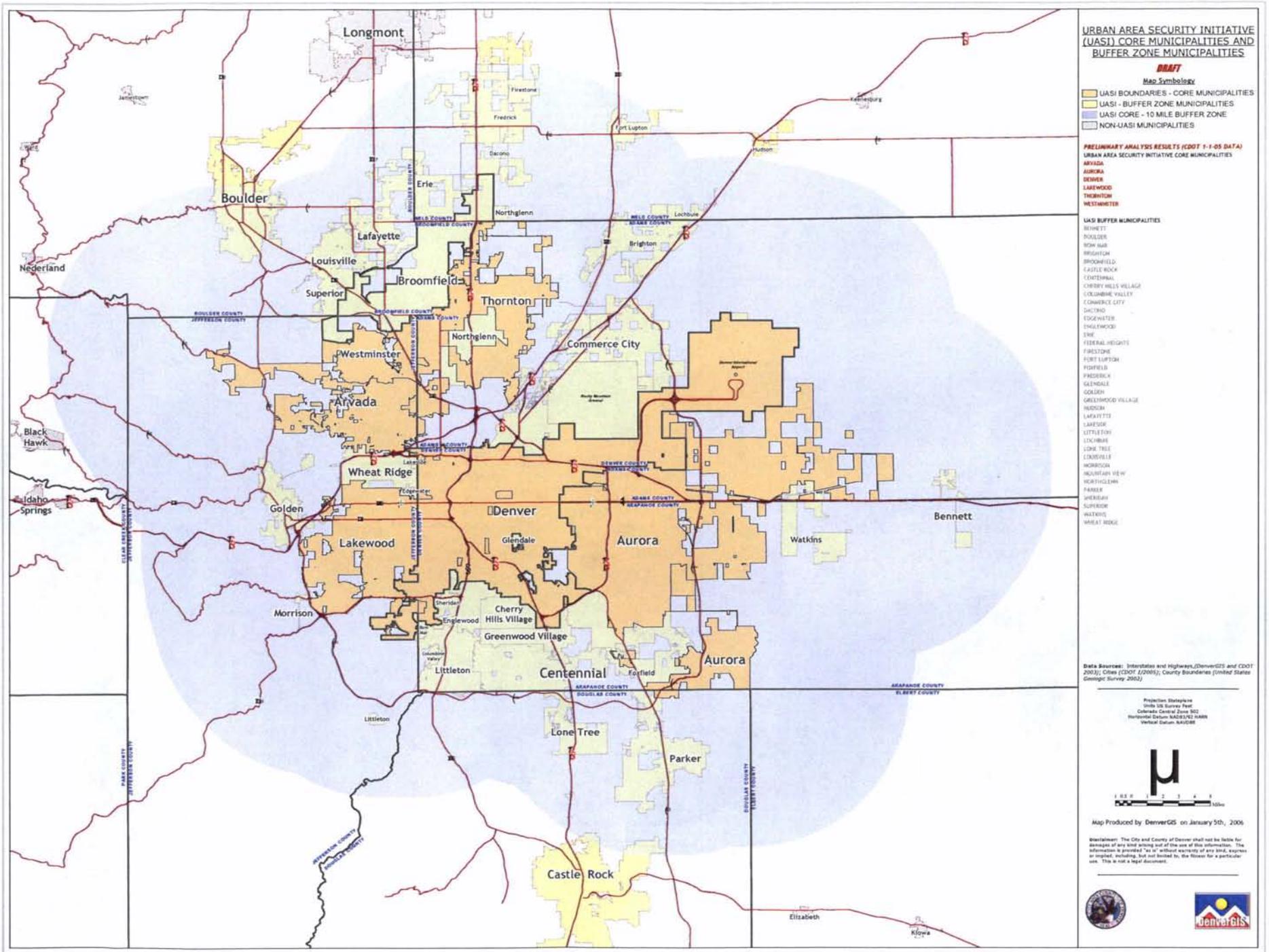
Background Information

In 2003, 2004, 2005, the United State Department of Homeland Security ("U.S. DHS") awarded Urban Area Security Initiative ("UASI") grants to Denver under a pass-through grant awarded to the State of Colorado. In 2003, Denver and jurisdictions in the Denver Metropolitan Area formed the Urban Area Working Group and a Master Contract was established between Denver and the State dated May 7th 2003. Until the 2006 grant cycle, the City of Westminster was not eligible to participate in the program due to a definition of "adjacent jurisdictions" that the grant required. Changes were made in the 2006 UASI program that allowed for participation by local jurisdictions with populations over 100,000 within a metropolitan area. This change in definition allows the City of Westminster to fully participate in the UASI program.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments



URBAN AREA SECURITY INITIATIVE (UASI) CORE MUNICIPALITIES AND BUFFER ZONE MUNICIPALITIES

DRAFT

Map Symbolology

- UASI BOUNDARIES - CORE MUNICIPALITIES
- UASI - BUFFER ZONE MUNICIPALITIES
- UASI CORE - 10 MILE BUFFER ZONE
- NON-UASI MUNICIPALITIES

- PRELIMINARY ANALYSIS RESULTS (CDOT 1-1-05 DATA)**
URBAN AREA SECURITY INITIATIVE CORE MUNICIPALITIES
- ARVADA
 - AURORA
 - DENVER
 - LAKWOOD
 - THORNTON
 - WESTMINSTER

- UASI BUFFER MUNICIPALITIES**
- BENNETT
 - BRIGHTON
 - BROOMFIELD
 - CASTLE ROCK
 - CENTENNIAL
 - COMMERCE CITY
 - DENVER
 - EDGEMONT
 - ENGLEWOOD
 - ERIE
 - FEDERAL HEIGHTS
 - FIRESTONE
 - FORT LUTON
 - FREDRICK
 - GLENDALE
 - GOLDEN
 - GREENWOOD VILLAGE
 - HUDSON
 - LAFAYETTE
 - LAKESIDE
 - LITTLETON
 - LONE TREE
 - LOUISVILLE
 - MORRISON
 - NORTHGLENN
 - PARKER
 - SHREVEPORT
 - SUPERIOR
 - WATKINS
 - WHEAT RIDGE

Data Sources: Interstates and Highways (DenverGIS and CDOT 2003); Cities (CDOT 2/2005); County Boundaries (United States Geographic Survey 2002)

Projection: StatePlane
 Units: US Survey Feet
 Colorado Central Zone 802
 Horizontal Datum: NAD83/US NAD83
 Vertical Datum: NAVD83



Map Produced by DenverGIS on January 25th, 2006

Disclaimer: The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.



INTERGOVERNMENTAL AGREEMENT
(Urban Area Security Initiative)

THIS INTERGOVERNMENTAL AGREEMENT dated as of _____, 2006 is between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado ("Denver"), and the **CITY OF WESTMINSTER**, a municipal corporation of the State of Colorado (that City, the "Sub-grantee"; that intergovernmental agreement, the "Agreement").

RECITALS

In 2003, 2004, 2005, the United States Department of Homeland Security ("U.S. DHS") awarded Urban Area Security Initiative ("UASI") grants to Denver under a pass-through grant awarded to the State of Colorado ("State").

The State passes the UASI grants through to Denver pursuant to the Master Contract dated May 7, 2003.

The purpose of the UASI grants is to allow the Denver Urban Area to prepare for and to enhance its capacity to prevent, mitigate, respond and recover from terrorist attacks involving chemical, biological, radiological, nuclear or explosive ("CBRNE") devices as well as improve the ability of state and local emergency personnel to respond to such incidents if they do occur.

The UASI grants contemplate that Denver and local governments will cooperate in the purchase of emergency responder equipment, planning, conducting and evaluating CBRNE exercises, establishing CBRNE-related training, planning associated with the completion of the Urban Area Homeland Security Strategy, and management and administration associated with the implementation of the overall Urban Area Security Initiative for the benefit of the entire urban area.

Denver and jurisdictions in the Denver Metropolitan Area have formed the Urban Area Working Group.

Denver will be responsible for acquiring equipment and procuring necessary training for the needs identified by the Urban Area Working Group.

Denver will contract with other jurisdictions participating in the Urban Area Working Group to provide them equipment and resources necessary for training and exercises as identified by the Urban Area Working Group.

The intent of the Urban Area Security Initiative is to allow cooperation and coordination among all jurisdictions in the urban area, to enhance the preparedness of the entire urban area, and to procure equipment and supplies that may be needed by the urban area but are not needed or required by each jurisdiction in the urban area.

NOW, THEREFORE, the parties agree as follows:

1. **PURPOSE.** The purpose of this Agreement is to partially implement the scope of work and project summaries set forth in the UASI grants passed through the Master Contract, and in a timely manner complete the work as set forth therein, and to implement and achieve the project goals and objectives as set forth in each UASI grant. A copy of the most recent UASI grant, which is in the form of a CDEM Grant Award Letter, is attached and incorporated as **Exhibit A**. As the recipient of the UASI grants, Denver has undertaken responsibility for administering the UASI grants, and for procuring equipment, supplies and training in accordance with a budget and priorities established by the Urban Area Working Group with the concurrence of Denver as the Core City and County. The parties agree that they are entering into this Agreement to accomplish the purposes of the UASI grants and that the availability of funds and the terms of this Agreement are subject to the to the terms of the Master Contract between the State and Denver dated May 7, 2003, attached and incorporated as **Exhibit C**; to the terms of each specific UASI grant the Sub-grantee directly or indirectly benefits from in terms of funding, goods, or services; and to the applicable federal and state laws, rules and regulations governing those grants.

2. **DEFINITIONS.**

- a. *Core City* is defined by the UASI grants as the City and County of Denver.
- b. *Core County* is defined by the UASI grants as the City and County of Denver.
- c. *State Administrative Agency Point of Contact* shall be the person designated by the Director of the Colorado Dept. of Local Affairs.

d. *Sub-grantee* as used in this Agreement means the second party member jurisdiction entering this intergovernmental agreement with Denver.

e. *Urban Area*, for purposes of the UASI grants, shall be defined as the City and County of Denver and the governmental or quasi-governmental jurisdictions contiguous to Denver, and such other jurisdictions as provided for by amendment to the Working Group By-laws, that provide law enforcement, emergency medical services, emergency management, fire service, hazardous materials response, public works services, or public health services, consisting of these jurisdictions: Adams County, Commerce City, Arapahoe County, Cunningham Fire District, Arvada Fire District, Jefferson County, Cherry Hills Village, Littleton Fire District, City of Arvada, Greenwood Village, City of Aurora, Greater Brighton Fire District, City of Englewood, North Washington Fire District, City of Glendale, South Adams County Fire District, City of Lakewood, South Metro Fire Rescue, City Of Littleton, Southwest Adams Fire District, City of Sheridan, West Metro Fire Rescue, City And County of Denver, City of Wheat Ridge, City of Westminster, and City of Thornton.

f. *Urban Area Working Group* shall consist of representatives as set forth in the Bylaws, as the same may be periodically amended, and shall be responsible for coordinating development and implementation of all program elements, including the urban area assessment, strategy development, and any direct services that are delivered by U.S. DHS.

3. **ROLES AND RESPONSIBILITIES.**

a. The Urban Area Working Group shall be governed by the Bylaws of the Urban Area Working Group, as may be amended periodically, ("Bylaws"). A copy of the most recent Bylaws is attached and incorporated as **Exhibit D**. The Working Group shall approve a budget for expenditure of funds awarded under UASI grants by a majority vote of the members present and voting at a meeting scheduled in accordance with the Bylaws. The Working Group shall have authority to remove a member jurisdiction that does not actively participate in the Urban Area Security Initiative by sending representatives to the Working Group or by failing to fulfill the jurisdictions' responsibilities under this agreement. A member jurisdiction may only be removed by a vote of a majority of all voting members of the Urban Area Working Group.

b. The Urban Area Working Group shall perform security surveys; needs assessments; and shall prioritize supply, equipment, training and exercise needs; and shall approve a budget for UASI grants passed through the Master Contract at least annually.

c. Core City and County.

(1) Denver shall have responsibility for applying for and securing the UASI grants, for participating as a city and a county in the Urban Area Working Group, and for concurring in the budgets approved by the Urban Area Working Group.

(2) Denver may use funds from the UASI grants for purchasing response-related supplies and equipment; management and administration of the grant; executing terrorism/weapons of mass destruction exercises and training, including reimbursement of backfill and overtime for personnel costs; planning (risk assessment and strategy development); reimbursement for operational expenses associated with increased security measures during designated heightened threat alert levels, including overtime costs for personnel and those costs; and for management and administrative functions for the Denver Urban Area.

(3) The parties agree that funds from UASI grants will be spent in accordance with the applicable budget prepared by the Urban Area Working Group and concurred in by the Core City and County. Budgets may be amended from time to time in accordance with the Bylaws with the concurrence of the Core City and County. The parties agree to accept and be bound by each applicable budget and the uses of the funds designated by the Urban Area Working Group.

(4) In accordance with the budget and Denver's own procurement laws, regulations and policies, from time-to-time, Denver will procure, or cause to be procured, supplies, equipment and services deemed necessary to enhance the security and preparedness of the Urban Area. Denver agrees to grant or provide supplies, equipment, exercises and training, or to reimburse operational expenses for designated heightened threat alert levels all as budgeted and approved by the Urban Area Working Group, to member jurisdictions of the Urban Area as Sub-grantees, subject to funds being received under the UASI grants and appropriated by City Council. The parties agree that exercise and training costs may include personnel expenses to

backfill positions during such training and exercises.

d. Sub-grantee agrees:

- (1) to participate actively in the Urban Area Working Group;
- (2) to make its personnel, and any supplies or equipment procured with funds from UASI grants, reasonably available to other participants in the Urban Area Working Group for training and response to CBRNE incidents;
- (3) to accept title to and to maintain all supplies and equipment received pursuant to this Agreement in good working order for the reasonably expected life-cycle of the supplies and equipment, ordinary use, wear and tear excepted;
- (4) to submit requests for reimbursement of exercise, training and operational expenses, including overtime costs for personnel, and those costs associated with increased security measures during designated heightened threat alert levels on forms required by Denver and in accordance with the budget approved by the Urban Area Working Group;
- (5) to provide all supplemental documentation that may be required by Denver;
- (6) to maintain all records that may be required by the terms of the UASI grants and state and federal laws, rules and regulations or by Denver;
- (7) that this Agreement does not warrant or guarantee that Sub-grantee will receive any specific amount of supplies, equipment, training or reimbursement, and Sub-grantee understands that it may receive more or less supplies, equipment, training or reimbursement depending upon the approved budget and Sub-grantee's ability to take advantage of the training in a timely manner.

4. **TERM OF AGREEMENT.** The term of the Agreement is from April 1, 2006 through and including December 31, 2008, provided that the Agreement may be renewed by agreement of the parties.

5. **COORDINATION AND LIAISON.** Denver's point of contact for the UASI grants shall be the Manager of Safety, who shall serve as Denver's representative to the Urban Area Working Group. Sub-grantee agrees that during the term of this Agreement it shall fully coordinate performance of this Agreement with Denver, including the Denver Manager of Safety

or his designee, or as otherwise directed by Denver.

6. **AGREEMENT AS COMPLETE INTEGRATION-AMENDMENTS.** This Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion or other amendment shall have any force or effect, unless embodied herein in writing. Amendments to this Agreement will become effective when approved by both parties and executed in the same manner as this Agreement.

7. **TERMINATION OF AGREEMENT.** Denver may terminate this Agreement, or any part thereof, for the reasons and in the manner provided in Section 15 of **Exhibit C**.

8. **STATUS OF PARTIES.** The parties agree that the status of each party shall be that of an independent contractor to the other, and it is not intended, nor shall it be construed, that one party or any officer, employee, agent or contractor of such party is an employee, officer, or agent of the other party for purposes of unemployment compensation, workers' compensation, or for any purpose whatsoever.

9. **WHEN RIGHTS AND REMEDIES NOT WAIVED.** In no event shall any performance by a party constitute or be construed to be a waiver by that party of any breach of term, covenant, or condition or any default which may then exist on the part of the other party, and the tender of any such performance when any such breach or default shall exist shall not impair or prejudice any right or remedy available to a party with respect to such breach or default; and no assent, expressed or implied, to any breach of any one or more terms, covenants, or conditions of the Agreement shall be construed as a waiver of any succeeding or other breach.

10. **EXAMINATION OF RECORDS.** Any duly authorized representative of the federal government, state government or Denver, including Denver's Auditor or his representative, shall have access and the right to examine any directly pertinent books, documents, papers and records of Sub-grantee, involving transactions related to this Agreement until the expiration of seven (7) years after the end of the State of Colorado fiscal year that includes the end of the UASI grants.

11. **RECORDS RETENTION.** Sub-grantee shall retain for at least seven (7) years after the expiration of this Agreement all records required for the UASI grants, including documentation and records of all expenditures incurred under this agreement. Retention for

longer than the seven years may be deemed necessary to resolve any matter that may be pending. This retention is for review by Denver, the State, federal government or their authorized representatives.

12. **ASSIGNMENT AND SUBCONTRACTING.** Denver is not obligated or liable under this Agreement to any party other than Sub-grantee. Sub-grantee agrees that it shall not assign or subcontract with respect to any of its rights, benefits, obligations or duties under this Agreement except upon prior written consent and approval of Denver and the State of Colorado, which shall not be unreasonably withheld. If any such assignment or subcontracting shall occur, such action shall not be construed to create any contractual relationship between Denver and any such assignee or subcontractor, and Sub-grantee shall remain fully responsible to Denver according to the terms of this Agreement.

13. **INDEMNITY.** To the extent authorized by law, Sub-grantee shall indemnify, defend and hold Denver harmless against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by Sub-grantee, or its employees, agents, subcontractors, or assignees pursuant to the terms of this Agreement. Nothing herein shall be deemed to be a waiver of the rights, immunities, limitations and defenses afforded the parties by the Colorado Governmental Immunity Act, C.R.S. §24-10-101, *et seq.* as it may be amended from time to time.

14. **CONFLICT OF INTEREST.** The parties agree that no employee of either party shall have any personal or beneficial interest whatsoever in the services or property described herein and Sub-grantee further agrees not to hire, or contract for services with, any employee or officer of Denver which would be in violation of the Denver Revised Municipal Code, Chapter 2, Article IV, Code of Ethics, or Denver City Charter provisions 1.2.8, 1.2.9, 1.2.12.

15. **APPROPRIATIONS.** The obligations of the parties under this Agreement or any renewal shall extend only to monies appropriated for the purpose of this Agreement by Denver's Board of Councilmen, paid into Denver Treasury, and encumbered for the purposes of this Agreement. The parties acknowledge that (i) they do not by this Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and (ii) this Agreement is not intended

to create a multiple-fiscal year direct or indirect debt or financial obligation of the parties. The parties agree that Denver's obligations under this Agreement are limited to the funds made available pursuant to the UASI grants for fulfilling the purposes of this Agreement.

16. TAXES, CHARGES, AND PENALTIES. Denver shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Denver's Revised Municipal Code.

17. GOVERNING LAW; VENUE. Each and every term, provision, condition, of this Agreement is subject to the provisions of Colorado law, the Charter of the City and County of Denver and the ordinances, and regulations enacted pursuant thereto. Venue for any action arising hereunder shall be in the City and County of Denver, Colorado.

18. NO THIRD PARTY BENEFICIARY. The parties expressly agree that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the parties, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreements, including subcontractors, subconsultants, and suppliers. The parties expressly intend that any person other than the parties who receives services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

19. SEVERABILITY. The parties expressly agree that if any part, term, or provision of this Agreement is by the courts held to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

20. LEGAL AUTHORITY. The parties represent and assure that they possess the legal authority, pursuant to any proper, appropriate and official motion, resolution or action necessary, to enter into this Agreement. The person or persons signing and executing this Agreement on behalf of both parties, represent that he/she has been fully authorized to execute this Agreement on behalf of their jurisdiction and to validly and legally bind their jurisdiction to all the terms, performances and provisions herein set forth. Denver shall have the right, at its

option, to either temporarily suspend or permanently terminate this Agreement, if there is a dispute as to the legal authority of either Sub-grantee or the person signing the Agreement to enter into this Agreement. Denver shall not be obligated to perform any of the provisions of this Agreement after Denver has suspended or terminated this Agreement as provided in this Agreement.

22. **COUNTERPARTS**. This Agreement may be executed in any number of counterparts and by the different parties hereto on separate counterparts, each of which when so executed and delivered shall be an original, but all of which shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed and delivered as of the date first above written.

CITY AND COUNTY OF DENVER, a
municipal corporation of the State of Colorado

ATTEST:

WAYNE E. VADEN, Clerk
and Recorder, Ex-Officio Clerk
of the City and County of Denver

APPROVED AS TO FORM:

COLE FINEGAN, Attorney for the
City and County of Denver

By: _____
Assistant City Attorney

By: _____
Mayor

RECOMMENDED AND APPROVED:

By: _____
Manager of Safety

REGISTERED AND COUNTERSIGNED:

By: _____
Auditor
Contract Control No. XC63026

"DENVER"

CITY OF WESTMINSTER, a Colorado
municipal corporation, Sub-Grantee

By _____
J. Brent McFall, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

Martin F. McAlloy

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Waiver of Holy Trinity Catholic Church Utility Undergrounding

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action

Waive the City Code requirement to underground the existing overhead electric and communication lines along 76th Avenue abutting the entire Holy Trinity Church property.

Summary Statement

- Holy Trinity Catholic Church, at 76th Avenue and Federal Boulevard, is proposing to build a new gymnasium on the east side of its school building facing Federal Boulevard.
- The Official Development Plan for this project will be approved soon.
- There are existing overhead utility lines along the south side of 76th Avenue that abut the church property for about 650 feet. It will cost \$48,675 to underground the utilities.
- The Westminster Municipal Code 11-6-3 (A) states that “except as otherwise provided below, no plat shall be approved nor shall a building permit be issued unless the developer agrees to underground existing overhead electric and communication utility lines as required by Section (B).” The Code 11-6-3 (E) also states that City Council may waive or reduce the undergrounding requirements of this section for any redevelopment or new subdivision or development where compliance with the regulations set forth in this section should result in an unusual or unnecessary hardship or would be impractical as determined by the City Council.
- The church representatives have asked that this requirement be waived by City Council since the proposed addition would only constitute 12% of the church complex upon completion. Thus requiring the undergrounding along the entire site is unreasonable. Also, the lines to be undergrounded extend about 650 feet and Xcel energy requires a minimum length of 700 feet to undertake an undergrounding project.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should Council approve a waiver or deduction in the obligation to underground overhead utility lines?

Alternatives

1. Deny the request and require the church to pay the full amount of \$48,675.
2. Require the church to pay a reduced amount. One way to do this would be to calculate the fee based on the percentage of building area of the gym compared to the entire building area of the expanded complex, in this case 12%. That fee would be \$5,841 (\$48,675 x 12%).

Background Information

Holy Trinity currently operates a church rectory, convent and school at the southwest corner of 76th Avenue and Federal Boulevard that totals approximately 73,162 square feet in size. The church is proposing to add a 9,935 square foot gymnasium to the east side of the school building. The new gym would constitute 12% of the total church/school complex upon completion.

Existing overhead utility lines extend for approximately 650 feet along the northern edge of the church property. Per City Code, these lines need to be undergrounded (or the developer pay a cash in lieu amount to the City) unless this requirement is waived or reduced by City Council. Xcel Energy would undertake the undergrounding project and has established a minimum undergrounding length at 700 feet. Since the church length is less than 700 feet, Xcel would not undertake the undergrounding unless the project is extended to at least 700 feet. Under similar circumstances where undergrounding is possible in the short term, projects have paid a cash in lieu fee to use for future undergrounding. Cash in lieu fees are established at \$75 per linear foot or \$48,675 for this project. The church representatives indicate that the church does not have the funds to pay that amount.

Staff believes that the undergrounding requirement is burdensome to the church given the small addition relative to the entire square footage of the site. City code allows the City Council to waive or reduce the undergrounding requirements where compliance would result in an unusual or unnecessary hardship or would be impractical as determined by the City Council.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Second Reading of Councillor's Bill No. 47 re Wadsworth Boulevard Public Right-of-Way Vacation within the Mandalay Gardens Subdivision

Prepared By: Ruth C. Becker, Open Space Coordinator

Recommended City Council Action

Pass Councillors Bill No. 47 on second reading re vacation of a portion of Wadsworth Boulevard public right-of-way within the Mandalay Gardens Subdivision and correction of Walker 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.
- This Councillor's Bill was passed on first reading on August 28, 2006.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

Stephen P. Smithers
Acting City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3304**

COUNCILLOR'S BILL NO. **47**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman – Price

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 6TH 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 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

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Item 8 K

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Second Reading of Councillor's Bill No. 48 re Supplemental Appropriation for the 100th Avenue/Wayne Carle Middle School Sidewalk Project

Prepared By: Mike Normandin, Transportation Engineer

Recommended City Council Action:

Pass Councillors Bill No. 48 on second reading providing for supplementary appropriations to the 2006 General Capital Improvements fund.

Summary Statement

- The new Wayne Carle Middle School located on 100th Avenue at Countryside Drive is opening for the upcoming school year. Currently, there is no sidewalk on the south side of 100th 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.
- This Councillor's Bill was passed on first reading on August 28, 2006.

Expenditure Required: \$156,869

Source of Funds: Cash-in-Lieu School Land Dedication

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3305**

COUNCILLOR'S BILL NO. **48**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Kauffman - Dittman

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



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Second Reading of 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 second reading to modify sections of the Water and Sewer Codes.

Summary Statement

- City Council action is requested to pass the attached Councilor's Bill on second 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.
- This Councillor's Bill was passed on first reading on August 28, 2006.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3306**

COUNCILLOR'S BILL NO. **49**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

Major - Price

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

8-7-15: ~~(REPEALED BY ORDINANCE 2634)~~ VARIANCE; CITY MANAGER AUTHORITY

8-7-16: USING WATER FROM ANOTHER CONNECTION PROHIBITED; ADD'L FEE

8-7-17: POLLUTION OF WATER PROHIBITED

8-7-18: USE OF WATER; SUPERINTENDENT TO SUPERVISE

8-7-19: USE OF WATER DURING FIRE

8-7-20: WHEN TAPPING REQUIRED

8-7-21: ACQUISITION OF WATER RIGHTS

8-7-22: PERMIT REQUIRED FOR RECREATIONAL USE OF WATER FACILITIES

8-7-23: CREDIT FOR OVERCHARGE

8-7-24: WATER SHORTAGE OR DROUGHT

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*:

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

*On April 1st 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 | \$30.00 35.00 | \$30.00 35.00 |
| Damaged pin | \$30.00 10.00 | \$30.00 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~~ sSewer tTap fFee calculation method shall be in effect for all tap fee payments made on or after April 10, 2006:

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

- ~~The tTransport fFacilities fFee, and~~
- ~~The tTreatment fFacilities fFee or~~
- ~~The mMetro fFacilities fFee.~~

The RESIDENTIAL ~~tTransport fFacilities fFee~~ shall be calculated as the base ~~tTransport fFacilities fFee~~ 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 tTreatment fFacilities fFee shall be calculated as the current base tTreatment fFacilities fFee times the number of living unitsSFRE'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 mMetro fFacilities fFee shall be calculated as the current base mMetro wWastewater fFee, as same shall be set by the Metro District, times the number of unitsSFRE'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 sSewer tTap fFees PER SFRE are as follows:

| | |
|----------------------------|----------------------------------|
| Transport fFacilities fFee | \$1,400.00 |
| Treatment fFacilities fFee | \$1,820.00 |
| Metro fFacilities fFee | \$1,820.00 |
| REACTIVATION CHARGE | \$75.00 PER YEAR BEYOND 10 YEARS |

~~Beginning on July 1, 2002 and o~~On April 1st of each year thereafter, the ~~tTransport fFacilities fFee~~ 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 ~~tTreatment fFacilities fFee~~ shall be adjusted to reflect the City of Westminster's treatment FACILITIES costs, and the ~~mMetro fFacilities fFee~~ shall be adjusted in accordance with any changes to the base ~~mMetro wWastewater fFee~~.

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 Commitments | District SFRE | Service |
|-------------------------------|------------------------------|------------------|---------|
| 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 |
| Treatment facilities fee | \$1,400.00 |
| 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



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 18, 2006



SUBJECT: Public Hearing on 2007 and 2008 City Budget

Prepared By: Barbara Opie, Assistant to the City Manager

Recommended City Council Action

Hold a public hearing on the 2007 and 2008 City Budget and receive citizen comments.

Summary Statement

- Development and review of the 2007 and 2008 City Budget has been completed by the City Manager's Office. Public meetings regarding the 2007 and 2008 Budget were held on June 12 and July 10.
- September 18 is the final public hearing before the City Council Budget Retreat, affording citizens one more opportunity to comment and provide feedback on the 2007 and 2008 City Budget.
- In accordance with the City Charter, City Council must adopt the budget no later than the October 23rd City Council meeting.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Listen to citizen requests, comments and suggestions as they pertain to the 2007 and 2008 Budget.

Alternative

Council could choose to not conduct a public hearing at this time. This is not recommended as providing citizens an opportunity for input early on in the budget process plays an important role in assuring that the budget reflects community needs. In addition, a public hearing on the budget is required by the City Charter.

Background Information

City Council is scheduled to hold a public hearing to receive input on the 2007 and 2008 City Budget at the Monday, September 18, City Council meeting. Staff will make a brief presentation at Monday night's City Council meeting on the Proposed 2007 and 2008 Budget. This public hearing is intended to receive citizen requests, comments and suggestions for both of these budget years.

In April, City Council revisited the goals for 2007 and 2008. The City Council Goals are listed below:

- Financially Sound City Government
- Safe and Secure Community
- Vibrant Neighborhoods and Commercial Areas
- Balanced, Sustainable Local Economy
- Beautiful City

The direction provided by City Council through these goals assists City Staff as they develop the 2007 and 2008 City Budgets. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

The Departments' efforts culminate in the distribution of the Proposed 2007/2008 Budgets to City Council. After reviewing the Proposed Budget for three weeks, City Council is scheduled to meet on Saturday, September 23 at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services and capital projects.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. The 2003/2004 Budget was the first officially adopted two-year budget. Staff is pleased to submit to City Council the third two-year budget for official adoption.

A Proposed 2007/2008 Budget document is available to the public in the City Clerk's Office and both City libraries. Monday's public hearing was advertised in the *Westminster Window*, *Westsider*, and *City Edition*; on cable Channel 8 and the City's website; and at various public meetings.

Public meetings regarding the 2007 and 2008 Budget were held on June 12 and July 10. September 18 is the final public hearing before the City Council Budget Retreat, affording citizens one more opportunity to comment and provide feedback on the 2007 and 2008 City Budget.

Final adoption of the 2007 and 2008 Budget is required by October 23 per City Charter requirements. Staff will make a brief presentation at Monday night's City Council meeting on the Proposed 2007 and 2008 Budget.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, September 18, 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 28, 2006 regular meeting were approved.

Council recognized the accomplishments of Senior Police Officer Brandon Barajas and K9 Rex for accomplishments in the 2006 Colorado Police Canine Association competitive trials.

Council approved the following: deicing salt purchase; asphalt materials purchase; 2006 construction crew utility material; 2006 water meter replacement program contract; radio system upgrade contract; furniture costs and construction expenses for Public Safety Center space needs; Standley Lake Regional Park Garage Facility contract award; City of Westminster IGA with City and County of Denver Urban Area Security Initiative; waiver of Holy Trinity Catholic Church utility undergrounding; final passage of Councillor's Bill No. 47 re Vacating Wadsworth Blvd ROW within Mandalay Gardens Subdivision; final passage of Councillor's Bill No. 48 re 100th Ave/Wayne Carle Middle School sidewalk project; and final passage of Councillor's Bill No. 49 re water and sewer code revisions.

Council conducted a public hearing on the 2007-2008 City Budget.

The meeting adjourned at 8:09 p.m.

By Order of the Westminster City Council

Linda Yeager, City Clerk

Published in the Westminster Window on September 28, 2006

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 6TH 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 28th day of August 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of September 2006.

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.

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

8-7-15: ~~(REPEALED BY ORDINANCE 2634)~~ VARIANCE; CITY MANAGER AUTHORITY

8-7-16: USING WATER FROM ANOTHER CONNECTION PROHIBITED; ADD'L FEE

8-7-17: POLLUTION OF WATER PROHIBITED

8-7-18: USE OF WATER; SUPERINTENDENT TO SUPERVISE

8-7-19: USE OF WATER DURING FIRE

8-7-20: WHEN TAPPING REQUIRED

8-7-21: ACQUISITION OF WATER RIGHTS

8-7-22: PERMIT REQUIRED FOR RECREATIONAL USE OF WATER FACILITIES

8-7-23: CREDIT FOR OVERCHARGE

8-7-24: WATER SHORTAGE OR DROUGHT

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 ~~a~~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 ~~w~~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*:

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

*On April 1st 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:

- 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 |

3. 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.

4. 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).
5. 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:

1. 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.
2. 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 |

3. 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.
4. 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 | \$30.00 \$35.00 | \$30.00 \$35.00 |
| Damaged pin | \$30.00 \$10.00 | \$30.00 \$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 1254)~~ **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, 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 temperate 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:

~~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 ~~f~~Facilities ~~f~~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 ~~f~~Facilities ~~f~~Fee shall be adjusted to reflect the City of Westminster's treatment FACILITIES costs, and the ~~m~~Metro ~~f~~Facilities ~~f~~Fee shall be adjusted in accordance with any changes to the base ~~m~~Metro ~~w~~Wastewater ~~f~~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 fee~~ SFRE schedule TABLE, below.

SFRE TABLE

~~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 Commitments SFRE |
|----------------------------|---|
| 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 |
| Treatment facilities fee | \$1,400.00 |
| 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.

$$SC's = \frac{\text{Flow} \times F}{225} + \frac{\text{BOD} \times B}{1.576} + \frac{\text{SS} \times S}{1.576} + \frac{\text{TKN} \times T}{0.236}$$

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

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.